

MARTIN T. QUINN, JR. * IN THE
Plaintiff * CIRCUIT COURT
V. *
CYTODIAGNOSTICS, INC., et. al. * FOR
Defendants * BALTIMORE CITY
* CASE NO.: 98149116/CC4602

* * * * *

MEMORANDUM OF POINTS AND AUTHORITIES
SUPPORTING PLAINTIFFS' MOTION TO COMPEL

Plaintiffs, Martin Quinn and Mary Jane Miller, by undersigned counsel hereby file this Memorandum in Support of their Motion to Compel and state:

I. Facts

The present case is a medical malpractice case leading to the death of Suzanne Quinn at the age of thirty one.

In 1988 Mrs. Quinn (formerly Ms. Miller) was enrolled at Planned Parenthood of Maryland ("PPM"). PPM was, for all relevant time periods, responsible for Ms. Quinn's gynecological care.

As part of Ms. Quinn's gynecological care, pap smears were performed. From 1990 through 1994 Cytodiagnosics, Inc. ("Cytodiagnosics") read and interpreted Ms. Quinn's pap smears.

In December of 1994 Ms. Quinn had a pap smear taken which was read and interpreted as "normal" by Cytodiagnosics. Lisa

Cavanaugh, a cytotechnologist at Cytodiagnosics, read this slide. The Plaintiffs allege that this pap smear was misread. The Plaintiffs also contend other pap smears were misread and that PPM failed to appropriately treat the Plaintiff.

As a result of this alleged negligence, Ms. Quinn's pre-cancerous condition was allowed to progress to malignant cancer. Ms. Quinn died in 1998 of cervical cancer.

II. The Discovery Dispute

As part of discovery, Plaintiffs' counsel took the deposition of Lisa Cavanaugh. Lisa Cavanaugh is a certified cytotechnologist employed by Cytodiagnosics. Ms. Cavanaugh read Ms. Quinn's December 1994 slide as "normal" (Exhibit 1, 12/94 slide report). At deposition Ms. Cavanaugh now contends she would read this slide differently (Exhibit 2, Cavanaugh deposition pp. 22-24).

During this deposition, Ms. Cavanaugh admitted she had reviewed kodachromes (i.e. pictures of the pap smears) of other pap smear slides aside from the December 1994 slide. The Plaintiffs allege these other pap smear slides were also misread. As a result of Ms. Cavanaugh's revelation she had reviewed other kodachromes, Plaintiffs' counsel asked her what her opinion was of those other slides. Cytodiagnosics' counsel, Mr. William

Whiteford, instructed his witness not to answer said questions. Specifically, the exchange at deposition was as follows:

Q. Let me give you a catchall question.

Maybe we can get more specific about this.

You did review kodachromes from some other slides, correct?

A. Correct.

Q. Beyond looking at those slides and perhaps helping Mr. Whiteford understand cytology, did you have any opinions as to what you saw on the slides other than the kodachromes, other than the December 1994 slide?

MR. WHITEFORD: Well, I'm going to instruct her not to answer that. I'm not offering her as an expert witness.

MR. LEARY: That's okay. Are you done? Okay. The fact that you're not offering her, I have reserved the right-

MR. WHITEFORD: I'm instructing her-

MR. LEARY: I'm sorry. I'm not finished. I have the right to ask her those questions and I have explicitly listed in my expert disclosure that I reserve the right to call any of your experts as experts in my case in chief. And you're instructing her not to answer because your basis is you are not offering her for that point?

MR. WHITEFORD: I'm not offering her with regard to anything other than her interpretation of her own slide, period.

MR. LEARY: Okay. And are you instructing her not to answer.

MR. WHITEFORD: Yes.

MR. LEARY: Okay. I take it there's no other way around this other than formality?

MR. WHITEFORD: Yes.

MR. LEARY: Okay.

(Exhibit 2, pp. 53-55).

Mr. Whiteford's refusal in allowing this witness to answer these questions, forms the basis of the present Motion.

III. Argument

It is undisputed that a deponents failure to answer a question asked in deposition serves as a ground for a Motion to Compel. Rule 2-432(b)(2). In fact, the Maryland Discovery Guidelines state it is presumptively improper for an attorney to instruct a client not to answer a question at deposition absent a privilege, abusive conduct or complete irrelevance. In the present case, Mr. Whiteford's instructing the witness not to answer is improper.

Ms. Cavanaugh is a certified cytotechnologist. Although Ms. Cavanaugh is a fact witness as to her conduct surrounding the December 1994 pap smear, she also is an expert in the sense of her training, knowledge, skill and experience. Rule 5-702, Maryland Rules of Evidence. Plaintiffs' counsel anticipated this procedural issue and accordingly, reserved the right to name Defendant's experts as witnesses in their case (Exhibit 3, Plaintiffs' expert disclosures).

Since Ms. Cavanaugh is both a fact witness and an expert witness, her interpretation of other pap smear slides is naturally relevant to the present case. Quite simply, there is

no basis from which defense counsel can rightly instruct the witness not to answer these questions.

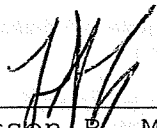
IV. Conclusion

WHEREFORE, Plaintiffs respectfully request this Court issue an Order to Compel Ms. Cavanaugh to answer deposition questions about her opinions of the other pap smear slides she reviewed.

V. Request for Hearing

Plaintiffs respectfully request a hearing on this Motion.

Respectfully submitted,



Gerson B. Mehlman
Francis X. Leary
Mehlman & Greenblatt, LLC
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208
(410) 486-4790

ATTORNEYS FOR PLAINTIFFS

E. F. CUMERMA, M.D., Director
 Diplomate, American Board of Pathology
 410-243-9710
 800-899-2986

Cytodiagnosics, Inc.
 The Rotunda, Suite 355
 711 W. 40th Street
 Baltimore, Maryland 21211

LAB NO. 941254
 Date In 12-2-94
 Date Out 12-13-94

REFERRING PHYSICIAN OR CLINIC ANNED PARENTHOOD OF MD. # 40 1 JOAN AVE. BALTIMORE, MD. 21234	PATIENT (LAST NAME FIRST) <i>Miller, Suzanne</i>	DATE OF BIRTH <i>4-2-67</i>
	ADDRESS <i>111440</i>	INSURANCE NO. POLICY HOLDER
CLINICAL FINDINGS		SPECIMEN SOURCE
<input type="checkbox"/> Normal <input checked="" type="checkbox"/> Cervicitis/vaginitis <input type="checkbox"/> Hysterectomy <input type="checkbox"/> Erosion <input type="checkbox"/> Contact bleeding <input type="checkbox"/> Intra-uterine bleeding <input type="checkbox"/> Suspicious lesion		<input checked="" type="checkbox"/> Cervicovaginal <input type="checkbox"/> Lateral vaginal wall <input type="checkbox"/> Endometrium <input type="checkbox"/> Hormonal evaluation <input type="checkbox"/> Other
<input type="checkbox"/> IUD <input type="checkbox"/> Oral contraceptive <input type="checkbox"/> Cyto-brush used <input type="checkbox"/> Other <input type="checkbox"/> Date of LMP _____ <input type="checkbox"/> Weeks pregnant _____ <input type="checkbox"/> Menopause (date) _____		<input type="checkbox"/> Post-Partum (date) _____ <input type="checkbox"/> Hormone Therapy _____ <input type="checkbox"/> Radiation <input type="checkbox"/> Chemotherapy <input type="checkbox"/> Cryosurgery <input type="checkbox"/> Previous Biopsy? <input type="checkbox"/> Yes <input type="checkbox"/> No → If Yes, give # _____ <input type="checkbox"/> Previous Cytology? <input type="checkbox"/> Yes <input type="checkbox"/> No → If Yes, give # _____
PERTINENT CLINICAL INFORMATION/HIGH RISK HISTORY:		CLINICIAN'S SIGNATURE

CYTOLOGY REPORT

STATEMENT OF SPECIMEN ADEQUACY	ORGANISMS	HORMONAL PATTERN
<input checked="" type="checkbox"/> Satisfactory <input type="checkbox"/> Satisfactory for Evaluation but Limited by _____ <input type="checkbox"/> Unsatisfactory _____	<input type="checkbox"/> Trichomonas <input type="checkbox"/> Candida <input type="checkbox"/> Actinomyces <input type="checkbox"/> Herpes <input type="checkbox"/> Other _____	<input type="checkbox"/> Atrophic <input type="checkbox"/> High Estrogen <input type="checkbox"/> Moderate Estrogen <input type="checkbox"/> M I _____ / _____ / _____ <input type="checkbox"/> Low Estrogen <input type="checkbox"/> Post Partum Patte <input type="checkbox"/> Cannot be evalu
DESCRIPTIVE DIAGNOSIS		
<input checked="" type="checkbox"/> WITHIN NORMAL LIMITS <input type="checkbox"/> BENIGN CELLULAR CHANGES (See Comments) <input type="checkbox"/> EPITHELIAL CELL ABNORMALITIES Squamous Cell: <input type="checkbox"/> Atypical Squamous Cells of Undetermined Significance <input type="checkbox"/> Squamous Intraepithelial Lesion (SIL) <input type="checkbox"/> Low-grade SIL <input type="checkbox"/> HPV-Suggestive cell changes (Condyloma) <input type="checkbox"/> Mild Dysplasia (CIN 1) <input type="checkbox"/> High-grade SIL <input type="checkbox"/> Moderate dysplasia (CIN 2) <input type="checkbox"/> Severe dysplasia (CIN 3) <input type="checkbox"/> Carcinoma in situ <input type="checkbox"/> Squamous carcinoma	Glandular Cell: <input type="checkbox"/> Presence of endometrial cells in a postmenopausal patie <input type="checkbox"/> Atypical/reactive glandular cells of undetermined significan <input type="checkbox"/> Endometrial <input type="checkbox"/> Endocervical <input type="checkbox"/> Not otherwise specified <input type="checkbox"/> Adenocarcinoma	Comments: <p style="text-align: center;">DEC 14 1994</p> <p><i>12/12/94</i> <i>E. F. Cumerma, M.D.</i></p>

CLIA# 21D0217583

CYTOTECHNOLOGIST PATHOLOGIST

ORIGINAL

QUINN VS CYTODIAGNOSTICS, INC.

DEPOSITION OF LISA CAVENAUGH

Page 1 to Page 92

CONDENSED TRANSCRIPT AND CONCORDANCE

PREPARED BY:

ART MILLER & ASSOCIATES

111 SOUTH CALVERT ST.

SUITE 2700

BALTIMORE, MD 21202

Phone: 410-367-3838

QUINN VS CYTODIAGNOSTICS, INC.
DEPOSITION OF LISA CAVENAUGH

BSA

XMAX(1/1)

Page 1

(1) MARTIN T. QUINN, JR. * IN THE CIRCUIT COURT
(2) Plaintiff * FOR
(3) vs. * BALTIMORE CITY
(4) CYTODIAGNOSTICS, INC., et al. * MARYLAND
(5) Defendants * Case No.
(6) * 22-C-98-0009781 OC
(7) -----
(8)
(9) Deposition of LISA CAVENAUGH, was taken on
(10) Wednesday, March 24, 1999, commencing at 11:30 a.m., at
(11) 7 Saint Paul Street, Suite 1300, Baltimore, Maryland,
(12) before COLLEEN C. REDMOND, Notary Public.
(13) -----
(14)
(15)
(16)
(17)
(18)
(19)
(20) Reported By:
(21) COLLEEN C. REDMOND, RPR

Page 2

(1) APPEARANCES:
(2) FRANCIS X. LEARY, ESQUIRE
(3) On behalf of the Plaintiff
(4) WILLIAM B. WHITEFORD, ESQUIRE
(5) On behalf of Cytodiagnostics, Inc.
(6) DENISE ADAMS HILL, ESQUIRE
(7) On behalf of Cytology Services of MD,
(8) Inc.
(9) NELL B. STRACHAN, ESQUIRE
(10) On behalf of Planned Parenthood of MD
(11) JUAN SURIEL - ALSO PRESENT
(12) -----
(13)
(14)
(15)
(16)
(17)
(18)
(19)
(20)
(21)

Page 3

(1) INDEX OF WITNESSES
(2)
(3) WITNESS PAGE
(4)
(5) LISA CAVENAUGH
(6)
(7) BY MR. LEARY: 4
(8) BY MS. STRACHAN: 85
(9)
(10)
(11) INDEX OF EXHIBITS
(12)
(13) EXHIBITS PAGE
(14)
(15) 1 Curriculum vitae 8
(16) 2 Thirteen documents 63
(17)
(18)
(19)
(20)
(21)

Page 4

(1) LISA CAVENAUGH,
(2) a witness, called for examination by the Plaintiffs,
(3) being first duly sworn to tell the truth, the whole
(4) truth, and nothing but the truth, testified as follows:
(5) EXAMINATION BY MR. LEARY:
(6) Q. Would you please state your full name.
(7) A. Lisa LaTourrette Cavenaugh.
(8) Q. And your home address, please.
(9) A. It's 914 South Kenwood Avenue, Baltimore,
(10) Maryland 21224.
(11) Q. How old are you, Ms. Cavenaugh?
(12) A. 33.
(13) Q. Did you go to college?
(14) A. Yes, I did.
(15) Q. Where did you go to college?
(16) A. American University.
(17) Q. When did you graduate?
(18) A. In 1988.
(19) Q. The same age.
(20) A. Really?
(21) Q. Yeah, I graduated in '88. Is that your CV -

QUINN VS CYTODIAGNOSTICS, INC.
DEPOSITION OF LISA CAVENAUGH

BSA

XMAX(6/8)

Page 21

- (1) MR. WHITEFORD: Right.
(2) A. Rereviewed it. You know, I didn't have a
(3) stopwatch, but I would say no more than ten minutes.
(4) Q. And the second time?
(5) A. Probably about five to six minutes.
(6) Q. Okay. And who was present with you when you
(7) reviewed the slide, rereviewed the slide the first
(8) time?
(9) A. Cathy Steiner, Catherine Steiner.
(10) MR. LEARY: Does she go by Cathy?
(11) MR. WHITEFORD: Catherine.
(12) MR. LEARY: Okay. We never got that formal.
(13) I was wondering.
(14) Q. Who was present with you the second time?
(15) A. No one. I was at my desk. I was at my desk
(16) in my laboratory.
(17) Q. Okay. On whose behest did you review it the
(18) first time, rereview it?
(19) MR. WHITEFORD: Who asked her to look at it?
(20) We did.
(21) A. Yeah.

Page 22

- (1) Q. Well, that's fine. Okay. And the second
(2) time why did you review it?
(3) A. Just so — because I wanted to refresh my
(4) memory.
(5) Q. Okay. And when did you do it the second
(6) time?
(7) A. Let's see. Two days ago.
(8) Q. Where did you review it the first time?
(9) A. In the lab.
(10) Q. In Cytodiagnostics' lab?
(11) A. Yes.
(12) Q. Other than Catherine Steiner, was anybody
(13) else present?
(14) A. No.
(15) Q. When you rereviewed the slide, either time —
(16) A. Okay.
(17) Q. — did you make any notes?
(18) A. No.
(19) Q. And is your opinion after rereview of the
(20) 1994 slide and the subsequent rereview the same as it
(21) was on the lab report of Ms. Quinn in 1994?

Page 23

- (1) A. No.
(2) Q. What is your opinion now?
(3) A. My opinion now I would have given it a less
(4) than optimal or evaluation is limited by severe air
(5) drying and BCC, benign cellular changes.
(6) MR. LEARY: Okay. Why don't you rather than
(7) repeat it, just read it.
(8) (Whereupon, the requested portion of the
(9) record was then read.)
(10) Q. Severe air drying, is that what you said?
(11) A. Yes.
(12) Q. All right. Let me just back up a little bit.
(13) A. Okay.
(14) Q. On review — was this your opinion after your
(15) first rereview or is this a culmination after both
(16) reviews?
(17) A. After my first review.
(18) Q. Okay. And it changed the same when you
(19) rereviewed it a couple days ago?
(20) A. It changed.
(21) Q. Benign cellular changes, what do you mean by

Page 24

- (1) that?
(2) A. Benign cellular changes are any type of
(3) changes that occur in the cell. They're benign. They
(4) can — they occur for many reasons. In this case I
(5) think it was due to the air drying and to the
(6) inflammation that was present. And specifically that
(7) can be changes with a slight increase in nuclear size,
(8) presence of nucleoli. They're called reactive changes.
(9) Q. Okay. So had you filled out the report today
(10) on the form in 1994, what box would you have checked on
(11) the 1994 report?
(12) A. Right. I would have checked the satisfactory
(13) for evaluation but limited by and given the reason for
(14) the severe air drying and benign cellular changes.
(15) Q. Okay. Would that be under ASCUS?
(16) A. No.
(17) Q. Okay.
(18) A. It's a benign finding. ASCUS means there's
(19) atypia or atypical cells present. Benign cellular
(20) changes does not equate to atypical cells.
(21) Q. And, just for the record, in 1994 you read

QUINN VS CYTODIAGNOSTICS, INC.
DEPOSITION OF LISA CAVENAUGH

BSA

XMAX(14/14)

Page 53

- (1) an employer speaks to an employee about I was just sued
(2) and what was going on, certain aspects of it, who was
(3) present, if it was done in anticipation of litigation
(4) or about the litigation, or whatever.
(5) MR. LEARY: Work product doesn't protect
(6) employees.
(7) Q. Okay. And the bottom line is do you have any
(8) recollection of what you discussed?
(9) A. No, I do not.
(10) MR. LEARY: So there.
(11) Q. Now, based upon what we discussed about your
(12) opinion as to the rereview, you didn't see any atypical
(13) changes on the December 1994 slide?
(14) A. No.
(15) Q. Let me give you a catchall question. Maybe
(16) we can get more specific about this. You did review
(17) kodachromes from some other slides, correct?
(18) A. Correct.
(19) Q. Beyond looking at those slides and perhaps
(20) helping Mr. Whiteford understand cytology, did you have
(21) any opinions as to what you saw on the slides other

Page 54

- (1) than the kodachromes, other than the December 1994
(2) slide?
(3) MR. WHITEFORD: Well, I'm going to instruct
(4) her not to answer that. I'm not offering her as an
(5) expert witness.
(6) MR. LEARY: That's okay. Are you done?
(7) Okay. The fact that you're not offering her, I have
(8) reserved the right --
(9) MR. WHITEFORD: I'm instructing her --
(10) MR. LEARY: I'm sorry. I'm not finished. I
(11) have the right to ask her those questions and I have
(12) explicitly listed in my expert disclosure that I
(13) reserve the right to call any of your experts as
(14) experts in my case in chief. And you're instructing
(15) her not to answer because your basis is you are not
(16) offering her for that point?
(17) MR. WHITEFORD: I'm not offering her with
(18) regard to anything other than her interpretation of her
(19) own slide, period.
(20) MR. LEARY: Okay. And are you instructing
(21) her not to answer?

Page 55

- (1) MR. WHITEFORD: Yes.
(2) MR. LEARY: Okay. I take it there's no other
(3) way around this other than formality?
(4) MR. WHITEFORD: Yes.
(5) MR. LEARY: Okay.
(6) Q. Did you mark the December 1994 slide in any
(7) way?
(8) A. Did I mark it? What does that mean?
(9) Q. Yes. I understand that oftentimes if you see
(10) things, you put --
(11) A. Did I dot the slide?
(12) Q. Dot it.
(13) A. Okay. I don't know. Because I didn't -- I
(14) mean, by the time I got the slide, other people had
(15) already looked at it.
(16) Q. You mean on your rereview?
(17) A. Right. I mean, at the time I do not remember
(18) putting any dots. I don't know whether I did or not.
(19) It was too long ago.
(20) Q. Okay. Let me ask you this: You reviewed the
(21) slide a couple days ago?

Page 56

- (1) A. Right.
(2) Q. Were there any markings on it?
(3) A. Yes. Not from me. Because if I -- I was
(4) going to say if I sign it out as within normal limits,
(5) I most likely would not, you know, put any dots on this
(6) slide unless there was -- I'm just thinking of all
(7) these reasons -- unless there was like an infection or,
(8) you know, something that needed to be looked at or
(9) identified on the slide.
(10) Q. So if you -- so if, in fact, you read
(11) something as normal, you wouldn't mark it?
(12) A. Well, if I like -- for example, if she had
(13) Candida, I would put a dot on the Candida. I mean,
(14) that's a common practice.
(15) Q. But you would report that finding if you saw
(16) it?
(17) A. Yes.
(18) Q. Okay. So it's safe to say based upon the
(19) December 1994 requisition, that you would have no
(20) reason to mark that particular slide?
(21) A. Right.

MARTIN T. QUINN, JR.

Plaintiffs

V.

CYTODIAGNOSTICS, INC., et. al.

Defendants

* IN THE

* CIRCUIT COURT

* FOR

* BALTIMORE CITY

* CASE NO.:

22-C-98-0009781 OC

* * * * *

ANSWERS TO INTERROGATORIES

Plaintiff, Martin Quinn, Jr., by and through counsel, in answer to Interrogatories propounded by Defendant, Cytodiagnosics, Inc., says:

A. The information contained herein is a compilation of information available to the Claimant and to his attorneys, unless privileged.

B. The word usage and sentence structure in every instance are that of the attorneys.

INTERROGATORY NO. 1: State your full name; present address and all addresses for the past ten (10) years; date of birth; place of birth; social security number; present marital status, and all previous marital statuses, including the dates of marriage and dates of termination of each marriage and the full name and present address of each spouse. Provide the same information, as applicable for any and all of your children.

ANSWER TO INTERROGATORY NO. 1: Martin Thomas Quinn, Jr., 9309 Leigh Choice Court, Owings Mills, Maryland 21117, 1996-1998; 1151 Charles View Way, Apartment C, Towson, Maryland, 1995-1996; 3C Springhead Court, Cockeysville, Maryland, 1993-1995; 10105 Woodlake Drive, Apartment A, Cockeysville, Maryland, 1990-

attorneys, all medical care providers (see medical records), all experts expected to testify at trial (see Interrogatory #6); Plaintiff, Mary Jane Miller (Suzanne's mother), 128 Green Meadow Drive, Timonium, Maryland; Michelle Miller (Suzanne's sister), 8759 Contee Road, Apt. 402, Laurel, Maryland; Martin Quinn, Sr. (Martin's father), 8 Rue NIC Emeringer, L-6942 Niederanven, G.D. Luxembourg; Dana Quinn (Martin's brother), exact address unknown, currently in Europe; Tamara Donadio (Martin's sister), RR#1, Box 19, Roser Road, Olen Rock, Pennsylvania; Joyce Lightner (friend), 23 Carriage Walk Court, Baltimore, Maryland 21234.

The extent of all family members' knowledge relates to the pain and suffering of the Plaintiff, the experts' knowledge is outlined in Interrogatory #6 and the medical care providers' knowledge is detailed in the attached medical records.

INTERROGATORY NO. 5: Give the name, address and occupation of every person who has investigated the occurrence complained of in this case for you or on your behalf.

ANSWER TO INTERROGATORY NO. 5: See Interrogatory #4.

INTERROGATORY NO. 6: Name all experts whom you propose to call as witnesses at the trial of this matter, including each expert's name, address and telephone number and specific area of expertise. State the substance of the findings and opinions to which the expert is expected to testify and provide a summary of the grounds for each opinion. Also, attach copies of all written reports made to you by any such expert.

ANSWER TO INTERROGATORY NO. 6: The Plaintiff reserves

the right to call as experts in their case any and all experts named by any of the Defendants and any and all treating health care providers as detailed in the medical records. Additionally, the Plaintiff intends on calling the following experts:

Dr. Maureen Killackey
GYN Oncologist
St. Luke's Roosevelt Hospital Center
425 West 59th Street
Suite 4B
New York, New York 10019

Dr. Killackey is expected to testify as to liability and causation against each Defendant. Dr. Killackey opines that Planned Parenthood failed to perform colposcopies after each abnormal pap smear reading, including ASCUS readings, abnormal complaint of bleeding and abnormal pelvic findings. Dr. Killackey opines further that Mrs. Quinn had a greater than 50% chance of cure prior to December of 1996, but in December of 1996 the finding of a friable cervix indicate that her chances for a cure fell below 50%.

By the time of diagnosis, Mrs. Quinn's curability was very poor due to the grade and differentiation of the cancer.

Had the slides in question been read appropriately and correctly, as described by Dr. Lemos, Dr. Killackey believes that colposcopies and/or biopsies would have been done at appropriate

MARTIN T. QUINN, JR.	*	IN THE
Plaintiff	*	CIRCUIT COURT
V.	*	FOR
CYTODIAGNOSTICS, INC., et. al.	*	BALTIMORE CITY
Defendants	*	CASE NO.: 98149116/CC4602

* * * * *

CERTIFICATE PURSUANT TO RULE 2-431

Plaintiffs, Martin Quinn and Mary Jane Miller, by undersigned counsel, submit this Certificate pursuant to Rule 2-431 in support of their Motion to Compel deposition questions.

1. On March 24, 1999 Plaintiffs deposed Lisa Cavanaugh. Ms. Cavanaugh is a certified cytotechnologist trained in reading and interpreting pap smear slides. Ms. Cavanaugh is employed by one of the Defendants, Cytodiagnosics, Inc.

2. The current medical malpractice case deals inter alia with the Plaintiffs' contention that various pap smears of the decedent were misread. As a result of these misreadings, the Plaintiffs allege the decedent was allowed to have a pre-cancerous condition progress to a malignant cancer which resulted in the decedent's demise.

3. During the deposition of Ms. Cavanaugh it became apparent she had read and interpreted other slides (actually pictures of


those pap smear slides). Plaintiffs' counsel inquired into Ms. Cavanaugh's opinion as to her interpretation of that review.

4. Counsel for Cytodiagnosics and Ms. Cavanaugh instructed Ms. Cavanaugh not to answer any questions beyond her interpretation of the one pap smear slide she had reviewed.

5. Plaintiffs' counsel asked Defendant's counsel if there was any way to avoid this discovery dispute absent filing the present Motion, and Defendant's counsel said "no."

6. Accordingly, Plaintiffs' counsel has made every effort to come to an amicable resolution of this dispute. The current Motion is required to resolve this issue.

Respectfully submitted,



Gerson B. Mehlman
Francis X. Leary
Mehlman & Greenblatt, LLC
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208
(410) 486-4790

ATTORNEYS FOR PLAINTIFFS

MARTIN T. QUINN, JR.
9309 Leigh Choice Court
Owings Mills, Maryland 21117

and

MARTIN T. QUINN, JR., As Personal
Representative of the Estate of
SUZANNE THERESA QUINN
9309 Leigh Choice Court
Owings Mills, Maryland 21117

and

MARY JANE MILLER, Mother of
Suzanne Quinn
128 Green Meadow Drive
Timonium, Maryland 21093

Plaintiffs

V.

CYTODIAGNOSTICS, INC.
The Rotunda, Suite 355
711 W. 40th Street
Baltimore, Maryland 21211

SERVE ON:

Michael P. Tanczyn
606 Baltimore Avenue
Suite 106
Towson, Maryland 21204

and

CYTOLOGY SERVICES OF MD, INC.
13900 Laurel Lakes Avenue
Laurel, Maryland 20725-1350

RECEIVED
CIRCUIT COURT
BALTIMORE CITY
99 FEB 19 AM 9:43
CIVIL DIVISION

BALTIMORE CITY

Case No.: 98149116/CC4602

SERVE ON:

William J. Jaffurs, MD
909 Silver Spring Avenue
P.O. Box 1126
Silver Spring, Maryland 20910

and

PLANNED PARENTHOOD OF MD, INC.
1714 Joan Avenue
Towson, Maryland 21234-3717

SERVE ON:

Sana F. Shtafel
610 N. Howard Street
Baltimore, Maryland 21201

Defendants

* * * * *

PLAINTIFFS' SECOND AMENDED
COMPLAINT AND REQUEST FOR JURY TRIAL

Introduction

1. This claim was originally filed in the Health Claims Arbitration Office. Plaintiffs elected to waive arbitration. Copies of the Statement of Claim, Election to Waive and the Certificate of Merit are attached as Exhibit One.

2. Venue is proper in Baltimore City under 6-201(a) of the Courts and Judicial Proceedings Article, Maryland Annotated Code.

3. This claim was properly filed in the Health Claims Arbitration Office since the claimed damages exceed Twenty Thousand Dollars (\$20,000.00).

4. Plaintiff, Martin Quinn, individually and as Personal Representative of Suzanne Theresa Quinn resides in Owings Mills, Maryland 21117.

5. Plaintiff, Mary Jane Miller, mother of Suzanne Theresa Quinn, resides in Timonium, Maryland 21093.

6. At all relevant time periods Cytodiagnosics, Inc., ("Cytodiagnosics") was a corporation registered to do business in the State of Maryland. Cytodiagnosics, its agents, servants and employees will herein be collectively referred to as Cytodiagnosics.

7. At all relevant time periods Cytology Services of Maryland, Inc. ("Cytology Services") was a corporation registered to do business in the State of Maryland. Cytology Services, its agents, servants and employees will herein be collectively referred to as Cytology Services.

8. At all relevant time periods Planned Parenthood of Maryland, Inc. ("Planned Parenthood") was licensed in the State of Maryland to provide health care services. Planned Parenthood

of Maryland, its agents, servants and employees will herein be collectively referred to as Planned Parenthood.

Facts Common to All Counts

9. In October of 1988 Ms. Quinn, formerly Ms. Miller, then a 21 year old woman, first presented to Planned Parenthood of Maryland for a routine gynecologic evaluation.

10. From October of 1988 until April of 1997 Ms. Quinn received gynecologic health care services from Planned Parenthood.

11. In October of 1989 Ms. Quinn returned to Planned Parenthood complaining of, inter alia, vaginal discharge. A pap smear was obtained and read as negative for malignancy. This particular pap smear was reportedly destroyed. A pelvic exam performed by Planned Parenthood was reportedly normal.

12. In January of 1992, Ms. Quinn returned to Planned Parenthood complaining of, inter alia, occasional low abdominal pain and bleeding after intercourse as well as bleeding between her menstrual cycle. A vaginal exam was performed which revealed cervical erythema and that the cervix bled easily. A pap smear was obtained and was reportedly within normal limits but that pap smear also contained severe inflammation. This slide was read by Cytodiagnostics. Cytodiagnostics has reportedly destroyed this

slide. Planned Parenthood diagnosed cervicitis and requested Ms. Quinn have her pap smear repeated within six months.

13. In August of 1992 Ms. Quinn returned to Planned Parenthood and had a repeat pap exam that was read by Cytodiagnosics. Cytodiagnosics interpreted this slide as normal. This particular slide has subsequently been destroyed.

14. In November of 1993 Ms. Quinn returned to Planned Parenthood for her annual gynecologic evaluation. Ms. Quinn complained of, inter alia, headaches and cramping during menses. At this visit a pap smear was interpreted by Cytodiagnosics. Cytodiagnosics read this slide as less than optimal due to blood and artifacts. Additionally, this slide was read as abnormal with epithelial cell abnormalities, squamous intraepithelial lesion (SIL), low grade SIL and mild dysplasia. As a result of these findings Planned Parenthood contacted Ms. Quinn and informed her she needed a colposcopy.

15. In December of 1993 Ms. Quinn underwent a colposcopy at Planned Parenthood. The colposcopy revealed white vaginal discharge and ectropian was noted. Planned Parenthood diagnosed cervicitis and mild to moderate dysplasia (CIN1 to CIN2). Biopsies were obtained as well as an endocervical curettage (ECC). The cervical biopsies, which were read by

Cytodiagnosics, were significant for marked inflammation with focal Koliocytotic changes suggestive of, but not diagnostic of, condyloma.

16. As a result of these findings Ms. Quinn was advised to have repeat pap smears every four months for 1 year and then a pap smear every six months for the following year.

17. Ms. Quinn returned for her follow-up pap smear on May 4, 1994. A pelvic exam revealed slight ectropia but otherwise revealed normal findings. A pap smear was obtained which was read and interpreted by Cytodiagnosics. Cytodiagnosics read this pap smear as atypical squamous cells of undetermined significance (ASCUS). Cytodiagnosics also identified atypical endocervical glands as present on this slide.

18. This May 4, 1994 pap smear was misread by Cytodiagnosics.

19. On December 1, 1994 Ms. Quinn returned to Planned Parenthood. At this visit, Ms. Quinn complained of irregular breakthrough bleeding between menses. A pelvic exam was reportedly unremarkable except for slight redness around the cervical Os. A pap smear was obtained which was read and interpreted by Cytodiagnosics. Cytodiagnosics read this pap smear as within normal limits.

20. This December 1, 1994 pap smear was misread by Cytodiagnositics.

21. Ms. Quinn returned to Planned Parenthood on December 6, 1995. A pap smear was obtained and read by Cytology Services. Cytology Services read this slide as ASCUS. Additionally, Cytology Services identified numerous WBCs and mixed bacteria. Cytology Services indicated the adequacy of the specimen was satisfactory for evaluation but limited by the absence of Ms. Quinn's date of birth and/or L.M.P. The Cytology Services lab results indicate that Planned Parenthood checked the findings against a protocol and considered the results to be benign.

22. This December 6, 1995 pap smear was misread by Cytology Services.

23. As a result of this December 6, 1995 visit, Ms. Quinn was instructed to return in one year for a pap smear.

24. Ms. Quinn returned to Planned Parenthood on December 26, 1996. A pelvic exam revealed that Ms. Quinn's cervix was very friable. A pap smear was taken at this visit. Cytology Services read and interpreted this pap smear as ASCUS, with heavy distribution of WBCs and cocci bacteria. Again these results were checked against Planned Parenthood's protocols and considered benign.

25. This December 26, 1996 pap smear was misread by Cytology Services.

26. On February 27, 1997 Ms. Quinn returned for her annual check up. She reported daily spotting for one and one-half months, back pain, fever and chills which resolved. Pelvic exam revealed slight blood in the vagina. Ms. Quinn's cervix was very friable with large ectopy. Additionally, the posterior lip of the cervix was protuberant. Ms. Quinn was diagnosed with cervicitis, large ectopy and an instruction to rule out Gonorrhea and/or Chlamydia. Planned Parenthood prescribed a topical ointment. No pap smear was obtained at this visit.

27. Ms. Quinn returned to Planned Parenthood on March 10, 1997. Ms. Quinn's vaginal spotting had continued. Ms. Quinn complained of right lower quadrant tightness and tension especially with bowel movements. Physical examination revealed minimal abdominal tenderness with deep palpation. Pelvic exam again revealed a friable protruding area on Ms. Quinn's cervix that was questionably identified as a lesion. A re-evaluation of Ms. Quinn's cervix was to be done in one month. The re-evaluation was to visualize the cervix and to do a pap smear. No pap smear was done at this visit.

28. On April 8, 1997 Ms. Quinn returned to Planned Parenthood. Ms. Quinn's bleeding continued. Planned Parenthood changed Ms. Quinn's oral contraceptives. No pap smear or pelvic exam was performed at this visit.

29. On May 16, 1997 Ms. Quinn went to Dr. Lisa Rubin. Ms. Quinn reported light to moderate bleeding since February. Pelvic exam revealed no lesion, but was obscured by blood. A pap smear was obtained. The pap smear was read and interpreted as ASCUS. This pap smear was read by SmithKline Beecham Laboratories. Dr. Rubin recommended a colposcopy which was scheduled for June 16, 1997.

30. This May 16, 1997 pap smear was misread by SmithKline.

31. Ms. Quinn reported for her colposcopy, but due to heavy bleeding the procedure could not be performed.

32. Ms. Quinn was seen by Dr. Meera Rawtani on July 9, 1997. Ms. Quinn presented with complaints of post-coital bleeding, but she had not been sexually active for several months. Pelvic exam revealed vaginal mucosa bleeding, a cauliflower-like lesion on the cervix and bleeding from the posterior and anterior cervical lip.

33. Ms. Quinn returned to Dr. Rubin on July 10, 1997 whereafter a large fungating lesion was diagnosed. A cervical biopsy was recommended.

34. On July 10, 1997 Ms. Quinn was taken to St. Joseph's Hospital where an examination revealed cervical invasive squamous cell cancer.

35. On July 12, 1997 Ms. Quinn, who married Martin Quinn on April 19, 1997, underwent a radical hysterectomy, with pelvic and periaortic lymphadenectomy, localization and transposition of the ovaries, ovarian cystectomy and appendectomy was performed by Drs. Dillon and Rawtani.

36. On September 24, 1997 Ms. Quinn was found to have recurrent cancer. The cancer spread. Thereafter Ms. Quinn underwent various cancer therapies.

37. On May 29, 1998 Ms. Quinn died of cervical cancer.

38. Martin T. Quinn has been appointed the Personal Representative of Mrs. Quinn's Estate.

COUNT I

Estate Survival Action

(Cytodiagnosics)

39. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

40. Cytodiagnostics, individually and through their agents, servants and employees, owed the Plaintiffs the duty to exercise that degree of care and skill and judgment ordinarily expected of reasonably competent cytotechnicians and pathologists acting in the same or similar circumstances.

41. Cytodiagnostics, individually and through their agents, servants and employees, deviated from accepted standards of care in their evaluation of Ms. Quinn's pap smears by:

a. Failing to properly evaluate, interpret and read Ms. Quinn's 5/4/94 and 12/1/94 pap smears.

42. As a result of this deviation from accepted standards of care, there was a significant delay in the diagnosis and treatment of Ms. Quinn's cervical cancer.

43. As a direct and proximate result of this conduct, Suzanne Theresa Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand Dollars (\$20,000.00).

COUNT II

Martin T. Quinn, Jr.'s and
Mary Jane Miller's Wrongful Death Action

(Cytodiagnostics)

44. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

45. As stated in Count I of this Complaint, Cytodiagnostics had a duty to exercise that degree of care and skill and judgment ordinarily expected of reasonably competent cytotechnicians and pathologists acting in the same or similar circumstances.

46. As stated in Count I of this Complaint, Cytodiagnostics breached that duty in the ways outlined above.

47. Martin T. Quinn, Jr., is the primary beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that he is Mrs. Quinn's surviving spouse. Mary Jane Miller is also a beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that she is Mrs. Quinn's mother.

48. As a direct result of Cytodiagnostics' negligence, as outlined above, Mrs. Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

49. As a direct result of Cytodiagnosics' negligence, as outlined above, Mr. Quinn and Mrs. Miller have suffered and will continue to suffer damages including but not limited to: loss of moral, emotional and financial support, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, loss of services and other damages.

WHEREFORE, Plaintiffs brings this action against Defendant Health Care Provider and seeks damages in excess of Twenty Thousand Dollars (\$20,000.00).

COUNT III

Estate Survival Action

(Cytology Services)

50. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

51. Cytology Services, individually and through their agents, servants and employees, owed the Plaintiffs the duty to exercise that degree of care and skill and judgment ordinarily expected of reasonably competent cytotechnicians and pathologists acting in the same or similar circumstances.

52. Cytology Services, individually and through their agents, servants and employees, deviated from accepted standards of care in their evaluation of Ms. Quinn's pap smears by:

a. Failing to properly evaluate, interpret and read Ms. Quinn's 12/6/95 and 12/26/96 pap smears.

53. As a result of this deviation from accepted standards of care, there was a significant delay in the diagnosis and treatment of Ms. Quinn's cervical cancer.

54. As a direct and proximate result of this conduct, Suzanne Theresa Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand Dollars (\$20,000.00).

COUNT IV

Martin T. Quinn, Jr.'s and
Mary Jane Miller's Wrongful Death Action

(Cytology Services)

55. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

56. As stated in Count III of this Complaint, Cytology Services had a duty to exercise that degree of care and skill and judgment ordinarily expected of reasonably competent cytotechnicians and pathologists acting in the same or similar circumstances.

57. As stated in Count III of this Complaint, Cytology Services breached that duty in the ways outlined above.

58. Martin T. Quinn, Jr. is the primary beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that he is Mrs. Quinn's surviving spouse. Mary Jane Miller is also a beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that she is Mrs. Quinn's mother.

59. As a direct result of Cytology Services' negligence, as outlined above, Mrs. Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

60. As a direct result of Cytology Services' negligence, as outlined above, Mr. Quinn and Mrs. Miller have suffered and will continue to suffer damages including but not limited to: loss of moral, emotional and financial support, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, loss of services and other damages.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand Dollars (\$20,000.00).

COUNT V

Estate Survival Action

(Planned Parenthood)

61. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

62. Planned Parenthood, individually and through their agents, servants and employees owed the Plaintiffs the duty to exercise that degree of care and skill and judgment ordinarily expected of reasonable health care providers acting in the same or similar circumstances.

63. Planned Parenthood, individually and through their agents, servants and employees, deviated from accepted standards of care in their treatment of Plaintiff by without limitation:

a. On 11/5/93 Ms. Quinn had a pap smear with a reported finding of low grade SIL. Accordingly a colposcopy was performed. The colposcopy findings do not explain Ms. Quinn's reported pap smear findings. The biopsies were obscured by inflammation and did not explain Ms. Quinn's reported low grade SIL. As such, a repeat colposcopy should have been performed. Planned Parenthood failed to do this.

b. On 5/4/94 Ms. Quinn had a repeat pap reported to indicate ASCUS with atypical endocervical glands. At this point a conization is indicated. Planned Parenthood failed to do this.

c. On 12/26/96, 2/27/97 and 3/10/97 Ms. Quinn has similar pelvic findings coupled with continued reported pap findings of ASCUS. Upon each visit a conization was indicated. Planned Parenthood failed to do this.

d. Overall Planned Parenthood breached the standard of care starting in 11/5/93. On 11/5/93 Ms. Quinn had a pap smear which was interpreted as abnormal. Planned Parenthood never properly evaluated or followed up this finding or each subsequent abnormal pap finding. This breach occurred on every subsequent visit to Planned Parenthood from 11/15/93 until Ms. Quinn stopped treating with Planned Parenthood. This includes failing to perform more regular pap exams.

64. As a result of the deviations from accepted standards of care, there was a significant delay in the diagnosis and treatment of Ms. Quinn's cervical cancer.

65. As a direct and proximate result of this conduct, Suzanne Theresa Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand dollars (\$20,000.00).

COUNT VI

Martin T. Quinn, Jr.'s
and Mary Jane Miller's Wrongful Death Action

(Planned Parenthood)

66. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

67. As stated in Count VII of this Complaint, Planned Parenthood had a duty to exercise that degree of care and skill

and judgment ordinarily expected of reasonable health care providers acting in the same or similar circumstances.

68. As stated in Count VII of this Complaint, Planned Parenthood breached that duty in the ways outlined above.

69. Martin T. Quinn, Jr. is the primary beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that he is Mrs. Quinn's surviving spouse. Mary Jane Miller is also a beneficiary under section 3-904 of the Courts and Judicial Proceedings Article, in that she is Mrs. Quinn's mother.

70. As a direct result of Planned Parenthood's negligence, as outlined above, Mrs. Quinn endured conscious pain and suffering before dying, loss of consortium, loss of future earnings and incurred other economic damages.

71. As a direct result of Planned Parenthood's negligence, as outlined above, Mr. Quinn and Mrs. Miller have suffered and will continue to suffer damages including but not limited to: loss of moral, emotional and financial support, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, marital care, loss of services and other damages.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand Dollars (\$20,000.00).

COUNT VII

Loss of Consortium

(All Defendants)

72. Plaintiffs hereby incorporate by reference all above allegations as if fully set forth herein.

73. As stated above, the Defendant Health Care Providers had a duty to exercise that degree of care and skill and judgment ordinarily expected of reasonably competent cytotechnicians, pathologists and health care providers acting in the same or similar conditions.

74. Each above named Defendant breached that duty and deviated from accepted standards of care as outlined above.

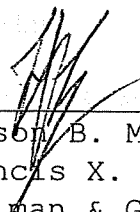
75. Plaintiffs were married on April 19, 1997 and continue to be husband and wife.

76. As a result of the negligent conduct described above, the Plaintiffs have suffered an injury to their marital relationship, including, but not limited to: loss of society, affection, assistance, companionship, loss of the ability to have children and loss of sexual relations.

WHEREFORE, Plaintiffs bring this action against Defendant Health Care Provider and seek damages in excess of Twenty Thousand dollars (\$20,000.00).

DEMAND FOR JURY TRIAL

Plaintiffs respectfully request that this case be tried before a jury.



Gerson B. Mehlman
Francis X. Leary
Mehlman & Greenblatt, LLC
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208
(410) 486-4790

ATTORNEYS FOR PLAINTIFF

9
AS

MARTIN T. QUINN, JR.

* IN THE
CIRCUIT COURT

Plaintiffs

V.

CYTODIAGNOSTICS, INC., et. al.

FOR
BALTIMORE CITY

Defendants

FILED
AUG 19 1998
CIRCUIT COURT FOR
BALTIMORE CITY

CASE NO.: 98149116/CC4602

* * * * *

STIPULATION OF DISMISSAL WITHOUT PREJUDICE OF DEFENDANT,
SMITHKLINE BEECHAM CLINICAL LABORATORIES, INC. ONLY

Pursuant to Rule 2-506(a), the Plaintiff hereby
dismisses SmithKline Beecham Clinical Laboratories, Inc. without
prejudice ("SmithKline") as a Defendant in this action. This
dismissal is of SmithKline ONLY.

Respectfully submitted,

Gerson B. Mehlman
Francis X. Leary
Mehlman & Greenblatt, LLC
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208
(410) 486-4790

ATTORNEYS FOR PLAINTIFFS

*Copy of file
2 sides*

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

FILED

JUL 31 1998

CIRCUIT COURT FOR
BALTIMORE CITY

SUZANNE THERESA QUINN and
MARTIN T. QUINN, JR.

Plaintiffs,

FILED
FILED

20
AB

CASE NO. 98149116

1998
CIRCUIT COURT FOR
BALTIMORE CITY
CIRCUIT COURT FOR
BALTIMORE CITY

CYTOLOGY SERVICES OF MARYLAND
INC., et al.

Defendants.

FILED
Alco
CIRCUIT COURT FOR
BALTIMORE CITY

**ANSWER OF DEFENDANT CYTOLOGY
SERVICES OF MARYLAND, INC.**

COMES NOW the Defendant, **CYTOLOGY SERVICES OF MARYLAND, INC.**, by and through counsel, **GODARD, WEST & ADELMAN, P.C.**, and in response to Plaintiff's Complaint, states as follows:

FIRST DEFENSE

The Complaint fails to state a cause of action upon which relief can be granted.

SECOND DEFENSE

1. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 1, but demands strict proof thereof.
2. Defendant denies the allegations contained in Paragraph 2.
3. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraphs 3, 4 and 5, but demands strict proof thereof.
4. Defendant admits the allegations contained in Paragraph 6.

LAW OFFICES
GODARD, WEST
& ADELMAN, P.C.
375 UNIVERSITY DRIVE
SUITE 220
P.O. BOX 1287
IRFAX, VIRGINIA 22030
(703) 773-4800

5051216

5. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraph 7 and 8, but demands strict proof thereof.

6. Defendant is without sufficient information to either admit or deny the allegations contained in Paragraphs 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, but demands strict proof thereof.

7. Defendant admits that a pap smear was delivered and read by Cytology Services, but denies the remaining allegations of Paragraph 21.

8. Defendant denies the allegations contained in Paragraph 22.

9. Defendant is without sufficient information to either admit or deny the allegations of Paragraph 23, but demands strict proof thereof.

10. Defendant admits that Cytology Services read and interpreted a pap smear but denies the remaining allegations contained in Paragraph 24.

11. Defendant denies the allegations contained in Paragraph 25.

12. Defendant is without sufficient information to either admit or deny the allegations of Paragraphs 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37, but demands strict proof thereof.

13. In response to Paragraphs 38-42 of Count I, this Defendant need not respond as it is not directed to it. If the Court interprets Count I to be directed to this Defendant, each and every allegation therein would be denied.

14. In response to Count II, this Defendant incorporates by reference its previously raised defenses.

15. Defendant denies the allegations contained in Paragraphs 43, 44, 45, 46 and 47.

16. Defendant denies each and every allegation of negligence and each and every other allegation of Count II not heretofore specifically answered.

17. In response to Count III, this Defendant incorporates by reference its previously raised defenses.

18. This Defendant need not respond to Paragraphs 48-52 of Count III as it is not addressed to it. If the Court interprets Count III to be directed to this Defendant, each and every allegation therein would be denied.

19. In response to Count IV, Defendant incorporates by reference its previously raised defenses.

20. This Defendant need not respond to Paragraphs 53-57 of Count IV as it is not addressed to it. If the Court interprets Count IV to be directed to this Defendant, each and every allegation therein would be denied.

21. In response to Count V, Defendant incorporates by reference its previously raised defenses.

22. Defendant denies the allegations contained in Paragraphs 58, 59, 60, 61 and 62 and denies each and every other allegation in Count V not heretofore specifically answered and denies each and every other allegation therein.

THIRD DEFENSE

If Plaintiffs suffered injuries and damages alleged, they were the result of Plaintiffs' sole or contributory negligence.

FOURTH DEFENSE

If Plaintiffs suffered injuries and damages alleged, they assumed the risk thereof.

FIFTH DEFENSE

All services provided by Cytology Services, Inc. were within the standard of care as required in the State of Maryland.

SIXTH DEFENSE

Plaintiffs' injuries resulted from a natural disease process over which this Defendant had no control.

WHEREFORE, having fully answered, Defendant, Cytology Services of Maryland, Inc., moves for dismissal of Plaintiff's Complaint and for an award of costs on its behalf expended.

CYTOLOGY SERVICES OF MARYLAND, INC.
By Counsel

GODARD, WEST & ADELMAN, P.C.

By: 

Gary A. Godard, Esquire
Roger W. Heald, Esquire
3975 University Drive, Suite 220
Post Office Box 1287
Fairfax, Virginia 22030
703/218-5068

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer was mailed, first-class postage prepaid, this 30th day of June, 1998, to:

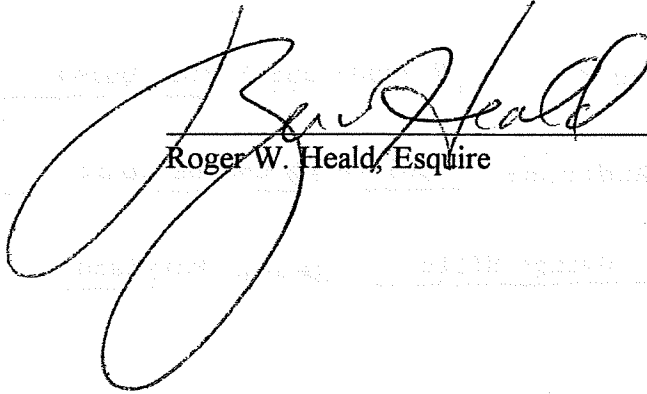
Gerson B. Mehlman, Esquire
Francis X. Leary, Esquire
MEHLMAN & GREENBLATT, LLC
1838 Greene Tree Road, Suite 360
Baltimore, Maryland 21208

LAW OFFICES
GODARD, WEST
& ADELMAN, P.C.
3975 UNIVERSITY DRIVE
SUITE 220
P.O. BOX 1287
FAIRFAX, VIRGINIA 22030
273-4800

Cyodiagnosics, Inc.
c/o Michael P. Tanczyn
606 Baltimore Avenue, Suite 106
Towson, Maryland 21204

Planned Parenthood of Maryland, Inc.
c/o Sana F. Shtafel
610 N. Howard Street
Baltimore, Maryland 21201

Smithkline Beecham Clinical Laboratories, Inc.
c/o CSC Lawyers Incorporated Services
11 East Chase Street
Baltimore, Maryland 21202



Roger W. Heald, Esquire

LAW OFFICES
GODARD, WEST
& ADELMAN, P.C.
975 UNIVERSITY DRIVE
SUITE 220
P.O. BOX 1287
NORFOLK, VIRGINIA 22030
273-4800

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

PARRIS N. GLENDENING
GOVERNOR



HEALTH CLAIMS ARBITRATION OFFICE

HARRY L. CHASE, DIRECTOR

WILLIAM DONALD SCHAEFER TOWER
6 ST. PAUL STREET, SUITE 1501
BALTIMORE, MARYLAND 21202-1608
(410) 767-8200 1-800-492-1951
TDD (410) 333-3099
FAX (410) 333-6247

PERSONAL INFORMATION CERTIFICATION

HCA # _____

1. Agency Appropriation Code: 23.01.05

2. Claimant(s): Suzanne and Martin Quinn

3. Home Address: 9309 Leigh Choice Court

City Owings Mills State Maryland Zip Code 21117

4. Telephone Numbers: Work () _____

Home (410) 902 - 8841

5. Date of Birth: 4/2/67 - Suzanne
1/13/70 - Martin

6. Social Security Number(s): 214 - - 98 - 0611 - Suzanne
214 - - 08 - 1109 - Martin

7. Maryland Driver's License Number(s): Q 500-778-792-260 - Suzo
Q-500-585-792-037 - Mar

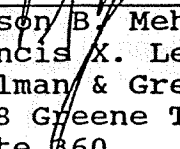
8. Taxpayer Identification Number (FEIN) (If Applicable)

SUZANNE AND MARTIN QUINN * IN THE
Claimants * HEALTH CLAIMS
v. * ARBITRATION OFFICE
CYTODIAGNOSTICS, INC., et. al. * OF MARYLAND
Health Care Provider * HCA NO.: _____

* * * * *

ELECTION TO WAIVE ARBITRATION

Claimants, by their undersigned counsel, hereby elect to waive arbitration and proceed directly to trial in the Circuit Court for Baltimore City.



Gerson B. Mehlman
Francis X. Leary
Mehlman & Greenblatt, L.L.C.
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208
(410) 486-4790

Attorneys for Plaintiffs

DR. LUCIANO LEMOS
UMMC - CYTOLOGY DEPARTMENT
2500 NORTH STATE STREET
JACKSON, MISSISSIPPI 39216

March 2, 1998

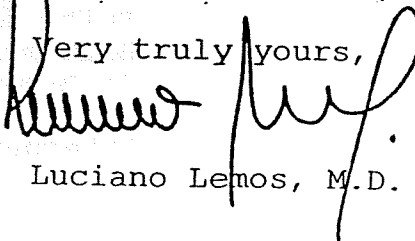
Ruth Stein
Mehlman & Greenblatt, L.L.C.
1838 Greene Tree Road
Suite 360
Baltimore, Maryland 21208

RE: Suzanne Quinn

Dear Ms. Stein:

Pursuant to your request, this letter shall confirm that I have reviewed the various medical records and slides relating to the care and treatment provided for Suzanne Quinn. As I have informed you, my review revealed deviations from the accepted standard of care by the defendant health care provider. Additionally, Suzanne's medical injuries were the proximate result of the defendant's deviations from the accepted standard of care.

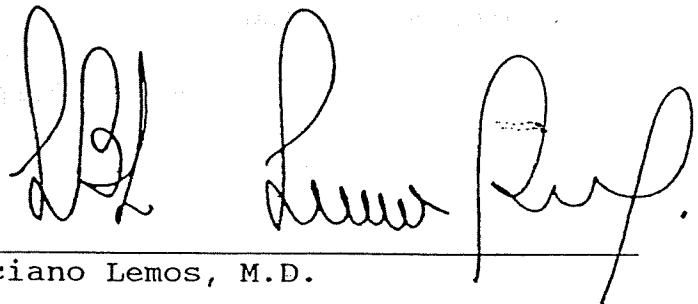
Very truly yours,



Luciano Lemos, M.D.

CERTIFICATE OF MERIT

1. I, Luciano Lemos, am a physician licensed to practice medicine in the State of Mississippi.
2. I am Board-certified in Pathology and Cytopathology.
3. From my review of the pertinent medical records, I conclude that there were departures from accepted standards of care by Health Care Providers and as a direct result, the Claimant suffered the alleged injuries.
4. Less than twenty (20%) percent of my annual professional activities involve testimony in personal injury claims.



Luciano Lemos, M.D.

Handwritten initials/signature

SUZANNE THERESA QUINN, et al.

Plaintiffs

v.

CYTODIAGNOSTICS, INC.,
et al.

Defendants

BALTIMORE CITY

Case No. 98149116

* * * * *

ANSWER OF PLANNED PARENTHOOD OF MD., INC.,
ONE OF THE DEFENDANTS

Planned Parenthood of Maryland, Inc., one of the
defendants herein, answers the Complaint of plaintiff and
says:

First Defense

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

Second Defense

Answering the specific allegations of the
Complaint, this defendant says:

1. This paragraph contains no allegations
against this defendant and therefore requires no answer by
it.
2. Denied.

Handwritten: 915065

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY
98 JUL 23 AM 8:22
CIVIL DEVISION

3. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

4. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

5. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

6. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

7. This defendant admits that, during the time period covered by the Complaint, it provided health care services to patients in the State of Maryland. No other allegation of this paragraph requires an answer.

8. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

9. This defendant admits that between October of 1988 and March of 1997 Ms Quinn episodically received health care from this defendant, and denies all other allegations of these paragraphs.

10. This defendant admits that between October of 1988 and March of 1997 Ms Quinn episodically received health care from this defendant, and denies all other allegations of these paragraphs.

11. The allegations of the first, second and fourth sentences are a characterization of entries found in and information gleaned from certain medical records, which records speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of the third sentence of this paragraph.

12. The allegations of the first, second, fourth and sixth sentences are a characterization of entries found in and information gleaned from certain medical records, which records speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of the third and fifth sentences of this paragraph.

13. The allegations of the first and second sentences are a characterization of entries found in and information gleaned from certain medical records, which records speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of the third sentence of this paragraph.

14. The allegations of the first, second, third and sixth sentences are a characterization of entries found in and information gleaned from certain medical records, which records speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant. This defendant is without knowledge or information sufficient to form a belief as to the truth of the allegation of the fourth and fifth sentences of this paragraph.

15. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate,

and further states that no answer is required by this defendant.

16. The allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

17. The allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

18. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

19. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate,

and further states that no answer is required by this defendant.

20. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

21. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

22. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

23. The allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

24. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a

characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

25. This paragraph contains no allegations against this defendant and therefore requires no answer by it.

26. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

27. The allegations of the first sentence are admitted. The remaining allegations of this paragraph are a characterization of entries found in and information gleaned from certain medical records, which speak for themselves; this defendant denies that the characterization is accurate, and further states that no answer is required by this defendant.

28. The allegations of this paragraph are denied.

29-37. These paragraphs contain no allegations against this defendant and therefore require no answer by it.

38-52. These paragraphs contain allegations only against other defendants, and require no answer by this defendant. To the extent that there are any allegations against this defendant which require an answer, those allegations are denied.

53. This defendant incorporates by reference all answers to all prior paragraphs, as set forth above.

54. This paragraph contains only a recitation of legal principle, and therefore requires no answer by this defendant.

55-57. The allegations of these paragraphs are denied.

58. This defendant incorporates by reference all answers to all prior paragraphs, as set forth above.

59. This paragraph contains only a recitation of legal principle, and therefore requires no answer by this defendant.

60-62. The allegations of these paragraphs are denied.

Third Defense

Plaintiffs' claims are barred by plaintiff Suzanne Quinn's contributory negligence.

Fourth Defense

Plaintiffs' claims are barred by assumption of risk by plaintiff Suzanne Quinn.

Fifth Defense

Any claim for injury to the marital unit is barred because plaintiffs did not marry until after the last date of contact between plaintiff Suzanne Quinn and this defendant.

Sixth Defense

Plaintiffs' claims are barred by an intervening, superseding cause, in that others failed to diagnose and/or treat plaintiff Suzanne Quinn's condition between April, 1997 and July, 1997.

Seventh Defense

Plaintiffs' claims are barred in whole or in part by the statute of limitations.

Eighth Defense

Any and all claims for non-economic damages, whether singly or jointly, are subject to statutory

limitations as set forth in Md. Ann. Code, Cts. and Jud.
Proc. Art. § 11-108.

Ninth Defense

This case should be transferred to the Circuit
Court for Baltimore County, where plaintiffs live and where
this defendant rendered all medical care.

WHEREFORE, having fully answered the Complaint of
plaintiffs herein, this defendant prays that it be
dismissed, and costs assessed against plaintiffs.



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

Counsel for Defendant,
Planned Parenthood of MD, Inc.

SUZANNE THERESA QUINN, ET AL. *
 Plaintiffs, *
 v. *
 CYTODIAGNOSTICS, INC., ET AL., *
 Defendants. *

IN THE
 CIRCUIT COURT
 OF MARYLAND
 FOR
 BALTIMORE CITY

99 JUN 31 AM 7:35

CIVIL DIVISION

CASE NO: 24-C-38-149116
 98149116/CC4602

Appear Fee 15.00
 TOTAL \$135.00

* * * * *

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 2-506(a) of the Maryland Rules of Procedure, plaintiff and defendants, by their respective undersigned attorneys, hereby stipulate and agree that the captioned case shall be, and it hereby is, DISMISSED WITH PREJUDICE, each party to bear its own costs and counsel fees.

Francis X Leary
 Francis X. Leary, Esq.
 Mehlman & Greenblatt, LLC
 1838 Greene Tree Road
 Suite 360
 Baltimore, MD 21208

Nell B Strachan
 Nell B. Strachan
 Venable, Baetjer & Howard, LLP
 1800 Mercantile Bank & Trust
 Building
 2 Hopkins Plaza
 Baltimore, Maryland 21201

Attorney for Plaintiffs
 Suzanne Theresa Quinn,
 et al.

Attorney for Defendant,
 Planned Parenthood of
 Maryland, Inc.

SPM
 12/99