

Docket Management

Docket Cover

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Case ID : 20030673	Specialty : OBG
Description : ESUOLA v. HOOPER, et al.	Date Filed : 12/24/2003
Docket Clerk : Darvl	Date Closed : 05/03/2004
Venue : PGEO	Date Updated : 05/05/2004

Claimant and Attorney

Ms. Anu Ade Kunbi Esuola
4212 Glendale Road
Bowie MD 20720
- -

dist. 24

Lawyer Type : Primary
Date Started : 12/24/2003
Date Ended :
John R. Doody
MIR LAW ASSOCIATES, L.L.C.
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Rockville MD 20850-
(301) 251-1834

Health Care Provider and Attorney

Dr. James L. Hooper
Suite #203
4700 Berwyn House Road
College Park MD 20740
- -

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Lawyer Type : Primary
Date Started : 01/29/2004
Date Ended :
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American Women's Services
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College Park MD 20740
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Lawyer Type : Primary
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Date Ended :
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Professional Medical Services, P.C.
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Lawyer Type : Primary
Date Started : 04/29/2004
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HEALTH CLAIMS ARBITRATION OFFICE

State of Maryland
6 St. Paul Street, Suite 1501
Baltimore, Maryland 21202-1608
(410) 767-8200

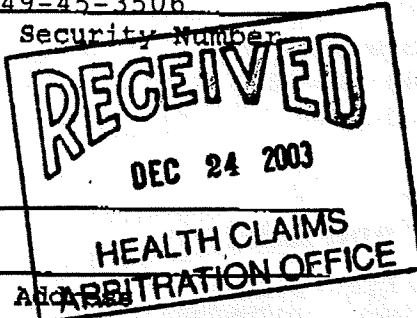
2003-673

CLAIM FORM

HCA NO.

CLAIMANT(S)

Anu Ade Kunbi Esuola
Name
4212 Glendale Road
Street Address
Bowie, Maryland 20720
City, State, Zip Code
549-45-3506
Social Security Number



Name
Street Address
City, State, Zip Code
Social Security Number

HEALTH CARE PROVIDER(S)

James L. Hooper, M.D.
Name
4700 Berwyn House Road, Suite 203
Street Address
College Park, Maryland 20740
City, State, Zip Code

American Women's Services
Name
4700 Berwyn House Road, Suite 203
Street Address
College Park, Maryland 20740
City, State, Zip Code

Professional Medical Services, P.C.
Name
3506 North Calvert Street, Unit C 110
Street Address
Baltimore, Maryland 21218-2801
City, State, Zip Code

(1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$25,000.00 and the appropriate venue is: Prince Georges County.

(2) The basis of the claim is described on the page(s) attached hereto.

(3) The resolution of the claim will involve particular expertise in this area of specialty 030 - Obstetrics & Gynecology (General)
(PLEASE SEE REVERSE SIDE FOR AREAS OF CONCENTRATION)

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all the Costs resulting from the filing of this claim, whether it is won or lost; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

John R. Doody
Signature John R. Doody, Esquire
620 Hungertord Drive, Suite 17
Street Address
Rockville, Maryland 20850
City, State, Zip Code
(301) 251-1834
Telephone Number Facsimile: (301) 251-8761

(MIR LAW ASSOCIATES, LLC)

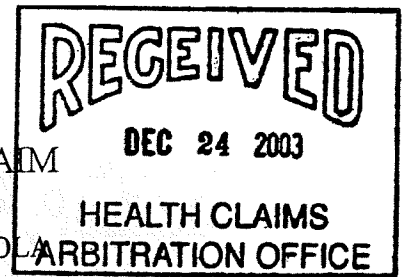
CLAIMANT(S)

Anu Ade Kunbi Esuola
Signature of each Claimant

2003-673

SUMMARY OF MALPRACTICE CLAIM

CLAIMANT: MS. ANU ADE KUNBI ESUOLA



Ms. Anu Ade Kunbi Esuola, by and through her attorneys, John R. Doody, Kenneth E. Nielsen, Jr., and Mir Law Associates, LLC., states the following medical malpractice claim before the Maryland Health Claims Arbitration Office pursuant to the Health Claims Arbitration Act. In support of her claim, she states the following;

1. Ms. Anu Ade Kunbi Esuola (hereinafter "Claimant" or "Ms. Esuola") resides at 4212 Glendale Road, in Bowie, Prince Georges County, Maryland. She has lived at this address for at least the past one (1) year.

2. James L. Hooper, M.D. is a physician that is licensed to practice medicine in the State of Maryland. Dr. Hooper is, and at all relevant times herein, was in a relationship of *Respondeat Superior* as an employee of Professional Medical Services, P.C., t/a American Women's Services, with a Maryland principal place of business located at 4700 Berwyn House Road, Suite 203, College Park, Maryland 20740.

3. The entity named Professional Medical Services, P.C. t/a American Women's Services is a professional corporation that is incorporated in a state currently unknown to claimant, but is properly registered to do business in the State of Maryland under the aforementioned trade name American Women's Services, which has a Maryland principal place of business located at 4700 Berwyn House Road, College Park, Maryland 20740. According to claimant's best information, American Women's Services has a corporate central office located at 1 Alpha Avenue, Suite 20, Voorhees, New Jersey 08043.

4. The following is a statement of the events that took place in the case of Ms. Anu Ade Kunbi Esuola's injuries suffered during a January 14, 2003 medical procedure at the American Women's Services clinic in College Park, Maryland. Included in this filing are copies of Ms. Esuola's medical records from treatment she received at the Washington Hospital Center in the aftermath of being injured while in the care of American Women's Services.

5. The medical procedure during which claimant was injured was a therapeutic abortion to be performed by James L. Hooper, M.D. at the College Park clinic (hereinafter "clinic") operated by American Women's Services at that site.

6. The claimant arrived at the clinic at approximately 10:30 A.M. For the next three (3) hours, employees of American Women's Services prepared claimant for the medical procedure by completing what were presumably routine tasks. Among the said tasks were the taking of a blood sample and testing thereof (at around 11:30), a Sonogram was performed (at approximately 12:00 Noon), claimant was provided routine pre-abortion counseling (at roughly 12:30 p.m.), and claimant paid in full for the procedure (at about 1:00 p.m.).

7. The medical procedure was initiated at approximately 1:45 p.m. under twilight sedation by Dr. James Hooper. Shortly after the medical procedure began, things went seriously awry when the suction catheter being used in the operation, rammed into the uterine wall and broke. A 7 cm. portion of the catheter was left embedded in the sidewall of the endometrial cavity high above the endocervix. The improper technique utilized in the procedure leading to a breakage of this medical instrument was due to Dr. Hooper's failure to perform the procedure according to accepted standards of practice in the area. This deviation from the standard of care directly and proximately caused the injuries complained of herein.

8. Ms. Esuola was transported to Washington Adventist Hospital where she was treated for the injuries she sustained to her uterus. She was hospitalized for 24 hours, and was released under orders to restricted bed rest for the next three (3) weeks. The treatment required for these injuries by the Washington Hospital Center included surgery.

9. That the Defendants owed a duty to Claimant to use due care and caution in the treatment of Claimant to reasonably protect Claimant's health and avoiding injury.

10. That the defendants seriously deviated from the accepted standard of care thereby breaching that medically accepted standard of due care owed to Claimant in performing this medical procedure.

11. That the breaking of a suction device and the embedding of that device in Claimants uterine wall does not ordinarily occur without the negligence of the doctor and/or the medical assistants performing the procedure, and/or poor maintenance of the medical instruments being utilized. In fact, injuries sustained in such a manner are considered to be analyzed as *Res Ipsa Loquitur*.

12. That the instrumentality involved in injuring Claimant was within the exclusive control of the defendants.

13. The Claimant was under sedation and therefore incapable of being contributorily negligent in any way.

14. That the substantial injuries suffered by Claimant were material, and were directly and proximately caused by the negligence of Defendants.

15. As a direct and proximate result of the negligence by defendants, Claimant has suffered damages that include, but are not limited to:

- a. Health care and related expenses;
- b. Substantial Pain and Suffering;
- c. Depression;
- d. Loss of Consortium by spouse;
- e. Loss of earning capacity;
- f. Continued and lingering reproductive related problems.
- g. Emotional trauma from treatment following injury

16. That a broken medical device (in this case, a suction catheter) is **not** a risk that a patient in Claimant's position normally accepts, nor did Claimant accept, when undergoing a therapeutic abortion procedure.

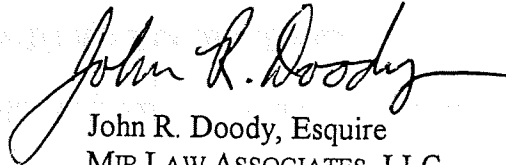
Verified by:



Anu Ade Kunbi Esuola

Claimant

Respectfully submitted,



John R. Doody, Esquire
MIR LAW ASSOCIATES, LLC
620 Hungerford Drive, Suite 17
Rockville, Maryland 20850

Attorney for Claimant

ANU ADE KUNBI ESUOLA
4212 Glendale Road
Bowie, Maryland 20720

Plaintiff

v.

AMERICAN WOMEN'S SERVICES
4700 Berwyn House Road, Suite 203
College Park, Maryland 20740

Defendant

and

PROFESSIONAL MEDICAL SERVICES, P.C.
3506 North Calvert Street, Unit C 110
Baltimore, Maryland 21218-2801

Defendant

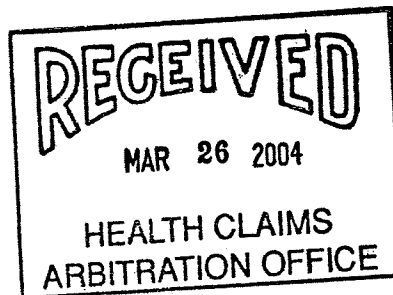
and

JAMES L. HOOPER, M.D.
4700 Berwyn House Road, Suite 203
College Park, Maryland 20740

Defendant

**BEFORE THE
HEALTH CLAIMS
ARBITRATION OFFICE**

H.C.A. No. 2003-673



CERTIFICATE OF QUALIFIED EXPERT

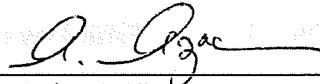
I, AKHTAR AZAR, M.D., HEREBY CERTIFY the following:

1. That I am a specialist in the field of Obstetrician/Gynecologist;
2. That less than twenty percent (20 %) of my professional activities are devoted to tasks or other duties that directly involve being a witness and/or testifying in personal injury claim litigation or arbitration. In fact, despite being Board certified and having many years of practice experience, I have never previously served as an expert witness or related activities for personal injury claims in litigation or arbitration;
3. That I have reviewed the medical records of the American Women's Services, of the Professional Medical Services, P.C., and of James L. Hooper, M.D., as those records pertain to the care and treatment rendered Ms. Anu Ade Kunbi Esuola on or about January 14, 2003;

4. That I also have reviewed the medical records of the Washington Hospital Center and Arshad M. Sheikh, M.D., as they pertain to the injuries diagnosed and the treatment thereof, as allegedly sustained by Ms. Anu Ade Kunbi Esuola during the aforementioned care and treatment at the American Women's Services and/or Professional Medical Services, P.C. College Park, Maryland clinic facility

5. I HEREBY CERTIFY, based upon my training, experience, expertise and review, that the care and treatment rendered to the patient, Anu Ade Kunbi Esuola, by the health care providers American Women's Services, Professional Medical Services, P.C., and/or James L. Hooper, M.D., failed to comply with the standard of care applicable to a practitioner of Obstetrics/Gynecology for the type of medical care and procedure supplied in this instance, and that such a breach and/or failure to provide services meeting the applicable standard of care was the direct and proximate cause of the temporary and permanent injuries to Ms. Anu Ade Kunbi Esuola.

I HEREBY CERTIFY that I have read the above, and that it is true and correct to the best of my knowledge, information and belief.



Akhtar Azim, M.D.
10301 Holly Hill Place
Potomac, Maryland 20854

(301) 299-5354

IN THE HEALTH CLAIMS ARBITRATION OFFICE

ANU ADE KUNBI ESUOLA

Claimant

v.

HCA #2003-0673

JAMES L. HOOPER, M.D.

AMERICAN WOMEN'S SERVICES

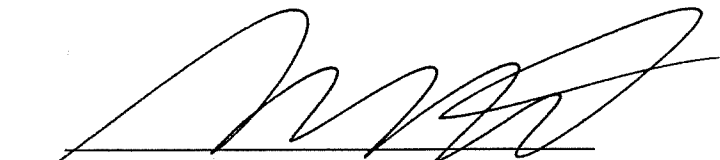
PROFESSIONAL MEDICAL SERVICES

Health Care Provider

ORDER OF TRANSFER

The Health Care Provider, James L. Hooper, M.D., having elected to Waive Arbitration under the provisions of the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06B, it is this **Fifth Day of May 2004**, by the Health Claims Arbitration Office, hereby;

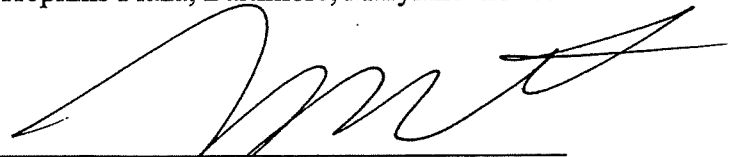
ORDERED, That this case shall be, and it is hereby, transferred to the **Circuit Court for Prince George's County, Maryland.**



HARRY L. CHASE, Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY That copies of the above ORDER OF TRANSFER have been mailed, postage prepaid this Fifth Day of May 2004, to John R. Doody, Esquire, Suite #17, 620 Hungerford Drive, Rockville, Maryland 20850; Roxanne L. Ward, Esquire, 104 West Street, Post Office Box 551, Annapolis, Maryland 21404-0551; 5; and David B. Applefeld, Esquire, 600 Mercantile Bank & Trust Building, Two Hopkins Plaza, Baltimore, Maryland 21201.



HARRY L. CHASE, Director