IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY

LISA ARONOW 13229 Meander Cover Drive Germantown, Maryland 20874 and MAX ARONOW 13229 Meander Cover Drive Germantown, Maryland 20874 Plaintiffs, v. ALAN J. ROSS, M.D. 9061 Shady Grove Court Gaithersburg, Maryland 20877 Defendant.	)	Case No.

COMPLAINT

Now come the Plaintiffs, Lisa Aronow and Max Aronow, husband and wife, and sue Alan J. Ross, M.D., stating as follows:

COUNT I

1. The plaintiffs are residents of Montgomery County, Maryland and bring this action as a result of the alleged medical malpractice of the defendant, Alan J. Ross, M.D.

2. Defendant, Alan J. Ross, M.D. is a health care provider whose principal place of business is in Montgomery County, Maryland.

3. The parties to this action have waived the requirement of arbitration under the Maryland Health Care Malpractice Act pursuant to Md. Cts. & Jud. Proc. Code Ann. §3-2A-06A (1993 Repl. Vol.) (see attached Exhibit 1).

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4. At all times of which the plaintiffs complain, the defendant represented to the plaintiffs and the general public that he possessed the degree of knowledge, ability, and skill possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the plaintiffs.

5. The plaintiffs allege that the defendant, including his agents, servants, and/or employees, owed to the plaintiffs a duty to exercise that degree of skill, judgment, and care expected of reasonably competent medical practitioners practicing under the same or similar circumstances, which duty included the performance of appropriate diagnostic tests and procedures to determine Lisa Aronow's condition, appropriate diagnosis of such condition, the employment of appropriate treatment, procedures, and/or surgery to correct such condition without injury upon Lisa Aronow, continuous evaluation of the Lisa Aronow's condition and the effects of such treatment, and adjustment of the course of treatment in response to such on-going surveillance and evaluation--all of which the defendant failed to do.

6. The defendant was negligent in that he failed to obtain plaintiff Lisa Aronow's informed consent before performing an abortion; in failing to advise Lisa Aronow of her chances of reaching term; in perforating her uterus <u>and</u> bowel during an abortion; in operating in such a manner as to cause continued complications and ultimately a hysterectomy, other future surgeries and medical complications; and in failing to provide

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adequate care and treatment to the plaintiff after learning that she had sustained a perforated uterus and bowel including, but not limited to, the defendant's failure to complete the abortion procedure.

7. As a result of the negligence of the defendant, including his agents, servants, and/or employees, the plaintiff, Lisa Aronow, has in the past and will in the future experience severe debilitating injuries, trauma, and shock to her body, nerves, and nervous system, pain, mental anguish, disfigurement, otherwise unnecessary medical care, expenses, and procedures, loss of earnings and earning capacity, and was otherwise injured and permanently damaged.

8. The plaintiff, Lisa Aronow, presented to defendant early in pregnancy. The defendant advised Lisa Aronow that her pregnancy would result in a miscarriage and that therefore an abortion should be performed. This information was false and was relied upon by Lisa Aronow. The abortion was performed and resulted in a perforated uterus and bowel followed by several surgeries to correct the same and the damage caused by the same. The abortion was not performed completely requiring Lisa Aronow to be subsequently hospitalized and causing additional damage.

9. As a direct and proximate result of the above-described negligence the plaintiff, Lisa Aronow, has in the past and will in the future suffer excruciating physical pain, mental anguish and anxiety, incur lost wages and exorbitant expenses for medical care and other treatment, undergo otherwise unnecessary medical

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care and treatment, and incur other expenses, damages, and losses for which claim is made. Further, the plaintiff has lost her ability to hold gainful employment and to enjoy normal adult activities, including loss of relations with her husband.

10. The plaintiff alleges that the negligence of the defendant was the sole proximate cause of her injuries, losses and damages, with the plaintiff in no way being contributorily negligent.

11. The negligence complained of occurred in Montgomery County. Venue is claimed in Montgomery County. The amount in controversy exceeds $20,000.

COUNT II
(Loss of Consortium)

12. Plaintiffs incorporate paragraphs 1 through 11 above as if fully alleged herein.

13. At all times herein plaintiffs Lisa Aronow and Max Aronow were husband and wife.

14. As a direct and proximate result of the negligence of the defendant, plaintiffs Lisa Aronow and Max Aronow were caused to suffer impairment of the enjoyment of their marital relationship. As a result of Lisa Aronow's pain and anguish and physical disability, Max Aronow suffered a loss of marital services and plaintiffs' marriage suffered a loss of society, affection, companionship and sexual relations. As a result of the injuries suffered by Lisa Aronow, Lisa and Max Aronow were deprived of the full satisfaction of the marital relationship theretofore enjoyed.

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15. The negligence complained of took place in Montgomery County. The claim exceeds $20,000. Venue is claimed in Montgomery County.

Respectfully submitted,

KLORES & CARDARO, P.C.

By: _____ /PDZ
Bruce J. Klores

By: _____
Philip D. Ziperman
915 - 15th Street, NW
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Tel.: (202) 628-8100
Attorneys for Plaintiffs

VERIFICATION

We hereby certify that Bruce Klores and Philip D. Ziperman, 915 - 15th Street, N.W., Third Floor, Washington, D.C. 20005, are members in good standing of the Maryland Bar.

_____
Philip D. Ziperman

_____ /PDZ
Bruce J. Klores

REQUEST FOR A JURY TRIAL

Plaintiffs hereby request that this case be tried before a jury.

_____
Philip D. Ziperman

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IN THE HEALTH CLAIMS ARBITRATION OFFICE OF MARYLAND

LISA ARONOW, et al	:	
Claimants	:	
v.	:	HCA No: 93-119
ALAN J. ROSS, M.D.	:	
Health Care Provider	:	

ELECTION TO WAIVE ARBITRATION

Pursuant to Maryland Cts. & Jud. Proc. Code Ann. §3-2A-06(A), the parties to this case hereby agree to a waiver of the arbitration process.

Bruce J. Klores
BRUCE J. KLORES, ESQ.
Attorney for Claimants

Brian J. Nash
BRIAN J. NASH, ESQ.

Stuart N. Herschfeld
STUART N. HERSCHFELD, ESQ.
Attorneys for Health Care Provider

PLAINTIFF'S EXHIBIT 1
ALL-STATE LEGAL SUPPLY CO.

CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

LISA ARONOW, et al.	:	
Plaintiffs,	:	
vs.	:	Civil No.: 131765-V
ALAN J. ROSS, M.D.,	:	
Defendant.	:	

PRAECIPE OF DISMISSAL

To the Clerk of the Court:

The Plaintiffs, Lisa Aronow and Max Aronow, to this matter consent to and agree to the dismissal of Defendant, Alan J. Ross, M.D., with prejudice, in this matter, and as to all claims asserted against him.

Respectfully submitted,

WHARTON, LEVIN, EHRMANTRAUT,
KLEIN & NASH, P.A.

BY: _____

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Attorneys for Defendant
Alan J. Ross, M.D.

KLORES & CARDARO

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Attorney for Plaintiffs
Lisa Aronow and Max Aronow

Civil INFORMATION FOR CASE #131765 AS OF 09/09/2003 22:06 3005

TRIAL ELECTION : JURY Status: CLOSED as of: 05/15/1996
SUBTYPE: OTHER TORTS TRACK: 3
NEGLIGENCE - MEDICAL MALPRACTICE

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D O C K E T I N F O R M A T I O N

ASE ID: 131765V Reference Case: (none)
LISA ARONOW VS. ALAN J ROSS MD

01/16/1996 #18 PRE-TRIAL STATEMENT 774 LT
JOINT PRE-TRIAL STATEMENT AND DEFENDANT'S PROPOSED VOIR DIRE & JURY INSTRUCTION NO. FILED. (L/P)
TYPE: DOCKET

01/19/1996 #19 PRE-TRIAL CONFERENCE 45 DB
SETTLEMENT/STATUS/PRE-TRIAL CONFERENCE HELD; COURT (WEINSTEIN, J.) SETS CASE FOR A FOUR (4) DAY JURY TRIAL ON APRIL 22, 1996 AT 9:30 A.M.
COURT ORDERS A.D.R.
JUDGE: P WEINSTEIN
TYPE: DOCKET
TAPE# 01-011996 START# 459.0 STOP# 467.0 #TAPES 1

D O C K E T I N F O R M A T I O N

CASE ID: 131765V Reference Case: (none)
LISA ARONOW VS. ALAN J ROSS MD

04/23/1996 #47 SETTLEMENT PLACED ON RECORD 628 AB
SETTLEMENT PLACED ON RECORD; (WEINSTEIN, J.)
JUDGE: P WEINSTEIN
TYPE: DOCKET

04/23/1996 #48 AB
COURT (WEINSTEIN, J.) PLACES CASE ON THE STAY DOCKET FOR THIRTY (30) DAYS PENDING LINE OF DISMISSAL.
JUDGE: P WEINSTEIN
TYPE: DOCKET

04/23/1996 #49 EXHIBIT SHEET FILED 495 AB
EXHIBIT SHEET FILED.
TYPE: DOCKET