

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

IN THE CIRCUIT COURT FOR BALTIMORE CITY

95 OCT 23 AM 10:25

CIVIL DIVISION

952960 07/CL 203611
Case No.:

KAREN L. JOHNSON
638 South Rappolla Street
Baltimore, Maryland 21202

Plaintiff

v.

ALAN C. GOLD, M.D.,
Individually, and as Agent,
Servant and/or Employee of
HILLCREST CLINIC, INC.
Suite 600, Suburbia Bldg.
5602 Baltimore Nat'l Pike
Baltimore, Maryland 21228

and

HILLCREST CLINIC, INC.
Serve on Resident Agent:
Horace G. Ward, Jr.
7616 Helmsdale Road
Bethesda, Maryland 20034

Defendants

* * * * *

COMPLAINT AND PRAYER FOR JURY TRIAL

COMES NOW, the Plaintiff, KAREN JOHNSON, by and through her attorneys, Matt R. Ballenger and Suder & Suder, P.A., and sues the Defendants named herein and in support of her claim respectfully states as follows:

1. Venue is in Baltimore City.
2. This is a Waiver of Arbitration from the Health Claims Arbitration Office of Maryland (attached hereto as Exhibit A is a copy of the Election to Waive Arbitration).
3. At all times relevant to this claim, Defendant Alan C. Gold, M.D., (hereinafter referred to as "Defendant Gold") was

dist. 46
1st Balt city Dist

PP

PP

Case: 95296007/CL	
CIVIL-NEW	
APPEARANCE FE	10.00
CV CLERK FEE-	80.00
TOTAL	90.00
Res# BC05	Rcpt # 20537
SER AY	Blk # 3858
Oct 23, 1995	10:22 am

9:25 79 Jk

11

acting individually and/or as an agent, servant and/or employee of Defendant Hillcrest Clinic, Inc., and was a physician licensed to practice medicine in the State of Maryland. At all times relevant herein, Defendant Gold represented to the public and to the Plaintiff that he possessed the degree of skill, knowledge and ability ordinarily possessed by reasonably prudent and competent physicians practicing medicine in the same and/or similar circumstances and owed a duty to Plaintiff to exercise the care, skill and judgment exercised by reasonably prudent and competent physicians in treating and caring for Karen Johnson.

4. At all times relevant to this claim, Defendant Hillcrest Clinic, Inc. (hereinafter referred to as "Defendant Clinic") was a professional corporation/entity organized under the laws of the State of Maryland to provide medical and other services to the public and to Plaintiff. At all times relevant herein, the Defendant Clinic through its agents, servants and/or employees, including the Defendant physician named herein, represented to the public and to the Plaintiff that it possessed the degree of skill, knowledge and ability ordinarily possessed by reasonably prudent and competent professional corporations and/or entities practicing medicine through its agents, servants and/or employees in the same and/or similar circumstances and owed a duty to Plaintiff to exercise the care, skill and judgment exercised by reasonably prudent and competent professional corporations/entities in treating and caring for Plaintiff.

5. At all times relevant to this claim each of the above-named Defendant Health Care Providers undertook to render

care and treatment to the Plaintiff Karen Johnson.

COUNT I - NEGLIGENCE

Plaintiff, Karen Johnson adopts and incorporates by reference the fact and allegations contained in paragraphs on (1) through five (5) of the Complaint as if fully set forth herein and further alleges as follows:

6. At all times relevant to this claim, Plaintiff was the patient of Defendant Gold and Defendant Clinic and/or their employees, agents and/or servants.

7. On January 30, 1992, Plaintiff, Karen Johnson, had an abortion performed by Defendant Gold and Defendant Clinic and/or their employees, agents and/or servants. Post-operatively, Plaintiff experience complications, and thereafter Defendants Gold and Clinic performed further procedures including suction curettage.

8. Following this procedure, Plaintiff was transferred by ambulance to the Emergency Room of St. Agnes Hospital due to ongoing complications and shock. She underwent emergency laparoscopy, D & C, and total abdominal hysterectomy. It was determined that Plaintiff had a uterine perforation.

9. Defendant Gold and Defendant Clinic and/or other employees, servants, or agents of each one of the Defendants negligently failed to properly perform the abortion and subsequent suction D & C, negligently failed to appropriately and properly perform further examinations, tests, procedures and/or to recommend further investigation to discover the uterine perforation or to determine the cause of her continued bleeding; abandoned the

Plaintiff; and were otherwise negligent in the care and treatment of Plaintiff.

10. Each of the Defendant Health Care Providers named herein, breached their duty of care to Plaintiff in that they negligently failed to order, recommend, and/or perform further studies, examinations, tests, and or other appropriate procedures; negligently failed to refer her to another physician; negligently failed to make an accurate and timely diagnosis; negligently failed to appropriately and properly perform further examinations, tests procedures and/or to recommend further investigation to discover the uterine perforation or to determine the cause of her continued bleeding; and were otherwise negligent with respect to her care and treatment.

11. As a direct and proximate result of the negligence of the Defendants, Plaintiff has been disfigured, has been required to undergo extensive treatments, has lost her child-bearing capability, and was otherwise damaged. Furthermore, as a direct and proximate result of the negligence of the Defendant Health Care Providers, Plaintiff has experienced, is experiencing, and will continue to experience, pain and suffering and further physical and emotional damage.

12. It is further alleged that as a direct and proximate result of the negligence of the Defendant Health Care Providers, Plaintiff has in the past, is presently and will in the future, incur hospital, surgical, pharmaceutical, medical expenses, and other losses and expenses.

13. Plaintiff refers to the negligence of these

Defendants as the sole and proximate cause of each of the injuries and damages complained of with Plaintiff in no way being contributorily negligent. Each of the damages and injuries sustained by Plaintiff are a direct and proximate result of the negligence of each of the Defendant Health Care Providers named herein without any negligence of the Plaintiff contributing thereto.

WHEREFORE, Plaintiff brings this action against the above-named Defendants and claims compensatory damages in excess of Twenty Thousand Dollars (\$20,000.00), plus cost and such other and further relief as may be necessary and proper.

COUNT II-LACK OF INFORMED CONSENT

Plaintiff, Karen Johnson adopts and incorporates by reference all the facts and allegations contained in paragraphs one (1) through thirteen (13) of the Complaint as if fully set forth herein and further alleges as follows:

14. The Defendant Health Care Providers negligently, and otherwise, failed to obtain Plaintiffs informed consent in that they negligently failed to disclose to Plaintiff all material information, including, but not limited to, the increased risk of uterine perforation, a timely and accurate diagnosis of Plaintiff's condition, the known risk of not conducting further testing, procedures and/or other examinations, and otherwise negligently failed to provide her with proper informed consent.

15. A reasonable person, including Plaintiff, under similar or like circumstances, if provided with such material information, would have otherwise sought competent medical care and

treatment.

16. As a direct and proximate result of the failure of the Defendants to obtain Plaintiff's informed consent as aforesaid, the Plaintiff suffered damages as set forth herein and was otherwise damaged or injured.

17. It is alleged that the Plaintiff was in no way contributorily negligent as to the violation of the standards of care and/or the damages arising therefrom.

WHEREFORE, the Plaintiff, Karen Johnson, claims compensatory damages against the Defendants in excess of Twenty Thousand (\$20,000.00) Dollars, plus costs, and such other and further relief as may be necessary and proper.



Matt R. Ballenger
Suder & Suder, P.A.
210 E. Lexington Street
Suite 100
Baltimore, Maryland 21202
(410) 727-8177

Attorneys for Plaintiff

PRAYER FOR JURY TRIAL

Plaintiff respectfully requests a jury trial in the above captioned matter.



Matt R. Ballenger