O Ph

VIKI JACKSON
4 Deveraux Court, Apt. 104
Baltimore, Maryland 21207
Plaintiff

IN THE

CIRCUIT COURT

98 AUG 13 AM 9: 23

FOR

CIVIL DIVISION

V.

BALTIMORE CITY

DELHI E. THWEATT, JR., M.D. 1008 Old Ingleside Avenue, Lower Level Baltimore, Maryland 21228

Case No.

98225104/CC 7036

and

PLANNED PARENTHOOD OF MARYLAND, INC.
610 North Howard Street
Baltimore, Maryland 21201

Defendants

COMPLAINT

Plaintiff, Viki Jackson, by Andrew H. Kahn, and Mark Snyder, Esquire, her aftorneys brings this action against Delhi E. Thweatt, Jr., M.D. and Planned Parenthood of Maryland, Inc., and alleges:

- 1. This action was originally filed before the Health Claims Arbitration Office. It was transferred to the Circuit Court for Baltimore City by Order dated July 2, 1998.
- 2. At all times mentioned herein, Defendant, Delhi E. Thweatt, Jr., M.D. (hereinafter Dr. Thweatt) acted independently and also as the agent of Planned Parenthood of Maryland, Inc. (hereinafter Planned Parenthood).
- 3. At all times mentioned herein, Planned Parenthood acted independently and also as the agent of Dr. Thweatt.

- 4. On August 9, 1996, Plaintiff engaged the services of Defendants Dr. Thweatt and Planned Parenthood for the purposes of obtaining an abortion. Following the attempted suction curettage procedure, the patient was discharged from the Planned Parenthood facility without any warning regarding the possibility of an ectopic pregnancy.
- 5. Neither Dr. Thweatt nor any agent or employee of Planned Parenthood ordered or performed any pathology studies relating to Plaintiff following the aforementioned abortion procedure.
- 6. On August 20, 1996, Plaintiff returned to the Planned Parenthood facility complaining of severe pain and pelvic bleeding. She was referred to University Hospital where she underwent an exploratory laparotomy and salpingectomy for a ruptured left fallopian tube secondary to a previously undiagnosed and untreated ectopic pregnancy.
- 7. Plaintiff's ruptured fallopian tube arose as the direct and proximate result of Defendants' failure to order or conduct pathology studies following the attempted abortion procedure upon Plaintiff and Defendants' resulting failure to learn or realize that they had not obtained any products of conception during the attempted abortion procedure and had not, in fact, terminated Plaintiff's ectopic pregnancy.
- 8. Defendants' failure to warn Plaintiff of the dangers of an ectopic pregnancy also contributed to the failure to obtain a timely diagnosis of the ectopic pregnancy prior to the rupture of Plaintiff's fallopian tube.
- 9. The conduct of Defendants' described in paragraphs 6 and 7 hereof, constituted breaches of the standard of care reasonably expected of physicians and institutions practicing gynecological and reproductive medicine in Maryland.

- 10. As the direct and proximate result of Defendants' negligent conduct, Plaintiff sustained the aforementioned ruptured left fallopian tube, experienced severe pain and anguish, was confined to a hospital and otherwise disabled thereafter, incurred expenses for medical care and treatment, sustained a loss of earning capacity and was otherwise injured and damaged.
- 11. All of the aforementioned injuries and losses arose solely as a result of Defendants' negligence without and negligence or want of care on the part of Plaintiff contributing thereto.

WHEREFORE, this action is brought and Plaintiff claims damages in excess of Twenty Thousand (\$20,000.00) Dollars.

ANDREW H. KAHN

Kahn, Smith & Collins, P.A.

201 North Charles Street, 10th Floor

Baltimore, Maryland 21201,

(410) 244-1010

MARK SNYDER

Cohen, Snyder, McClellan, Eisenberg

& Katzenberg, P.A.

347 North Charles Street

Baltimore, Maryland 21201

Attorneys for Plaintiff

VIKI JACKSON IN THE 4 Deveraux Court, Apt. 104 CIRCUIT COURT Baltimore, Maryland 21207 Plaintiff FOR **BALTIMORE CITY** ٧. DELHI E. THWEATT, JR., M.D. Case No. 1008 Old Ingleside Avenue, Lower Level Baltimore, Maryland 21228 and PLANNED PARENTHOOD OF MARYLAND, INC.

Defendants

610 North Howard Street Baltimore, Maryland 21201

ELECTION FOR JURY TRIAL

Plaintiff elects to have this matter tried before a jury.

ANDREW H. KAHN
Kahn, Smith & Collins, P.A.
201 North Charles Street, 10th Floor
Baltimore, Maryland 21201
(410) 244-1010
Attorney for Plaintiff

Circuit Court for BALTIMORE CATY

City or County CIVIL -- NON-DOMESTIC CASE INFORMATION SHEET

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exempted from the requirement by the Chief Ju to be served. Defendant: You must file an Informa	ust be completed and attached to the condense of the Court of Appeals pursuant tion Report as required by Rule 2-323 ORT CANNOT BE ACCEPTED AS AN	to Rule 2-111. A copy must t (h).	f Court unless your case is be included for each defendant							
FORM FILED BY: [X] PLAINTIFF	altorate of the state of the st	(Clerk to i	nsert)							
CASE NAME: Viki Jackson v Delhi Thweatt, Jr. M.D. Plaintiff Defendant										
JURY DEMAND: [x] Yes [] No Anticipated Length of Trial: 2 days or hours RELATED CASE PENDING: [] Yes [x] No If yes, Case #(s), if known: Has any form of Alternate Dispute Resolution (ADR): Been Tried? [] Yes [x] No Requested? [] Yes [x] No If yes, specify:										
SPECIAL ADA REQUIREMENTS? [] Interpreter/communication impairment [] Other ADA accommodation:										
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TORTS [or Tort []rremises Liability []Assault & Battery []Product Liability [x]Professional Malpractice []Wrongful Death []Business & Commercial []Libel & Slander []False Arrest/Imprisonment []Nuisance []Toxic Torts []Fraud []Malicious Prosecution []Lead Paint []Asbestos []Other	LABOR []Workers' Comp. []Wrongful Discharge []EEO []Other CONTRACTS []Insurance []Confessed Judgement []Other REAL PROPERTY []Judicial Sale []Condemnation []Landlord Tenant []Other OTHER []Civil Rights []Environmental []ADA []Other	Actual Damages [] Under \$7,500 [x] 1 [x] \$7,500-\$50,000 \$	Medical Bills 16,814/84 Property Damages C.NONMONETARY RELIEF [] Declaratory Judgement [] Injunction [] Other							
TRACK REQUEST										
Vith the exception of Baltimore County, Baltimore CASE WILL THEN BE TRACKED ACCORDING [] 1/2 day of trial or less [] 1 day of trial time [] 2 days of trial time	GLY. [] 3 days of trial tim		LENGTH OF TRIAL THIS							

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.

IN THE VIKI JACKSON 4 Deveraux Court, Apt. 104 Baltimore, Maryland 21207 CIRCUIT COURT Plaintiff FOR DELHI E. THWEATT, JR., M.D. Case No. 1008 Old Ingleside Avenue, Lower Level Baltimore, Maryland 21228 and PLANNED PARENTHOOD OF MARYLAND, INC. 610 North Howard Street Baltimore, Maryland 21201 Defendants

Plaintiff, Viki Jackson, by Andrew H. Kahn, and Mark Snyder, Esquire, her attorneys, brings this action against Delhi E. Thweatt, Jr., M.D. and Planned Parenthood of Maryland, Inc., and alleges:

- 1. This action was originally filed before the Health Claims Arbitration Office. It was transferred to the Circuit Court for Baltimore City by Order dated July 2, 1998.
- 2. At all times mentioned herein, Defendant, Delhi E. Thweatt, Jr., M.D. (hereinafter Dr. Thweatt) acted independently and also as the agent of Planned Parenthood of Maryland, Inc. (hereinafter Planned Parenthood).
- 3. At all times mentioned herein, Planned Parenthood acted independently and also as the agent of Dr. Thweatt.

- 4. On August 9, 1996, Plaintiff engaged the services of Defendants Dr. Thweatt and Planned Parenthood for the purposes of obtaining an abortion. Following the attempted suction curettage procedure, the patient was discharged from the Planned Parenthood facility without any warning regarding the possibility of an ectopic pregnancy.
- 5. Neither Dr. Thweatt nor any agent or employee of Planned Parenthood ordered or performed any pathology studies relating to Plaintiff following the aforementioned abortion procedure.
- 6. On August 20, 1996, Plaintiff returned to the Planned Parenthood facility complaining of severe pain and pelvic bleeding. She was referred to University Hospital where she underwent an exploratory laparotomy and salpingectomy for a ruptured left fallopian tube secondary to a previously undiagnosed and untreated ectopic pregnancy.
- 7. Plaintiff's ruptured fallopian tube arose as the direct and proximate result of Defendants' failure to order or conduct pathology studies following the attempted abortion procedure upon Plaintiff and Defendants' resulting failure to learn or realize that they had not obtained any products of conception during the attempted abortion procedure and had not, in fact, terminated Plaintiff's ectopic pregnancy.
- 8. Defendants' failure to warn Plaintiff of the dangers of an ectopic pregnancy also contributed to the failure to obtain a timely diagnosis of the ectopic pregnancy prior to the rupture of Plaintiff's fallopian tube.
- 9. The conduct of Defendants' described in paragraphs 6 and 7 hereof, constituted breaches of the standard of care reasonably expected of physicians and institutions practicing gynecological and reproductive medicine in Maryland.

- 10. As the direct and proximate result of Defendants' negligent conduct, Plaintiff sustained the aforementioned ruptured left fallopian tube, experienced severe pain and anguish, was confined to a hospital and otherwise disabled thereafter, incurred expenses for medical care and treatment, sustained a loss of earning capacity and was otherwise injured and damaged.
- 11. All of the aforementioned injuries and losses arose solely as a result of Defendants' negligence without and negligence or want of care on the part of Plaintiff contributing thereto.

WHEREFORE, this action is brought and Plaintiff claims damages in excess of Twenty Thousand (\$20,000.00) Dollars.

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ANDREW H. KAHN

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(410) 244-1010

MARK SNYDER

Cohen, Snyder, McClellan, Eisenberg

& Katzenberg, P.A.

347 North Charles Street

Baltimore, Maryland 21201

Attorneys for Plaintiff

AS

VIKI JACKSON

SACUIT*COURTINGH BALTIMORE

Plaintiff

99 FEB 23* AM 7: 26
CIVIL DIVISION FOR

v.

DELHI E. THWEATT, JR., MD., et al.

BALTIMORE CITY

Defendants

Case No.: 98/225104-CC7036

NOTICE OF DISMISSAL WITH PREJUDICE

15.00

AFFEST FEE

Cashier: 1864

Cases 24-0-98-025114

The Plaintiff hereby dismisses the referenced action with prejudice.

ANDREW H. KAHN

Kahn, Smith & Collins, P.A.

201 North Charles Street, 10th Floor

Baltimore, Maryland 21201

(410)244-1010

Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on this Aday of February, 1999, a copy of the Notice of Dismissal with Prejudice was mailed to Nell B. Strachan, Esquire, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201, Attorney for Defendants.

ANDREW H. KAHN



VIKI JACKSON

IN THE

Plainti SEF 10 AM 9: 39

CIRCUIT COURT

CIVIL DIVISION *

FOR

v.

BALTIMORE CITY

DELHI E. THWEATT, JR., M.D., *

Case No. 98 225104-CC7036

et al.

Defendants

ANSWER

Defendants, Delhi E. Thweatt, Jr., M.D. ("Dr. Thweatt") and Planned Parenthood of Maryland, Inc. ("PPM"), by their undersigned attorney, answer the Complaint filed herein and

First Defense

The Complaint fails to state a claim on which relief can be granted.

Second Defense

In response to the specific allegations of the numbered paragraphs of the Complaint, defendants say:

This paragraph contains no allegations against 1. defendants, and therefore requires no answer by them.

- 2. Defendants admit that Dr. Thweatt was an independent contractor working at PPM, and deny all other allegations of this paragraph.
 - 3. Denied.
- 4. Defendants admit that plaintiff was an abortion patient on August 9, 1996, and deny all other allegations.
 - 5. Denied.
- 6. Defendants admit that plaintiff returned to PPM on August 20 and thereafter that she underwent surgery for an ectopic pregnancy. All other allegations are denied.
 - 7. pes Denied. The state of the
 - 8. Denied.
 - 9. Denied.
 - 10. Denied.
- 11. This paragraph is incoherent, but defendants deny any allegation or implication of wrongdoing on their part.

Third Defense

Plaintiff's surgery was caused by her ectopic pregnancy, and could not have been avoided.

Fourth Defense

Plaintiff's non-economic damages are controlled by the Maryland statute applying a cap to non-economic damage claims.

on a Maria sa a sa a sa a Fifth Defense

Any injuries suffered by plaintiff resulted from an intervening, superseding cause.

e sijes en en epar jan de <mark>Sixth Defense</mark> – et diele sid – i

Defendants were not negligent.

Seventh Defense

Plaintiff has no compensable damages attributable to any action of defendants.

Eighth Defense

Plaintiff assumed the risk of an ectopic pregnancy.

Nell B. Strachan

Venable, Baetjer and Howard, LLP

1800 Mercantile Bank & Trust Bldg.

2 Hopkins Plaza

Baltimore, Maryland 21201

(410) 244-7400

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this $\frac{2}{100}$ day of September, 1998, a copy of the foregoing Answer was mailed, first class, postage prepaid, to:

Andrew H. Kahn, Esquire Kahn, Smith & Collins, P.A. 201 North Charles Street 10th Floor Baltimore, Maryland 21201-4102

Attorney for Plaintiff

Nell B. Strachan

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Baltimore, Maryla	-			*	CII	RCUIT	COURT	98 AUG 13 AM 9: 2
Plaintiff				*	FO	R ,		CIVIL DIVISION
v.				*	ВА	LTIMC	RE CITY	QUANTIA BALIN
DELHI E. THWEA 1008 Old Ingleside Baltimore, Marylan	Avenu	e, Low			Cas	e No. 225	104/C	C 7434 9825(14/0)
and				*				APPEARANCE FE 99.
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Defendants	*	*	*	*	*	*	*	Cases 98725104/00
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(410) 244-1010

MARK SNYDER

Cohen, Snyder, McClellan, Eisenberg

& Katzenberg, P.A.

347 North Charles Street

Baltimore, Maryland 21201

Attorneys for Plaintiff

VIKI JACKSON

IN THE

Plaintiff

CIRCUIT COURT

FOR

v.

BALTIMORE CITY

DELHI E. THWEATT, JR., M.D., et al.

Case No. 98 225104-

CC7036

Defendants

NOTICE OF SERVICE

I HEREBY CERTIFY that on this day of February, 1999, a copy of Defendant Planned Parenthood of Maryland, Inc.'s First Set of Interrogatories to Plaintiffs, Viki Jackson, was mailed first class, postage prepaid to:

> Andrew H. Kahn, Esquire Kahn, Smith & Collins, P.A. 201 North Charles Street 10th Floor Baltimore, Maryland 21201-4102.

> > Nell B. Strachan

BA2DOCS/0098533.01

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VIKI JACKSON

* IN THE

CIRCUIT COURT 98 SEP 23 AM 8: 06

* FOR

CIVIL DIVISION

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v.

BALTIMORE CITY

DELHI E. THWEATT, JR., M.D., * Case No. 98 225104-CC7036 et al.

Defendants

Plaintiff

*

MOTION FOR MODIFICATION OF PRE-TRIAL CONFERENCE ORDER

Defendants, Delhi E. Thweatt, Jr., M.D. ("Dr. Thweatt") and Planned Parenthood of Maryland, Inc. ("PPM"), by their undersigned counsel, move the Court to revise the Pre-Trial Conference Order dated September 11, 1998, in the following two ways:

- 1. Please reset the Pre-Trial Conference date to a date <u>after</u> September 21, 1999.
- 2. Please reset the Trial date to a date <u>after</u> October 4, 1999.
- 3. These changes are requested because of the Jewish Holidays between September 10 and 20, 1999, and because of other commitments of counsel and witnesses.
 - 4. Plaintiff has authorized the undersigned to state

that plaintiff has no objection to the requested changes.

5. All other dates in the Order will remain as stated in that Order.

Nell B. Strachan

Venable, Baetjer and Howard, LLP 1800 Mercantile Bank & Trust Bldg. 2 Hopkins Plaza Baltimore, Maryland 21201 (410) 244-7400

ORDER

It is hereby so Ordered.

Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22 day of September, 1998, a copy of the foregoing Motion for Modification of Pre-Trial Conference Order was mailed, first class, postage prepaid, to:

Andrew H. Kahn, Esquire Kahn, Smith & Collins, P.A. 201 North Charles Street 10th Floor Baltimore, Maryland 21201-4102

Attorney for Plaintiff

Nell B. Strachan

AS

VIKI JACKSON

SIRCUIT*COURTINTHE BALTIMORE CITY

Plaintiff

99 FEB 23* AM 7: 26
CIVIL DIVISION FOR

v.

DELHI E. THWEATT, JR., MD., et al.

BALTIMORE CITY

Defendants

Case No.: 98/225104-CC7036

Case: 24-C-98-225194 CV Addit Fee

Meceiro Hillyman

NOTICE OF DISMISSAL WITH PREJUDICE

15,20

Arrear Fee

28. 1951

The Plaintiff hereby dismisses the referenced action with prejudice.

ANDREW H. KAHN

Kahn, Smith & Collins, P.A.

201 North Charles Street, 10th Floor

Baltimore, Maryland 21201

(410)244-1010

Attorney for Plaintiff

CERTIFICATE OF MAILING

I hereby certify that on this Aday of February, 1999, a copy of the Notice of Dismissal with Prejudice was mailed to Nell B. Strachan, Esquire, 1800 Mercantile Bank & Trust Building, 2 Hopkins Plaza, Baltimore, Maryland 21201, Attorney for Defendants.

ANDREW H. KAHN

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