

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

RUTH E. YOUNG
2411 Briggs Road
Silver Spring, Maryland 20906

Plaintiff

vs.

Civil No: 154443

ALAN J. ROSS, M.D.
9061 Shady Grove Court
Gaithersburg, Maryland 20877

SERVE: REGINA A. CASEY, ESQ.
101 S. Washington St.
Rockville, MD 20852

and

A.M. GOHARI, M.D.
9061 Shady Grove Court
Gaithersburg, Maryland 20877

SERVE: REGINA A. CASEY, ESQ.
101 S. Washington St.
Rockville, MD 20852

and

ALAN J. ROSS, M.D. and
A.M. GOHARI, M.D. t/a
UPTOWN WOMEN'S CLINIC
9061 Shady Grove Court
Gaithersburg, Maryland 20877

SERVE: REGINA A. CASEY, ESQ.
101 S. Washington St.
Rockville, MD 20852

Defendants

COMPLAINT

COMES NOW the Plaintiff, Ruth E. Young, by and through her attorneys, Denise J. Gottron, Robert G. Samet, and Ashcraft & Gerel, and sues the Defendants, Alan J. Ross, M.D., A.M. Gohari, M.D., and Alan J. Ross, M.D. and A.M. Gohari,

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MOLLY Q. RUHL
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Case LEAVE
NEW CASE
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M.D. t/a Uptown Women's Clinic, and for cause of action states:

COUNT I.

(Medical Negligence- Alan J. Ross, M.D.)

1. That on or about November 19, 1992, the Plaintiff, Ruth E. Young, presented to the Defendant, Alan J. Ross, M.D., an obstetrician/gynecologist in Montgomery County, Maryland, for a voluntary/elective abortion;

2. That on that date, the Plaintiff was found to have a positive urine pregnancy test;

3. That an abortion by suction curettage was performed on November 19, 1992;

4. That the gross pathology report signed by Defendant, Alan J. Ross, M.D., notes: tissue found to be consistent with complete abortion of six weeks, no sac seen, ? villi, tissues to lab;

5. That the Plaintiff was given an appointment for follow-up care for two weeks after said procedure, December 3, 1992;

6. That the uterine contents obtained from the Plaintiff by way of suction curettage were submitted to a pathology lab;

7. That Defendant, Alan J. Ross, M.D., did not review the report from the pathology lab until December 1, 1992;

8. That said pathology report indicated that no placental or fetal parts were found;

9. That on November 29, 1992, the Plaintiff, Ruth E.

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Young, presented to the Emergency Room at Holy Cross Hospital with severe lower abdominal pain and was diagnosed with a ruptured right ectopic pregnancy;

10. That on November 29, 1992 the Plaintiff underwent emergency surgery for the ruptured ectopic pregnancy and a right salpingectomy was performed;

11. That Defendant, Alan J. Ross, M.D., had the duty to use the degree of care, skill and learning ordinarily possessed and used by other physicians in the same and similar circumstances, and to act in a manner which is reasonable and prudent under the circumstances. In this case, Dr. Ross had a duty to appropriately diagnose Ms. Young's condition, ectopic pregnancy, by initiating proper diagnostic evaluation and testing in order to determine her condition; by scheduling a follow-up visit within a reasonable time period, to assure that the abortion had been effectively performed; by reviewing the pathology report within a reasonable time period post-abortion; and by otherwise using reasonable medical judgment in the care and treatment of Ruth E. Young;

12. That Defendant, Alan J. Ross, M.D., breached his duty to use reasonable care in his treatment of Ruth E. Young, by, among other things, improperly diagnosing the Plaintiff's condition as a normal pregnancy; performing a procedure which was inappropriate for the Plaintiff's condition, ectopic pregnancy; by not scheduling appropriate follow up care to assure effective treatment; by not reviewing the Plaintiff's

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pathology report with a reasonable time period post-abortion and by failing to otherwise use appropriate and reasonable care in treating the Plaintiff, Ruth E. Young;

13. That as a direct and proximate result of the aforementioned acts of negligence on the part of Dr. Alan J. Ross, the Plaintiff, Ruth E. Young, has sustained and will continue to sustain severe bodily injuries, pain and suffering, severe emotional distress, disfigurement, permanent disability and permanent impairment;

14. That as a further direct and proximate result of the aforementioned acts of negligence on the part of Dr. Ross, Ruth E. Young has incurred and will continue to incur costs and expenses for medical bills, care and treatment;

WHEREFORE, the Plaintiff, Ruth E. Young, demands of the Defendant, Alan J. Ross, M.D., damages which exceed the jurisdictional amount of Twenty-thousand dollars (\$20,000.00), plus interest and the costs of suit herein.

COUNT II - *gone*

(Medical Negligence-Agency/Vicarious Liability/
Respondeat Superior- A.M. Gohari, M.D.)

The Plaintiff hereby incorporates and adopts by reference all of the allegations in Count I above and further alleges:

1. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, held itself out as a professional association at all times material hereto;
2. That Defendant, A.M. Gohari, M.D., was and is engaged

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in the practice of medicine as an employee and/or partner of Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic;

3. That Defendant, A.M. Gohari, M.D. as a partner of Defendant, Alan J. Ross, M.D. is liable for the negligent acts of his partner, specifically, Defendant, Alan J. Ross, M.D.;

WHEREFORE, the Plaintiff, Ruth E. Young, demands of Defendant, A.M. Gohari, M.D. damages which exceed the jurisdictional amount of Twenty-thousand dollars (\$20,000.00), plus interest and costs of suit herein.

COUNT III

(Medical Negligence-Agency/Vicarious Liability/
Respondeat Superior-Corporate Liability-Alan J. Ross,
M.D., and A.M. Gohari, M.D. t/a Uptown Women's Clinic)

The Plaintiff hereby incorporates and adopts by reference all of the allegations in Count I and II above and further alleges:

1. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, held itself out as a professional association at all times mentioned hereto;

2. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, was and is a medical practice of which Defendant, Alan J. Ross, M.D., was and is an agent;

3. That the Defendant, Alan J. Ross, M.D. was engaged in the practice of medicine as an employee and/or partner of Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown

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Women's Clinic, at all time mentioned herein;

4. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic was either a corporation of which Defendant, Alan J. Ross, M.D. was acting as agent or was a partnership of which Defendant, Alan J. Ross, M.D. was acting within the scope of his partnership duties;

5. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, as a partnership is liable for the negligent acts of a partner, specifically, Defendant, Alan J. Ross, M.D.;

6. That Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, as a professional corporation, is liable for the negligence acts of its agents, servants and/or employees, specifically, Defendant, Alan J. Ross, M.D.;

WHEREFORE, the Plaintiff, Ruth E. Young, demands of Defendant, Alan J. Ross, M.D. and A.M. Gohari, M.D. t/a Uptown Women's Clinic, damages which exceed the jurisdictional amount of Twenty-thousand dollars (\$20,000.00), plus interest and costs of suit herein.

JURY ELECTION

Plaintiff, Ruth E. Young, demands a trial by jury upon all issues.

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IN THE CIRCUIT COURT FOR
MONTGOMERY COUNTY, MARYLAND

RUTH E. YOUNG

Plaintiff

v.

Civil No. 154443

ALAN J. ROSS, M.D.

Defendant

RUTH E. YOUNG

Plaintiff

v.

Civil No. 177853

MEDLANTIC LABORATORY
PARTNERSHIP

Defendant


Case: 15443
JURY FEE
CLERK FEE-DIG 10.00
TOTAL 10.00
Rest Due: 10.00
ROR 10.00
Aug 25: 10.00

STIPULATION OF DISMISSAL

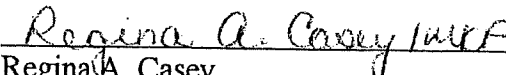
It is stipulated and agreed by and between the parties that the above-captioned matter be dismissed with prejudice as to both Defendants, (Alan J. Ross, M.D. and Medlantic Laboratory Partnership), each party to bear their own costs.

Respectfully submitted,

AHSCRAFT & GEREL


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BRAULT, GRAHAM, SCOTT
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Counsel for Defendant

Medlantic Laboratory Partnership

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RUTH E. YOUNG,

Plaintiff

v.

ALAN J. ROSS, M.D.,

Defendant

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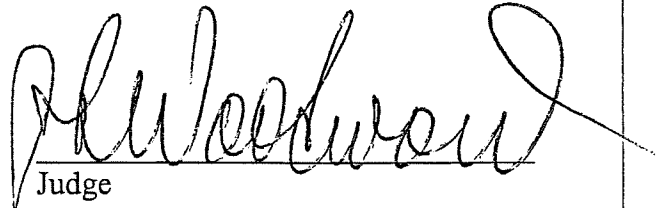
Civil No. 154443-V

ORDER

THIS MATTER having come before the Court on the Motion of the Plaintiff to defer dismissal of this matter for lack of prosecution, and the Court having reviewed the documents submitted by counsel and finding good cause for same, it is this 24th day of June, 1999, by the Circuit Court for Montgomery County, Maryland,

ORDERED that the Motion be, and hereby is, GRANTED, and it is further

ORDERED that this matter is to remain on the stay docket pending the outcome of the Plaintiff's appeal in Civil No. 177583, *Young v. Medlantic Laboratory Partnership*, which is now pending before the Court of Appeals.


Judge

ENTERED

JUN 25 1999

Clerk of the Circuit Court
Montgomery County, Md.

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