

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

ROBIN LOGAN
1124 Shady Lane, #211
Visalia, CA 93277

and

ANNA LOGAN
2920 Whicney Lane
Visalia, CA 93277

individually and as parents
and duly appointed legal
guardians of the person and
property of SUSANNE RENE LOGAN,
a disabled person

Plaintiffs

v.

Civil No.

HILLVIEW WOMEN'S MED/SURG CENTER
INC.
5408 Silver Hill Road
Suite 307-309
Suitland, Maryland 20747

Serve:

Barbara Lofton
5408 Silver Hill Road
Suites 307-309
Suitland, MD 20747

and

METROPOLITAN CARE CENTERS, INC
5408 Silver Hill Road
Suite 307-309
Suitland, Maryland 20747

Serve:

Barbara Lofton
5408 Silver Hill Road
Suite 307-309
Suitland, MD 20747

and

BARBARA A. LOFTON
12111 Northern Drive
Suitland, MD 20747

and

BENJAMIN P. LOFTON
12106 Northwood Drive
Upper Marlboro, MD 20772

and

GIDEON M. KIOKO, M.D.
665 E Street, S.W.
Washington, D.C. 20024

and

DRS. CLARK, GREENFIELD, CHARTERED
2010 Spruce Street, N.W.
Washington, D.C. 20012

and

KAY CEE DRUGS, INC.
6110 Old Silver Hill Road
District Heights, MD 20747

and

MELVIN CHAIET
6110 Old Silver Hill Road
District Heights, MD 20747

and

RAYMOND TAYLOR, M.D.
4214 Sugar Pine Court
Burtonsville, MD 20866

and

EDNA THOMAS, R.N.
302 Yorknolls Drive
Capitol Heights, MD

Defendants

COMPLAINT FOR DAMAGES
(Negligent and Reckless Conduct, Fraud, Conspiracy)

Parties

1. Robin Logan and Anna Logan are the parents and duly appointed legal guardians of Susanne Rene Logan, a disabled person.

2. Hillview Women's Med/Surg Center, Inc., is a Delaware corporation, not qualified to do business in Maryland, which owns and operates a clinic trading as Hillview Women's Medical Surgical Center, at 5408 Silver Hill Road, Suites 307-309, Suitland, Maryland.

3. Metropolitan Care Centers, Inc., at the time of the injury to Susanne Rene Logan, was a District of Columbia corporation, not qualified to do business in Maryland, operating the Hillview Women's Medical Surgical Center. Hillview Women's Med/Surg Center, Inc., is the successor in interest to Metropolitan Care Centers, Inc. (The defendants Metropolitan Care Centers, Inc., and Hillview Women's Med/Surg Center, Inc., are hereinafter referred to collectively as "Hillview.")

4. The Hillview entities are owned and controlled by Barbara Lofton and Benjamin P. Lofton. Benjamin and Barbara Lofton have at all times controlled and operated the Hillview entities without regard to the corporate formalities and have used the corporate form to commit fraud on the creditors of these entities.

5. Gideon M. Kioko, M.D., is a physician who at the time of the incident described herein was acting as the agent and employee of Hillview, as its medical director, and of Drs. Clark, Greenfield, Chartered.

6. Drs. Clark, Greenfield, Chartered is a professional corporation of physicians, chartered in the District of Columbia, but not qualified to do business in Maryland, providing primarily obstetric and gynecological services, which employed Gideon M.

competent persons acting in the same or similar circumstances.

13. One or more of the defendants made a decision to use intravenous Brevital (methohexital), a barbiturate drug, to put Susanne Logan to sleep for her abortion.

14. Brevital is a Schedule IV controlled substance that may not be dispensed by a pharmacy without a prescription from a licensed physician who is registered with the Drug Enforcement Administration and entitled to prescribe controlled substances.

15. The Brevital used for Susanne Logan's procedure was obtained by Barbara Lofton and Hillview without a physician's prescription from Kay Cee Drugs and its pharmacist/owner, Melvin Chalet.

16. No health care provider conducted a physical examination of Susanne Logan before the Brevital sedation was begun.

17. No health care provider properly informed Susanne Logan of the risks of being administered Brevital, and no informed consent was obtained.

18. At no time did any person at Hillview assess whether Susanne Logan was a proper candidate for use of sedation with Brevital.

19. On the day of the incident and throughout the clinic's operation, no person at the clinic was trained and qualified in the use of sedative and anesthetic agents such as Brevital.

20. The defendant Barbara Lofton, who falsely represented herself to Susanne Logan and other clinic patients as a physician, began the Brevital infusion on Susanne Logan and then left her

unattended in the procedure room.

21. Dr. Kioko and Benjamin Lofton knew that Barbara Lofton was falsely impersonating a physician and knew or should have known that she was completely unqualified in the use of anesthetic drugs but failed to do anything to stop her or to alert patients such as Susanne Logan to the truth.

22. Edna Thomas, a nurse employed by Hillview, who did not have an active license in Maryland, entered the procedure room and found Susanne Logan unconscious on the table. Without examining the patient, she informed Dr. Kioko that the patient was "ready" for the abortion.

23. Dr. Kioko entered the procedure room. He had never seen Susanne Logan before. He measured the size of the uterus and proceeded to begin the abortion without performing any physical examination of Susanne Logan. He knew at the time that no one was monitoring the anesthesia and that the patient's health was entirely in his hands.

24. Dr. Kioko and Edna Thomas failed to use any monitoring devices to detect respiratory depression in Susanne Logan.

25. Susanne Logan suffered respiratory depression and airway compromise, well-known effects of Brevital, due to excessive amounts of the drug.

26. Susanne Logan's condition was not detected until her lips turned blue, whereupon Edna Thomas alerted Dr. Kioko and summoned help from other clinic employees.

27. Dr. Kioko continued the abortion procedure and did

nothing to help revive the patient.

28. Clinic employees, including Barbara Lofton and Dr. Taylor, came to the room and began resuscitative efforts. However, no one checked to see if the patient was being ventilated properly. The efforts were hampered by a lack of functioning equipment and supplies, including an Ambu-bag that did not work and whose mask was applied upside down, a broken or incomplete laryngoscope, and resuscitative drugs that could not be found.

29. By the time a rescue squad arrived from the Prince George's County Fire Department, the patient's heart had stopped working effectively and she was near death. The rescue squad was able to restart the heart and ventilate the patient using basic techniques that should have been known to and used by the clinic's personnel.

30. Susanne Logan was transported to Greater Southeast Community Hospital, where she was treated for the severe brain damage she had suffered as a result of the abortion procedure. She regained consciousness after two months but remains severely and permanently disabled. She suffers from quadriplegia and is unable to talk or swallow. She must be fed by a tube into her stomach. She has experienced physical disfigurement, loss of enjoyment of life, and physical and mental pain and suffering. Susanne Logan and her parents and guardians have incurred and will incur medical and related expenses. Susanne Logan also has suffered an impairment of her earning capacity, has been disabled from her usual occupations and pursuits, and has become permanently and

totally dependent upon others for her care and maintenance.

COUNT ONE: NEGLIGENT AND RECKLESS CONDUCT

(Hillview Women's Med/Surg Center, Inc., Metropolitan Care Centers Inc., Barbara Lofton, Benjamin Lofton, Gideon Kioko, Clark Greenfield Chartered, Raymond Taylor, Kay Cee Drugs Inc., Melvin Chalet, Edna Thomas)

31. Paragraphs 1 - 30 are incorporated herein.

32. The defendants Barbara Lofton, Benjamin Lofton, Kioko, Taylor, Thomas and other Hillview employees grossly departed from applicable standards of care in their treatment of Susanne Logan in the following respects among others: (a) The clinic had no personnel trained in the use of general anesthetic agents such as Brevital; (b) clinic personnel were not properly trained to carry out emergency resuscitation; (c) the clinic lacked basic supplies such as a functioning Ambu-bag, a laryngoscope, and epinephrine; (d) the clinic lacked basic monitoring equipment such as a pulse oximeter for use during anesthesia; (e) Susanne Logan was never examined to see if she was an appropriate candidate for general anesthesia; (f) the Brevital was used in a completely unmonitored and unchecked way without even recording the rate at which it was administered, and was used in excessive amounts; (g) Susanne Logan was never examined for respiratory function before her respiratory depression became grossly obvious; (h) Dr. Kioko failed to stop the procedure and revive the patient once the respiratory depression was detected; and (i) Barbara Lofton, Dr. Kioko, Dr. Taylor, Nurse Thomas, and other clinic personnel who attended the patient during the resuscitative efforts failed to follow accepted procedures for resuscitation.

33. These multiple and gross violations of the standards of care show reckless disregard for Susanne Logan's safety and well-being.

34. Kay Cee Drugs and Melvin Chalet owed a duty of care to patients such as Susanne Logan to see to it that potentially dangerous controlled substances were dispensed from the pharmacy only upon a proper prescription from a licensed physician.

35. Kay Cee Drugs and Melvin Chalet were negligent and reckless in dispensing Brevital to the clinic without a physician's prescription.

36. These violations of the applicable standards of care caused serious and permanent injury to Susanne Logan, as described above.

COUNT TWO: FRAUD OR MISREPRESENTATION

(Hillview Women's Med/Surg Center, Inc., Metropolitan Care Centers Inc., Barbara Lofton, Benjamin Lofton, Gideon Kioko, Clark Greenfield Chartered, Edna Thomas)

37. Paragraphs 1 - 36 are incorporated herein.

38. Barbara Lofton, Gideon Kioko, Edna Thomas and other Hillview employees falsely represented to Susanne Logan and other patients, and published in advertising media, that the clinic was properly equipped for general anesthesia, that clinic personnel were properly trained in its use, that the anesthesia used at Hillview provided only "twilight sleep," that the anesthesia and the overall procedure were completely safe, and that Barbara Lofton and other clinic personnel were licensed health care providers. Barbara Lofton and other Hillview employees also failed to inform Susanne Logan and other patients that the clinic carried no

liability insurance and that clinic personnel in fact knew little if anything about the proper use of Brevital.

39. Patients including Susanne Logan were encouraged to opt for "twilight sleep" because it provided greater profits for the clinic at almost no additional cost.

40. Susanne Logan justifiably relied on the false representations of Barbara Lofton, Gideon Kioko, Edna Thomas, and other clinic employees and underwent an abortion procedure at the clinic that she would have refused, or would have undergone only with local anesthesia, had the true facts been told to her.

41. Susanne Logan suffered severe and permanent injuries as a result of these misrepresentations.

COUNT THREE: Conspiracy

(Barbara Lofton, Benjamin Lofton, Gideon Kioko, Clark Greenfield Chartered, Kay Cee Drugs, Melvin Chalet, Edna Thomas)

42. Paragraphs 1 - 41 are incorporated herein.

43. Barbara Lofton and Benjamin Lofton conspired together to operate Hillview clinic in a negligent, reckless, illegal and fraudulent way by agreeing to employ and employing unqualified, untrained and unlicensed health care personnel, and by agreeing to make and making the false representations and omissions of material facts described above.

44. Dr. Kioko knowingly aided and abetted this conspiracy by participating in the making of misrepresentations and omissions of material facts and by performing abortions that he knew were unsafe.

45. Melvin Chalet knowingly aided and abetted this conspiracy

by illegally providing controlled substances to Barbara Lofton, whom he knew was not a licensed physician, in violation of federal and state regulations governing the dispensing of controlled substances.

46. Edna Thomas knowingly aided and abetted this conspiracy by participating in the making of misrepresentations and omissions of material fact and by assisting in abortions she knew were unsafe.

47. Susanne Logan suffered severe and permanent injuries as a result of this conspiracy.

WHEREFORE, the plaintiffs demand judgment of the defendants, jointly and severally, for compensatory damages of \$10 million and punitive damages of \$10 million.

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