

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CHRISTY T. O'CONNELL, \*

Plaintiff \*

v. \*

Case No: JFM-14-1339

ASSOCIATES IN OB/GYN CARE, LLC, et al. \*

Defendants \*

\* \* \* \* \*

MOTION TO CONSOLIDATE WITH CASE NO. 15-CV-2418

Plaintiff, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins L.L.C., hereby moves to consolidate the above-captioned case with Case No. 15-cv-2418 JFM, and for reasons states as follows.

1. The above-captioned case was filed in 2014. The lawsuit alleges that the Defendants, Iris Dominy, M.D. and a Frederick, Maryland abortion clinic known as Associates in OB/GYN Care, were negligent in their care and treatment of the Plaintiff, Christy O'Connell, leading to the wrongful birth of her son in 2012. Specifically, Plaintiff alleged that Dr. Dominy and an unknown individual who interpreted an obstetric sonogram were negligent in interpreting that sonogram to show that Ms. O'Connell's medical abortion was successful, when in fact she was still pregnant.

2. On May 27, 2015, Plaintiff filed a Motion for Leave to file an Amended Complaint based on information learned during the deposition of Dr. Dominy. The Amended Complaint sought to add two additional physician defendants to the case: Steven Brigham, M.D. and Vikram Kaji, M.D., who were and are, respectively, the owner and medical director of the

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*Amended  
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Associates in OB/GYN Care clinics, including the Frederick clinic where the events giving rise to this cause of action occurred. Generally speaking, the Amended Complaint alleged that Dr. Brigham and Dr. Kaji were negligent in instituting a policy whereby untrained "office managers" were permitted to interpret obstetric sonograms, in violation of the standard of care.

3. Before the Court ruled on the Motion for Leave to file an Amended Complaint, and due to the pending running of the statute of limitations, in an abundance of caution so as not to be time-barred, Plaintiff initiated a second lawsuit against Drs. Brigham and Kaji in the Health Claims Alternative Dispute Resolution Office of Maryland (HCADRO), as required by Maryland law. Plaintiff elected to waive arbitration and thereafter filed a complaint in this Court, which was docketed as No. 15-cv-2418.

4. After Plaintiff had already filed the lawsuit against Drs. Brigham and Kaji in HCADRO, this Court granted Plaintiff's Motion for Leave to file an Amended Complaint, and the Amended Complaint was docketed on August 6, 2015.

5. Plaintiff is in the process of serving Drs. Brigham and Kaji with the summonses in Case No. 15-cv-2418 in New Jersey, their state of residence. To date, Plaintiff has not been able to effectuate service.<sup>1</sup>

6. To promote judicial economy, this Court should consolidate the above-captioned case with No. 15-cv-2418. The allegations in the Amended Complaint in the above-captioned case are substantially similar to those asserted the Complaint filed in No. 15-cv-2418.<sup>2</sup> This case

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<sup>1</sup> According to widely-available newspaper articles, Dr. Brigham has failed to cooperate in other legal proceedings in the past.

<sup>2</sup> The Amended Complaint is not identical to the Complaint filed in No. 15-cv-2418. There are minor but important allegations included in the Complaint filed in No. 15-cv-2418

