



HEALTH CLAIMS ARBITRATION OFFICE
 State of Maryland
 118 North Howard Street, Suite 610
 Baltimore, MD 21201

90-169

STATEMENT OF CLAIM

HCA NO. _____

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

Teresa Trent
 Name

Alan J. Ross, M.D.
 Name

9308-B Marlow Avenue
 Street Address

9061 Shady Grove Court
 Street Address

Norfolk, Virginia 23511-6911
 City, State, Zip Code

Gaithersburg, Maryland 20877
 City, State, Zip Code

James L. Trent, Jr.
 Name

A. M. Gohari, M.D.
 Name

9308-B Marlow Avenue
 Street Address

9061 Shady Grove Court
 Street Address

Norfolk, Virginia 23511-6911
 City, State, Zip Code

Gaithersburg, Maryland 20877
 City, State, Zip Code

RECEIVED
 MAY 17 1990

Name

Uptown Women's Clinic
 Name

Street Address

9061 Shady Grove Court
 Street Address

City, State, Zip Code

Gaithersburg, Maryland 20877
 City, State, Zip Code

HEALTH CLAIMS
 ARBITRATION OFFICE

- (1) This Claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$10,000.00 and the appropriate venue is: Montgomery County.
- (2) The basis of the claim is described on the page(s) attached hereto.
- (3) The resolution of the claim will involve particular expertise in the area of speciality as indicated: Obstetrics/Gynecology

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all of the Costs resulting from the filing of this claim; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

Be All
 Signature
2000 Century Plaza, Suite 420
10632 Little Patuxen Parkway
 Street Address

Teresa Trent
James L. Trent Jr

Columbia, Maryland 21044
 City, State, Zip Code

Signature of each Claimant

(301) 730-7737
 Telephone Number

BEFORE THE HEALTH CLAIMS ABITRATION OFFICE OF MARYLAND

TERESA D. TRENT
9308-B Marlow Avenue
Norfolk, Virginia 23511-6911

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MAY 17 1990

and

JAMES L. TRENT, JR.
9308-B Marlow Avenue
Norfolk, Virginia 23511-6911

HEALTH CLAIMS
ARBITRATION OFFICE

90-169

Claimants

HCA No. _____

vs.

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

and

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

and

UPTOWN WOMEN'S CLINIC
Shady Grove Professional Park
9061 Shady Grove Court
Gaithersburg, Maryland 20877

Serve: Alan J. Ross, M.D.
Shady Grove Professional
Park
9061 Shady Grove Court
Gaithersburg, Maryland 20877

Health Care Providers

* * * * *

STATEMENT OF CLAIM

COMES NOW the Claimants, Teresa D. Trent and James L. Trent, Jr., by and through their attorneys, LAW OFFICES OF BRUCE M. PLAXEN, and state as follows:

LAW OFFICES OF
BRUCE M. PLAXEN
2000 CENTURY PLAZA
SUITE 420
132 LITTLE PATUXENT PARKWAY
COLUMBIA, MD. 21044
(301) 730-7737
(301) 596-1133 (D.C.)

1. The jurisdiction in which the Court will have venue is Montgomery County.

2. The claim falls within the specialties of obstetrics and gynecology.

3. The damages sought herein are in excess of \$10,000.00 .

4. That at all times relevant herein, the Health Care Provider, Alan J. Ross, M.D., held himself out to the Claimants and to the general public as an experienced, competent and able physician and health care provider possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who give special study and attention to the practice of medicine and, in particular, to the specialties of obstetrics and gynecology, and in such capacity owed a duty to the Claimants to render that degree of care and treatment for Teresa Trent which is ordinarily rendered by those who devote special study and attention to that particular specialty and to the practice of medicine.

5. That at all times relevant herein, the Health Care Provider, A.M. Gohari, M.D., held himself out to the Claimants and to the general public as an experienced, competent and able physician and health care provider possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who give special study and attention to the practice of medicine and, in particular, to the specialties of obstetrics and

gynecology, and in such capacity owed a duty to the Claimants to render that degree of care and treatment for Teresa Trent which is ordinarily rendered by those who devote special study and attention to that particular specialty and to the practice of medicine.

6. That at all times relevant herein, Health Care Provider, Uptown Women's Clinic, operated as a clinic offering medical and other related services to the general public and in such capacity that this Health Care Provider, its agents, servants, and/or employees, medical staff and consultants held themselves out as practicing ordinary standards of medical care and thus owed a duty to Claimants to render and provide health care within the ordinary standards of medical care and to exercise reasonable skill and care in the selection of its personnel to provide competent physicians and other medical personnel, possessing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine and to supervise and provide its patients those diagnostic and medical services and treatment commensurate with the condition for which the patient came under the care of the Health Care Providers.

7. That at all relevant times herein, the Health Care Providers, Alan J. Ross, M.D. and A. M. Gohari, M.D., were acting as the agent and/or the apparent agent of the Health Care Provider, Uptown Women's Clinic.

8. That on or about May 2, 1987, the Claimant, Teresa

Trent, while under the care of Health Care Provider, Alan J. Ross, M.D., submitted to an elective abortion by aspiration in order to terminate a pregnancy for financial, emotional and other reasons. At the aforementioned time, Health Care Provider, Alan J. Ross, M.D., informed the Claimant that she was approximately 13 weeks pregnant.

9. That on or about May 18, 1987, the Claimant, Teresa Trent, was examined by Health Care Provider, A. M. Gohari, M.D., who confirmed that as a result of the procedure performed by Health Care Provider, Alan J. Ross, M.D., the Claimant was no longer pregnant, and who furthermore prescribed birth control pills for use by the Claimant.

10. Moreover, on or about July 3, 1987, the Claimant, Teresa Trent, after suffering abdominal pain and being examined by another physician, was diagnosed as being pregnant.

11. Furthermore, that this unplanned child was born on or about December 7, 1987.

COUNT I

(Negligence - Wrongful Birth)

12. The Claimants, Teresa D. Trent and James L. Trent, Jr., adopt and incorporate all of the allegations of facts set forth above as if fully set forth herein, and in addition state as follows:

13. That the Health Care Provider, Alan J. Ross, M.D., individually and as the agent or apparent agent of

Uptown Women's Clinic, was at all time relevant herein negligent and careless in the following respects:

a. In failing to exercise that degree of care and skill that is ordinarily and customarily exercised by a physician in the medical community and which is expected of reasonably competent physicians acting in the same or similar circumstances;

b. In failing to properly perform an abortion by aspiration, thus failing to terminate Claimant, Teresa Trent's pregnancy;

c. In failing to properly examine tissue allegedly removed from Claimant's uterus, thus failing to properly determine whether Claimant's pregnancy had been terminated;

d. Was otherwise negligent and careless.

14. That as a direct and proximate result of the Health Care Provider, Alan J. Ross, M.D.'s deviations from the standard of care, the Claimants, Teresa D. Trent and James L. Trent, Jr., have been caused by the unforeseen birth of their child on December 7, 1987, to suffer and will suffer severe mental anguish, emotional pain and suffering and financial strain as the result of raising another child; were caused to incur hospital, medical and nursing care expenses including the costs of the pregnancy and birth; were caused to incur and will in the future incur financial losses and damages including the costs and expenses of raising this child from birth until the child attains the age of 18 years, including nursing, custodial

care and education. Moreover, Claimant, Teresa D. Trent, was caused to suffer severe pain in giving birth to an unplanned child as well as has incurred past and future loss of earning capacity as a result of the birth of this unplanned child.

15. That all of the Claimants' injuries and damages were directly and proximately caused by the negligence of the Health Care Providers, without any negligence on the part of the Claimants contributing thereto.

WHEREFORE, Claimants pray for the entry of judgment against Health Care Provider, Alan J. Ross, M.D., and for an award of damages in an amount to be determined by the Health Claims Arbitration Panel.

COUNT II

(Negligence - Wrongful Birth)

16. The Claimants, Teresa D. Trent and James L. Trent, Jr., adopt and incorporate all of the allegations of facts set forth above as if fully set forth herein, and in addition state as follows:

17. That the Health Care Provider, A. M. Gohari, M.D., individually and as the agent or apparent agent of Uptown Women's Clinic, was at all times relevant herein negligent and careless in the following respects:

a. In failing to exercise that degree of care and skill that is ordinarily and customarily exercised by a physician in the medical community and which is expected of reasonably competent physicians acting in the same or

similar circumstances;

b. In failing to properly examine the Claimant, Teresa D. Trent, and to detect a continuing pregnancy.

c. In prescribing birth control pills for the Claimant while she was pregnant;

d. Was otherwise negligent and careless.

18. That as a direct and proximate result of the Health Care Provider, A. M. Gohari, M.D.'s deviations from the standard of care, the Claimants, Teresa D. Trent and James L. Trent, Jr., have been caused by the unforeseen birth of their child on December 7, 1987, to suffer and will suffer severe mental anguish, emotional pain and suffering and financial strain as the result of raising another child; were caused to incur hospital, medical and nursing care expenses including the costs of the pregnancy and birth; were caused to incur and will in the future incur financial losses and damages including the costs and expenses of raising this child from birth until the child attains the age of 18 years, including nursing, custodial care and education. Moreover, Claimant, Teresa D. Trent, was caused to suffer severe pain in giving birth to an unplanned child as well as has incurred past and future loss of earning capacity as a result of the birth of this unplanned child.

19. That all of the Claimants' injuries and damages were directly and proximately caused by the negligence of the Health Care Providers, without any negligence on the

LAW OFFICES OF
RUCE M. PLAXEN
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SUITE 420

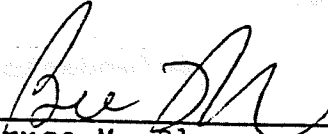
32 LITTLE PATUXENT PARKWAY
COLUMBIA, MD. 21044
(301) 730-7737
(301) 596-1133 (D.C.)

part of the Claimants contributing thereto.

WHEREFORE, Claimants pray for the entry of judgment against Health Care Provider, A. M. Gohari, M.D., and for an award of damages in an amount to be determined by the Health Claims Arbitration Panel

Respectfully submitted,

LAW OFFICES OF BRUCE M. PLAXEN



Bruce M. Plaxen
2000 Century Plaza, Suite 420
10632 Little Patuxent Parkway
Columbia, Maryland 21044
(301) 730-7737
(301) 596-1133

Counsel for Claimants

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JUN 24 1992

IN THE MARYLAND HEALTH CLAIMS ARBITRATION OFFICE

TERESA TRENT, et al	:	
	:	
Plaintiffs	:	
	:	
vs.	:	HCA No. 90-169
	:	
ABOLGHASSEM GOHARI, M.D.,	:	
et al	:	
	:	
Defendants	:	

HEALTH CLAIMS
ARBITRATION

STIPULATION OF DISMISSAL


MR. TABLER:


Please enter all claims in the above-captioned case as
SETTLED, SATISFIED, PAID, and DISMISSED WITH PREJUDICE.

The parties agree that all costs shall be assessed
against Health Care Provider Defendant Abolghassem M.
Gohari, M.D.

BRUCE M. PLAXEN, P.A.

O'MALLEY & MILES

By: 
 Bruce M. Plaxen
 2000 Century Plaza
 Suite 420
 10632 Little Patuxent Pky.
 Columbia, Maryland 21044

By: 
 Thomas L. Doran
 99 Commerce Place
 Upper Marlboro, Maryland
 20772

(301) 596-1133

(301) 350-1300

Counsel for Plaintiffs,
Teresa Trent and James L.
Trent, Jr.

Attorney for Health Care
Provider,
Abolghassem M. Gohari, M.D.

O'MALLEY & MILES
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BOX 900
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(301) 350-1300

Rob
ENTERED JUN 25 1992 *mm*

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