



PRIOR TO FILING CLAIM, PLEASE COMPLY WITH INSTRUCTION SHEET

CLAIM FORM

88-132

TO: Executive Director
Health Claims Arbitration Office
118 North Howard Street, Suite 610
Baltimore, MD 21201

CLAIM no. HCA-_____

The attached claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article.

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

(a) SUSAN B. MILLER

Name
13709 Loree Lane
Street Address
Rockville, Maryland
City, State, Zip Code

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ALAN J. ROSS, M.D.
Name
9061 Shady Grove Court
Street Address
Gaithersburg, Maryland 20877
City, State, Zip Code

(b) PETER R. MILLER

Name
13709 Loree Lane
Street Address
Rockville, Maryland 20853
City, State, Zip Code

HEALTH CLAIMS
ARBITRATION OFFICE

UPTOWN WOMENS CLINIC, P.A.
Name
9061 Shady Grove Court
Street Address
Gaithersburg, Maryland 20877
City, State, Zip Code

(c)

Name
Street Address
City, State, Zip Code

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Name
Street Address
City, State, Zip Code

(d)

Name
Street Address
City, State, Zip Code

Name
Street Address
City, State, Zip Code

HEALTH CLAIMS
ARBITRATION OFFICE

The basis of the claim is described on the page(s) attached hereto.

WARNING: Each Claimant has been advised that he/she may be held civilly responsible for part or all of the costs resulting from the filing of this claim.

The resolution of the claim will involve particular expertise in an area of speciality as is indicated below.

OBSTETRICS

Attorney for Claimant(s)
Jeffrey A. Shane, Esquire
Martin Levine, Esquire
Signature Shulman, Rogers, Gandal
Porcy & Ecker, P.A.
Street Address
11921 Rockville Pike, Suite 300
Rockville, Maryland 20852
City, State, Zip Code
(301) 230-5200

Claimant(s)
Susan B. Miller
Peter Miller

IN THE HEALTH CLAIMS ARBITRATION OFFICE OF MARYLAND

SUSAN B. MILLER
13709 Loree Lane
Rockville, Maryland 20853

and

PETER R. MILLER
13709 Loree Lane
Rockville, Maryland 20853

Plaintiffs,

v.

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

and

UPTOWN WOMENS CLINIC, P.A.
9061 Shady Grove Court
Gaithersburg, MD 20877

SERVE: Alan J. Ross, M.D.

Defendants.

HCA No. _____

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HEALTH CLAIMS
ARBITRATION OFFICE

88-132

COMPLAINT

Come now Claimants Susan B. Miller and Peter R. Miller, by and through their counsel Shulman, Rogers, Gandal, Pordy & Ecker, P.A., and for their cause of action state as follows:

Factual Allegations Common to All Counts

1. This cause of action arose in Montgomery County, Maryland, and venue is proper therein.
2. Claimants Susan B. Miller and Peter R. Miller are lawfully married husband and wife and residents of Montgomery County, Maryland.

3. Defendant Alan J. Ross, M.D. is a physician licensed to practice medicine in the State of Maryland.

4. Uptown Womens Clinic is a professional association and the employer of Defendant Alan J. Ross, M.D. and is also liable for the negligence of Dr. Ross.

5. That on or about October 3, 1986, Susan B. Miller consulted with Alan J. Ross, M.D. at the Uptown Womens Clinic relative to a suspected pregnancy.

6. That after the pregnancy was confirmed the Claimants indicated to Dr. Ross and/or members of his staff, that due to financial exigencies they preferred to have the pregnancy terminated.

7. That Dr. Ross attempted to perform an abortion upon Susan B. Miller on October 3, 1986 at approximately 11:00 o'clock a.m.

8. That following the attempted abortion the product/tissue of the pregnancy was examined grossly by Dr. Ross.

9. That the product/tissue of the pregnancy was never sent to a pathology lab for examination.

10. That following said procedure Claimant Susan B. Miller continued to experience symptoms of pregnancy including but not limited to breast soreness, nausea and bloatedness.

11. That at the two week post-operative follow-up appointment, on October 17, 1986, Claimant Susan B. Miller reported her continuing symptoms to Dr. Ross and stated she still felt pregnant.

12. That after being advised of Susan B. Miller's continuing symptoms of pregnancy Dr. Ross reassured Mrs. Miller that the abortion had been successful.

13. That on or about December 10, 1986, Claimant Susan B. Miller consulted with her regular obstetrician/gynecologist, due to persistent symptoms of pregnancy.

14. That Claimant Susan B. Miller was given a pregnancy test on December 10, 1986 that was positive and sonography revealed a sixteen week old fetus.

15. That due to the emotional trauma of a second abortion and the increased risks and difficulty of abortion at the sixteen-seventeen week stage, Claimants Susan B. and Peter R. Miller decided to continue the pregnancy.

16. That on June 22, 1987, Susan B. Miller delivered a healthy child by cesarean section at Shady Grove Adventist Hospital in Gaithersburg, Maryland.

17. That Claimants Susan B. Miller and Peter R. Miller have suffered the wrongful birth of this child and economic loss.

18. That Claimant Susan B. Miller has suffered an unwanted pregnancy, permanent disfigurement and economic loss, including but not limited to medical expenses.

19. That Claimants have suffered damages in excess of the limits of the concurrent jurisdiction of the District Court.

COUNT I

20. The allegations of paragraphs 1 through 19 are incorporated by reference as if fully set out herein and further

21. Alan J. Ross, M.D. had a duty to provide that degree of skill and care of a reasonably prudent medical practitioner operating in the same or similar circumstances.

22. He breached that duty by failing to properly perform the abortion; failing to properly evaluate the products of conception; failing to properly evaluate his patient and, generally, failing to take steps to prevent a continuing pregnancy in his patient.

23. As a proximate result of the negligence of Dr. Ross aforesaid, Claimants have suffered the wrongful birth of this child, economic loss and Claimant Susan B. Miller has suffered an unwanted pregnancy and permanent disfigurement and Claimants seek damages in excess of the limits of the concurrent jurisdiction of the District Court.

WHEREFORE, claimaints seek damages in excess of the concurrent jurisdiction of the District Court.

COUNT II

24. The allegations of paragraphs 1 through 23 are incorporated by reference as if fully set out herein and further

25. At all times pertinent hereto, Uptown Womens Clinic was the employer of Alan J. Ross, M.D.

26. Uptown Womens Clinic had a duty to assure that appropriate medical care be rendered to patients of the Clinic.

27. It breached that duty by allowing Alan J. Ross, M.D. to provide substandard medical care to Claimant Susan B. Miller.

28. As a proximate result of said negligence aforesaid, Claimants have suffered the wrongful birth of this child, economic loss and Claimant Susan B. Miller has suffered an unwanted pregnancy and permanent disfigurement and Claimants seek damages therefore in excess of the limit of the concurrent jurisdiction of the District Court.

WHEREFORE, Claimants Susan B. Miller and Peter R. Miller seek damages in excess of the concurrent jurisdiction of the District Court.

COUNT III

29. The allegations of paragraphs 1 through 28 are incorporated by reference as if fully set out herein and further

30. At all times pertinent hereto and continuing to the present, Claimants Susan B. and Peter R. Miller have been lawfully married husband and wife.

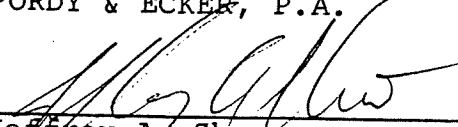
31. As a proximate result of the negligence of the health care providers aforesaid Susan B. and Peter R. Miller have suffered a disruption of the marital relationship,


irreparable damage to the marital relationship, the loss of each others comfort and society, and loss of consortium.

WHEREFORE, Claimants Susan B. Miller and Peter R. Miller seek damages in excess of the limits of the concurrent jurisdiction of the District Court.

Respectfully submitted,

SHULMAN, ROGERS, GANDAL,
PORDY & ECKER, P.A.

By 
Jeffrey A. Shane

By 
Martin Levine

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