



DISTRICT COURT OF MARYLAND FOR Baltimore County

LOCATED AT (COURT ADDRESS)

120 E. Chesapeake Avenue, Towson, MD 21286-5307

COMPLAINT ☐ \$5,000 or under ☐ over \$5,000 ☒ over \$10,000Clerk: Please docket this case in an action of ☐ contract ☒ tort
☐ replevin ☐ detinue.

The particulars of this case are:

SEE ATTACHED COMPLAINT

CASE NO.

CV

7317-08

PARTIES

Plaintiff:

Shavonne N. Hall-Evans
421 N. London Avenue
Baltimore, Maryland 21229

VS.

Defendant(s):

1. Hillcrest Clinic, Inc., A Md Corp S/O R/A
Bonnie Bailey
5602 Baltimore National Pike, Suite 600
Baltimore, Maryland 21228

Serve by:

☒ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

2.

Serve by:

☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

3.

Serve by:

☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

4.

Serve by:

☐ Certified
Mail
☐ Private
Process
☐ Constable
☐ Sheriff

ATTORNEYS

For Plaintiff - Name, Address, Telephone Number & Code

Leonard J. Sperling, Esquire
THE SPERLING LAW OFFICE, P.C.
1777 Reisterstown Road, Suite 212
Baltimore, Maryland 21208

2804

(See Continuation Sheet)

The Plaintiff claims:

☒ \$ 25,000.00 plus interest or s _____ and
attorney's fees of \$ _____ plus court costs.☐ Return of the property and damages of \$ _____
for its detention in an action of replevin.☐ Return of the property, or its value, plus damages of
\$ _____ for its detention in action of detinue.☐ Other:
and demands judgment for relief.Signature of Plaintiff/Attorney/Attorney Code
Telephone Number: 410/653-0141RECEIVED 8-4 A
SUPPORT SERVICES
2008 FEB 25 A 10: 5

APPLICATION AND AFFIDAVIT IN SUPPORT OF JUDGMENT

Attached hereto are the indicated documents which contain sufficient detail as to liability and damage to apprise the Defendant clearly of the claim against the Defendant, including the amount of any interest claimed.

☐ Properly authenticated copy of any note, security agreement upon which claim is based ☐ Itemized statement of account ☐ Interest work sheet
☐ Vouchers ☐ Check ☐ Other written document ☐ _____ ☐ Verified itemized repair bill or estimateI HEREBY CERTIFY: That I am the ☐ Plaintiff ☐ _____ of the Plaintiff herein and am competent to testify to
(Owner/Partner/Agent/Officer)

the matters stated herein, which are made on my personal knowledge; that there is justly due and owing by the Defendant to the Plaintiff the sum set forth in the Complaint.

☐ That

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the above Complaint are true and I am competent to testify to these matters. The Defendant is not now in the military service, as defined in the Servicemembers Civil Relief Act.

February 20, 2008

Date

Signature of Affiant

Shavonne N. Hall-Evans
421 N. London Avenue
Baltimore, Maryland 21229

Plaintiff

vs.

Hillcrest Clinic, Inc.
A Maryland corporation
Serve on resident agent:
Bonnie Bailey
5602 Baltimore National Pike
Suite 600
Baltimore, Maryland 21228

Defendant

IN THE
DISTRICT COURT
FOR
BALTIMORE COUNTY

Case No.

RECEIVED 8-4 A
SUPPORT SERVICES

2008 FEB 25 A 10:57



COMPLAINT

Shavonne N. Hall-Evans, Plaintiff, by her attorney Leonard J. Sperling and The Sperling Law Office, P.C., sues Hillcrest Clinic, Inc., Defendant, and respectfully states:

1. That on or about the 19th day of May, 2007, and for all times hereinafter mentioned, the Defendant, Hillcrest Clinic, Inc., owned and operated a medical facility known as Hillcrest Clinic, located at 5602 Baltimore National Pike, Baltimore, Maryland 21228, and as such, owed the highest duty of care to its patients.
2. That on or about the aforementioned date, the Plaintiff was a patient in the Defendant's aforementioned facility.
3. That following a procedure, two employees of the Defendant, acting at all times as agent, servant and employee of the Defendant, with permission and in the course of employment, were moving the Plaintiff from a table into a wheelchair.
4. That the said employees, suddenly and without warning dropped the Plaintiff onto a corner of the table.

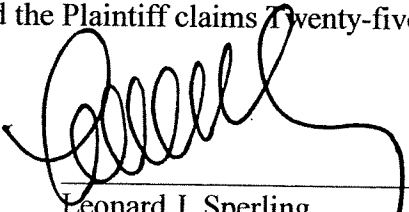
5. That the Defendant, and its agents, servants and employees, had a duty to treat its patients and to safely move them from one location to the other without dropping them, as occurred to the Plaintiff.

6. That as a result thereof, the Plaintiff was caused to sustain serious, painful and permanent injuries to her head, body and limbs, severe shock to her nerves and nervous system and great mental suffering.

7. That as a further result, the Plaintiff was obliged to expend considerable sums of money for medical care and treatment, and will in the future be obligated to expend considerable sums of money for medical care and treatment, was prevented from engaging in her usual activities, occupations, employments, duties and pursuits for a long period of time, and will in the future be prevented from engaging in her usual activities, occupations, employments, duties and pursuits, and was otherwise injured and damaged.

8. The Plaintiff, Shavonne N. Hall-Evans, says that the injuries and damages herein complained of were solely due to the negligence and want of care of the Defendants, and each of them, with no negligence on the part of the Plaintiff contributing thereunto.

WHEREFORE, this suit is brought and the Plaintiff claims Twenty-five Thousand Dollars (\$25,000.00) in damages.



Leonard J. Sperling
THE SPERLING LAW OFFICE, P.C.
1777 Reisterstown Road
Commercentre West, Suite 212
Baltimore, Maryland 21208
410-653-0141
Attorney for Plaintiff

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY

SHAVONNE HALL-EVANS

Plaintiff

vs.

Case Number 03-C-08-006863

HILLCREST CLINIC, INC.

Defendant

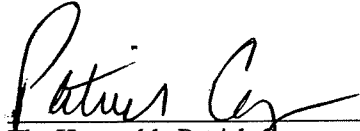
CONSENT ORDER OF DISMISSAL WITH PREJUDICE

By agreement of the parties and after hearing on the record in Court:

IT IS THIS day, September 2, 2009, ORDERED by the Circuit Court for Baltimore County as follows:

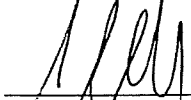
1. That the claim of Plaintiff is dismissed with prejudice;
2. That Defendant, for itself and its employees agents and insurers, waives any claim for attorneys fees and costs relating to the defense of the above action brought by Plaintiff including without limitation any right to such claim based upon the informed consent signed by Plaintiff prior to receiving services at Defendant;

SO ORDERED,


The Honorable Patrick Cavanaugh

APPROVED AS TO FORM AND CONTENT


Natalie Magdeburger, Esquire
Defense Counsel


Samuel Sperling, Esquire
Plaintiff's Counsel

cc: N. Magdeburger Esq
L. Sperling Esq

FILED SEP 10 2009 pl

JURY INSTRUCTION NO. 10
(Standard of Care)

A health care provider is negligent if the health care provider does not use that degree of care and skill which a reasonably competent health care provider, engaged in a similar practice and acting in similar circumstances, would use.

MPJI 27:1

JURY INSTRUCTION NO. 11

Negligence is doing something that a person using ordinary care would not do, or not doing something that a person using ordinary care would do. Ordinary care means that caution, attention or skill a reasonable person would use under similar circumstances.

MPJI 19:1

JURY INSTRUCTION NO. 20

Health care providers are permitted to exercise a wide range of discretion in the exercise of their medical skill and judgment. A Health care providers is not to be held liable for negligence unless it is shown that the course pursued by him or her was not recognized as medically acceptable in the medical profession under the same or similar circumstances.

Riffey v. Tonder, 36 Md. App. 633, 375 A.2d 1138 (1977); Marlow v. Cerino, 19 Md. App. 619 (1974).

JURY INSTRUCTION NO. 21

In an action of medical malpractice, there are two issues for your consideration as a jury: liability and damages. In order to find liability, you must find that the Hillcrest health care providers failed to provide Plaintiff the degree of skill and care which is expected of a reasonably competent medical practitioner in the same class to which Hillcrest health care provider's belong, acting under the same or similar circumstances, and that this failure caused injury to Plaintiff. You may not award damages unless you find liability; that is, that Hillcrest health care providers failed to provide that degree of skill and care which I have described to you.

Plaintiff has the burden of proof in this case and in order to sustain that burden, she must prove both liability and damages by a preponderance of the evidence. To establish something by a preponderance of the evidence means to prove that something is more likely so than not so. In other words, a preponderance of the evidence means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more likely true than not true.

In determining whether any fact in issue has been proven by a preponderance of the evidence in this case, you may, unless otherwise instructed, consider the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence regardless of who may have produced them.

If you believe that it is more likely than not that the Hillcrest health care providers failed to comply with the appropriate standard of care, and that this failure caused injury to Plaintiff as a result, then your verdict may be for the Plaintiff. If you believe that it is more likely than not that the Hillcrest health care providers met the appropriate standard of care in helping this patient into the wheelchair, or that any deviation from the standard of care did not cause injury to Plaintiff, then your verdict must be in favor of the Defendant.

Finally, if your minds are evenly balanced on the issue, then your verdict must be for the Defendant.

Shilkret v. Annapolis Emergency Hospital Association, 276 Md. 187 (1975); Baulsir v. Sugar, 226 Md. 390 (1972); Johns Hopkins Hospital v. Genda, 255 Md. 616, 258 A.2d 595 (1969); MPJI 1:8.

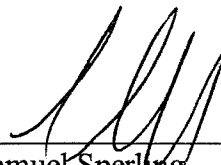
JURY INSTRUCTION NO. 25

A health care provider can only be liable to Plaintiff for injuries which were proximately caused by its negligence. It cannot be liable for any injury or disability it did not cause. The mere fact that Plaintiff suffers from alleged pain or discomfort or the fact that she claims damages raises no inference of negligence on the part of the health care provider.

Trieschman v. Eaton, 224 Md. 111, 166 A.2d 892 (1961); Abend v. Sieber, 161 Md. 645, 158 A.63 (1932).

13. Is there any member of the Jury Panel who believes he or she would have a problem or difficulty with awarding a proper compensation to a Plaintiff?

14. In this case, Plaintiff had an abortion and the Defendant is a clinic that provides abortions. Is there any member of the jury panel whose judgment of this case and the evidence heard is reasonably likely to be influenced in any way by these facts, either in favor of, or against, any party to this case? (Plaintiff asks that this question be asked in tandem with a very neutral question such as prior accidents or the like so that any juror can stand without any feeling of awkwardness)



Samuel Sperling
The Sperling Law Office, PC
1777 Reisterstown Road
Commercentre West, Suite 212
Baltimore, MD 21208
(410)653-0141
Attorney for Plaintiffs

Shavonne Hall-Evans
Plaintiff

Hillcrest Clinic, Inc.
Defendant

Is any member of the jury panel acquainted with any of the parties? Is any member of the panel acquainted with or related to someone who knows or works with any of these parties?

3. The attorneys in this case are:

Leonard J. Sperling, Esquire
Michele E. Loewenthal, Esquire
The Sperling Law Office, P.C.
1777 Reisterstown Road, Ste 212W
Baltimore, MD 21208-1306
Attorneys for Plaintiff

Natalie C. Magdeburger, Esquire
Hodes, Pessin & Katz, P.A.
901 Dulaney Valley Road, Suite 400
Towson, Maryland 21204
Attorneys for Defendant

Is any member of the jury panel acquainted with any of these attorneys? Have any of these attorneys ever represented you or any relative or acquaintance of yours?

5. Witnesses in this case will be:

Jan Veney, R.N.
Ms. Bridgette Griffin
Mr. Terrence Evans
Medical records of Metra Health and Dr. Lawrence Honick
Antonia Hughes, R.N.

Is any member of this panel or any member of your immediate family acquainted with any of these witnesses? Has any member of this panel, or their immediate family, received care from any of the health care providers listed?

Capacity : A Md Corp
 Mail: 5602 Baltimore National Pike 06/26/08
 Suite 600
 Baltimore, MD 21228
 Serve On: R/A Bonnie Bailey

06/26/08 DFF

Attorney: 0807567 Petty, Elliott D
 901 Dulaney Valley Road
 Suite 400
 Towson, MD 21204
 (410)938-8800

Appear: 06/26/2008

06/26/08

Type Num	Name(Last,First,Mid,Title)	Addr Str/End	Pty. Disp. Addr Update	Entered
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MED 001 ADAMS, LESTER L. ESQ

Party ID: 1281001

BT RE 02/11/09

07/25/08

Capacity : MED
 Mail: 10 N. CALVERT STREET
 SUITE 946
 BALTIMORE, MD 21202

07/25/08

07/25/08 MK

CALENDAR EVENTS

Date	Time	Fac	Event Description	Text SA	Jdg Day	Of Notice	User ID
Result			ResultDt By Result Judge	Rec			
02/11/09	09:30A	MEDC	Civil Mediation		TBA	01 /01	JMO JMO
	Cancelled/Vacated		02/11/09 L M.Mediator				
04/07/09	10:30A	S01	Settlement Conference	Y	FEC	01 /01	JMO BP
	Postponed/Reset		03/12/09 Y				
05/14/09	01:30P	S01	Settlement Conference	Y	FEC	01 /01	03/12/09 BP BP

JUDGE HISTORY

JUDGE ASSIGNED	Type Assign	Date Removal	RSN
TBA To Be Assigned,	J	06/26/08	

SHAVONNE HALL-EVANS

Plaintiff

v.

HILLCREST CLINIC, INC.

Defendant

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IN THE

CIRCUIT COURT

OF MARYLAND FOR

BALTIMORE COUNTY

Case No. 03-C-08-006863 OT

* * * * *

ANSWER

Now comes Defendant, Hillcrest Clinic, Inc., by its attorneys, Elliott D. Petty, Natalie C. Magdeburger, and Whiteford, Taylor & Preston L.L.P. in answer to the Complaint filed herein by the Plaintiff, and state:

FIRST DEFENSE

Defendant responds to the Complaint, and each and every allegation thereof, by generally denying liability and demands strict proof of the allegations in the Complaint.

SECOND DEFENSE

The Plaintiff's Complaint fails to state claims for which relief may be granted.

THIRD DEFENSE

The Plaintiff's claims are barred by the doctrine of contributory negligence.

FOURTH DEFENSE

The Plaintiff's claims are barred by the doctrine of assumption of risk.

FIFTH DEFENSE

The Plaintiff's claims are barred by any applicable statute of limitations.

FILED JUL - 9 2008

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SIXTH DEFENSE

Hillcrest Clinic, Inc. is a charitable and/or eleemosynary association and any judgment herein against this party must be limited to exclude any damages in excess of the limits of this party's available liability insurance.



Natalie C. Magdeburger, Esquire
Elliott D. Petty, Esquire
Whiteford, Taylor & Preston L.L.P.
7 Saint Paul Street
Baltimore, MD 21202-1636
410-347-8700
*Attorneys for Defendant
Hillcrest Clinic, Inc.*

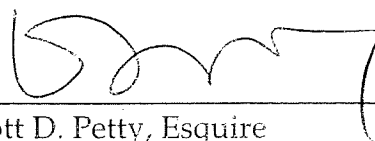
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of July, 2008, a copy of the foregoing

Answer was mailed first class, postage prepaid to:

Leonard J. Sperling, Esquire
THE SPERLING LAW OFFICE, P.C.
1777 Reisterstown Road
Baltimore, MD 21208

Attorney for Plaintiff



Elliott D. Petty, Esquire

SHAVONNE HALL-EVANS

Plaintiff

v.

HILLCREST CLINIC, INC.

Defendant

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IN THE

DISTRICT COURT

OF MARYLAND FOR

BALTIMORE COUNTY

Case No. 080400073172008

2008 MAR 25 A 11:54
CATCHVILLE

NOTICE OF INTENTION TO DEFEND

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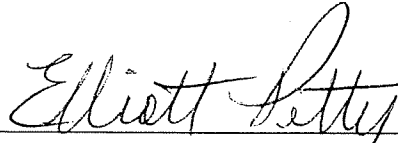
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SIXTH DEFENSE

Hillcrest Clinic, Inc. is a charitable and/or eleemosynary association and any judgment herein against this party must be limited to exclude any damages in excess of the limits of this party's available liability insurance.



Elliott D. Petty, Esquire
Natalie C. Magdebarger, Esquire
Whiteford, Taylor & Preston L.L.P.
7 Saint Paul Street
Baltimore, MD 21202-1636
410-347-9449
Attorneys for Defendant
Hillcrest Clinic, Inc.

7983

2008 MAR 26 A 11:54
CLERK OF COURT
BALTIMORE

