

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
NO. 86-132

SUFFOLK, SS.

MARIE R. WICKS, ET AL,)
Plaintiffs)
VS.)
MAUREEN E. PAUL, M.D.,)
Defendant)

ORDER TO RELEASE BOND

After review of the motion of the defendant, Maureen E. Paul, M.D., to release bond, it is hereby ordered that the clerk of this court shall pay over to the defendant, Maureen E. Paul, M.D., the amount of \$2,000 plus all accrued interest ~~from the date the plaintiff, Marie R. Wicks, posted a bond after receiving an adverse finding from the medical malpractice tribunal.~~

By the Court, Roase, J.

Attest.

Dated: Oct 15, 1991

Joe Lynch
Clerk

Mal P

Jud 9
9-5-91

MALPRACTICE

36 A

COMMONWEALTH OF MASSACHUSETTS
SUFFOLK, SS.

NOTIFY

SUPERIOR COURT
NO. 86-132

SUFFOLK SUPERIOR COURT
Sept 26 1991

MARIE R. WICKS, ET AL
Plaintiffs

ALLOWED BY THE COURT.

VS.

MAUREEN E. PAUL, M.D.,
Defendant

ATTEST

[Handwritten signature]
ASSISTANT CLERK

MOTION TO RELEASE BOND

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
AUG 29 1991
MICHAEL JOSEPH DONOVAN
CLERK

notice sent 10/2/91
S & S
J.T.
F.S.
R.K.
P.K.
M.M.M.K.
mm

Now comes the defendant, Maureen E. Paul, M.D., pursuant to G.L. c. 231, §60B, and hereby moves that this court release to the defendant the bond posted by the plaintiff in the amount of \$2,000.

In support of this motion, the defendant states that this is a medical malpractice action, which proceeded to a medical malpractice tribunal pursuant to G.L. c. 231, §60B. On or about June 30, 1988, the tribunal entered its finding on behalf of the defendant, Maureen E. Paul, M.D. A copy of the tribunal finding is attached to this motion as Exhibit A.

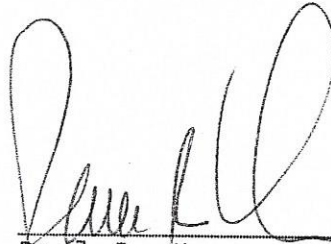
Although the tribunal finding indicated that the plaintiff had to post a bond of \$6,000, the parties stipulated that the appropriate amount of of the bond was to be \$2,000. The plaintiff posted a bond in that amount.

In August, 1991, this case went to trial before this court, White, J., and at the close of the plaintiff's case the court directed a verdict on behalf of the defendant, Maureen E. Paul, M.D. Under G.L. c. 231, §60B, in actions where the plaintiff

does not prevail in the final judgment, the \$2,000 bond is "payable to the defendant for costs assessed, including witness and expert fees and attorneys' fees"

Because the defendant has in fact prevailed in this case, she is entitled to a release of the \$2,000 bond.

Wherefore, the defendant, Maureen E. Paul, M.D., moves that this court order the release to her of the \$2,000 bond posted by the plaintiff.



Paul R. Keane
B.B.O. No. 262880
Counsel for Defendant
MARTIN, MAGNUSON, McCARTHY & KENNEY
133 Portland Street
Boston, MA 02114
(617) 227-3240

Dated: August 27, 1991

MALPRACTICE

SUFFOLK, SS

SUPERIOR COURT
CIVIL ACTION
NO. 86-132

MARIE R. WICKS, ET AL,

Plaintiffs

VS.

MAUREEN E. PAUL, M.D.,

Defendant

*
*
*
*
*
*
*
*

MICHAEL JOSEPH DONOVAN
CLERK OF COURT

JUL 1 1988

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

PLAINTIFF'S ANSWERS TO DEFENDANT'S INTERROGATORIES

1. Please identify yourself, giving your full name, date of birth, residence, business address, occupation, marital status and name of spouse.
 1. Marie R. Wicks
D/B: July 20, 1961
Residence: 818 Canterbury Street
Roslindale, MA 02131
Occupation: Floral Designer, self-employed
Business Address: Ann's Flower Shop
6 Walk Hill Street
Jamaica Plain, MA 02130
Married: Robert J. Wicks, Jr.
2. Please state, as precisely as possible where the alleged negligence of the defendant occurred.
 2. The defendant's negligence occurred at the St. Margaret's Hospital.
3. Please state, as precisely as possible, when the alleged negligence of the defendant occurred, giving the date and time of day.
 3. The plaintiff claims that the exact time of the defendant's negligence cannot be precisely determined; however, the plaintiff states that the postpartum care she received after the birth of her daughter Audra on March 20, 1985, fell well below the acceptable standard of care.

MP

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on 11-20-, 1987, I served a copy of the within summons, together with a copy of the complaint in this action, upon the within-named defendant, in the following manner (See Mass. R. Civ. P. 4 (d) (1-5):

by giving in hand to Leo Auccin, person in charge of the office of Maureen E. Paul, M.D. , at 55 Lake Ave., N., Worcester, MA. Service: 15.00; copy: 3.00; travel: 9.00; mv: 1.20; total: \$28.20.

Dated: 11-20-, 1987.

Anthony R. Baroni
Anthony R. Baroni, Deputy Sheriff

N.B. TO PROCESS SERVER:—

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

11-20- , 19 87.

- 2. This action is subject to Superior Court Rule 29 and the following detailed statement pursuant to Rule 29 sets forth the facts in full and itemized detail upon which the plaintiff relies as constituting the damages in this action:

(if tort action, for example, specify doctors' bills, hospital bills, out of pocket expenses, etc. that would warrant a reasonable likelihood that recovery will exceed ~~\$7,500~~ \$25,000)

(if contract action, state with particularity damages which would warrant a reasonable likelihood that recovery will exceed ~~\$7,500~~ \$25,000)

Now come the plaintiffs in the above-entitled matter who state that as a direct and proximate cause of the negligence of the defendant on or about March 19, 1985, the plaintiffs were caused to sustain serious and permanent injuries. These injuries were the result of the defendants' failure to adequately treat chorioamnionitis requiring further hospitalization and for treatment of pelvic inflammatory disease.

The plaintiffs have been forced to incur expenses for medical treatment as well as grievous pain of body and mind.

WHEREFORE, plaintiffs believe and therefore aver that in the event of recovery, such amount will be reasonably in excess of Twenty-Five Thousand (\$25,000.00) Dollars.

Plaintiffs reserve the right to introduce further evidence at the time of trial.

September 10, 1986
(date)

Fredric A. Swartz
(signature of attorney of record or pro se)

MALPRACTICE

1

COMMONWEALTH OF MASSACHUSETTS

FOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO.:

86132

MARIE R. WICKS and ROBERT *
J. WICKS, JR. *
Plaintiffs *

vs. * PLAINTIFFS CLAIMS TRIAL
* BY JURY
*

MAUREEN E. PAUL, M.D. *
Defendant *

COMPLAINT

COUNT I

1. The plaintiff, Marie R. Wicks resides at 36 Charmer Avenue, City of Rosindale, County of Suffolk, Commonwealth of Massachusetts.
2. The defendant, Maureen E. Paul, M.D., at all times hereinconcerned was a physician licensed to practice medicine within the Commonwealth of Massachusetts and maintains an office to practice medicine at 147 Mason Terrace, City of Brookline, County of Norfolk, Commonwealth of Massachusetts.
3. At all times hereinconcerned, the defendant, their agents, servants and employees held themselves out to the general public and in particular to the plaintiff, Marie R. Wicks as competent and expert in medical diagnosis and surgical problems and conditions.
4. From on or about March 19, 1985 through May 1, 1985 and a considerable time prior thereto, the plaintiff, Marie R. Wicks, was a patient of the defendant, Maureen E. Paul, M.D., receiving care and treatment from her.
5. The defendant, her agents, servants and employees, negligently, carelessly and/or unskillfully cared for and treated the plaintiff, Marie R. Wicks, during, but not limited to, the the dates hereinabove set forth, as follows:
 - a. Negligent failure to follow the standard of care and skill of the average qualified

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
FILED

Oct 7 1986

MICHAEL JOSEPH DONOVAN
CLERK OF COURT

MALPRACTICE

33

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
NO. 86-132

MARIE R. WICKS and
ROBERT J. WICKS, JR.,
Plaintiffs

VS.

MAUREEN E. PAUL, M.D.,
Defendant

)
) ANSWERS OF THE DEFENDANT,
) MAUREEN E. PAUL, M.D., TO
) INTERROGATORIES PROPOUNDED
) BY PLAINTIFFS

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
Dec 20 '86
MICHAEL J. ...
CLERK OF COURT

1. Please state your full name, present business address, present residence address, present occupation and each every area of professional specialization you practiced between and the present.
 - A. Maureen Elizabeth Paul, Department of Obstetrics and Gynecology, University of Massachusetts Medical Center, 55 Lake Avenue North, Worcester, MA; 12 Oak Square Avenue, Brighton, MA 02135; Physician; Obstetrics and Gynecology, Occupational Health.
2. Prior to answering these interrogatories, have you made due and diligent search for your books, papers and records with a view to eliciting all information available in this action? Please refer specifically to your books, papers and records when answering the remaining interrogatories.
 - A. Yes.
3. Please list all the degrees you hold and specify for each such degree the date you received it and the school from which it was received. Please include any medical specialty certificates received, the issuing board of certification and the date it was received.

A. B. S.	Received 1975	University of Washington, Seattle, Washington
M. D.	Received 1979	Tufts University School of Medicine, Boston, MA
M. P. H.	Received 1988	Boston University School of Public Health, Boston, MA

CMC

- A. (3 Cont'd) Board certified, Obstetrics and Gynecology, November, 1986; Board eligible, Preventive Medicine/Occupational Health, 1989.
4. Please give the name and address of every hospital at which you served as a physician and specify as to each hospital the dates of your employment, your title or titles and the specialty field, if any, in which you worked.
- A. University Hospital, Seattle WA; 1979 to 1981, Resident, Obstetrics and Gynecology.
- New England Medical Center Hospital, Boston, MA; 1981 to 1984, Resident, Obstetrics and Gynecology; 1984 to 1986, Assistant Professor, Obstetrics and Gynecology (Tufts University School of Medicine); Staff Obstetrician and Gynecologist.
- St. Margaret's Hospital, Dorchester, MA; 1981 to 1984, Resident, Obstetrics and Gynecology; 1984 to 1986, Assistant Professor, Obstetrics and Gynecology (Tufts University School of Medicine); Staff Obstetrician and Gynecologist.
- Newton-Wellesley Hospital, Newton, MA; 1984 to 1986, Staff Obstetrician and Gynecologist.
- University of Massachusetts Medical Center, Worcester, MA; 1987, Fellow, Occupational Health; January, 1988 to present, Assistant Professor, Obstetrics and Gynecology and Family and Community Medicine, Staff Obstetrician and Gynecologist, Staff Occupational Health Physician.
- Worcester Memorial Hospital, Worcester, MA; January, 1988 to present, Staff Obstetrician and Gynecologist.
5. Please state the capacity in which you were employed at the time you rendered medical care to the plaintiff, Marie R. Wicks.
- A. At the time I rendered medical care to Marie R. Wicks, I was Assistant Professor of Obstetrics and Gynecology at Tufts University School of Medicine and a staff Obstetrician and Gynecologist at New England Medical Center Hospital, St. Margaret's Hospital and Newton-Wellesley Hospital.

6. If you have taken any postgraduate courses, please indicate the nature and scope of each such course, the institution where you took it, the name, occupation, title and address of the person who taught it and the dates of your attendance.

A. From 1984 to 1988, I took 48 credits worth of postgraduate courses at the Boston University School of Public Health leading to receipt of my Masters in Public Health Degree in May, 1988. My major concentrations were in Epidemiology/Biostatistics and Environmental Health. In addition, the defendant refers the plaintiff to documentation of such courses which has been provided to the plaintiff.

Documentation for all other continuing medical education credits earned are enclosed and marked as Exhibit A.

7. Please state the name, co-author, if any, volume number, if any, publisher and date of publication of each text, journal, article, book or other publication which you have authored, co-authored, edited or assisted in writing.

A. Paul, M.E.: Reproductive, Fitness and Risk. Occupational Medicine: State of the Art Reviews, Vol. 3, No. 2, April - June, 1988, Hanley and Belfus, Inc.

Paul, M.E., Himmelstein, J.: Reproductive Hazards in the Workplace: What the Practitioner Needs to Know About Chemical Exposure. Obstetrics and Gynecology, Vol. 71, No. 6, June, 1988, Elsevier Science Publishing Co.

8. If you are a member of the staff or have courtesy staff privileges to any hospital or medical institution, please state the name and address of each hospital, its address, the dates of membership and your title.

A. See answer to Interrogatory No. 4.

9. Please state whether there exists any policy(ies) of liability which insures you from liability for personal injury damages arising from the circumstances alleged in plaintiff's complaint:

(a) the name and address of the insurance company issuing the policy;

(b) the policy number, effective date and expiration date;