

CHANETTA L. SMITH
19500 Pine Road
Lincoln, DE 19960

Plaintiff

v.

MARY LOU CARHART, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF
LEROY HARRISON CARHART, JR., M.D.
16401 Dyson Hollow Road
Bellevue, NE 68123

and

CARE Reproductive Health, LLC
A Foreign Limited Liability Company
d/b/a CARE – Clinics for Abortion and
Reproductive Excellence
5454 Wisconsin Avenue
Suite 1300
Chevy Chase, MD 20814

SERVE ON:
Janine Weatherby, Resident Agent
1002 W. Mission Avenue
Bellevue, NE 68005

and

ACO Incorporated,
f/k/a AbortionClinics.Org., Inc.
d/b/a CARE – Clinics for Abortion and
Reproductive Excellence
10401 Old Georgetown Road
Suite 104
Bethesda, MD 20814

SERVE ON:
Mary Lou Carhart, Resident Agent
Suite 104
10401 Old Georgetown Road
Bethesda, MD 20814

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* MONTGOMERY COUNTY
* MARYLAND
* C-15-CV-26-002034
* Case No. _____

COMPLAINT AND PRAYER FOR JURY TRIAL

Now comes the Plaintiff, Chanetta Smith, by and through her attorneys, Alison D. Kohler and Dugan, Babij, Tolley & Kohler, LLC, and sues the Defendants, Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., M.D., CARE Reproductive Health, LLC, a foreign limited liability company d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and ACO Incorporated f/k/a AbortionClinics.Org., Inc. d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and states:

PROCEDURAL HISTORY

1. This matter was filed with the Health Care Alternative Dispute Resolution Office against Defendants, Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., M.D., CARE Reproductive Health, LLC, a Foreign Limited Liability Company d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and ACO Incorporated f/k/a AbortionClinics.Org., Inc. d/b/a CARE – Clinics for Abortion and Reproductive Excellence, on or about January 9, 2026. A copy of the Statement of Claim is attached hereto as Exhibit 1 and prayed to be taken as part hereof.

2. The Plaintiff filed a Certificate of Merit and Report of Charles Brent Boles, M.D., with the Health Care Alternative Dispute Resolution Office on or about March 26, 2026. A copy of the Certificate of Merit and Report is attached hereto as Exhibit 2 and prayed to be taken as part hereof.

3. The Plaintiff also filed a Notice of Election to Waive Arbitration, pursuant to Md. Cts. & Jud. Procs. Code Ann §3-2A-06A, in the Health Care Alternative Dispute Resolution Office on or about March 26, 2026. A copy of the Notice of Election to Waive Arbitration is attached hereto as Exhibit 3 and prayed to be taken as part hereof.

4. An Order of Transfer was issued on March 30, 2026. A copy of the Order of Transfer is attached hereto as Exhibit 4 and prayed to be taken as part hereof.

5. These claims were properly filed in the Health Care Alternative Dispute Resolution Office, and all of the requirements of the Maryland Health Care Malpractice Claims Act, Md. Cts. & Jud. Procs. Code Ann §3-2A-06A *et seq.*, and all conditions precedent to the filing of these claims in this Honorable Court have been satisfied.

6. The Plaintiff relates back to, repeats, re-alleges, adopts and incorporates by reference her Statement of Claim, filed on January 9, 2026 in the Health Care Alternative Dispute Resolution Office.

PARTIES

7. The Plaintiff, Chanetta L. Smith, is an adult citizen of the State of Delaware, residing at 19500 Pine Road, Lincoln, DE 19960.

8. At all relevant times, decedent LeRoy Harrison Carhart, Jr., M.D., was a duly licensed physician in, among other places, the State of Maryland, who held himself out as a “surgeon” but who was in fact a full-time abortionist performing abortions in various locations across the United States. At all relevant times, decedent Carhart had a principal place of business in Maryland at CARE Abortion Clinic, located at 10401 Old Georgetown Road, Suite 104, Bethesda, MD 20814 and was acting as an agent, servant and/or employee, real, apparent and/or ostensible of the Defendants, Care Reproductive Health, LLC d/b/a CARE – Clinics for Abortion and Reproductive Excellence and ACO Incorporated f/k/a AbortionClinics.Org, Inc. and d/b/a CARE –Clinics for Abortion and Reproductive Excellence. On April 28, 2023, decedent Carhart died at the age of 81 from liver cancer. His

wife, Mary Lou Carhart was subsequently appointed as the Personal Representative of the Estate of LeRoy Harrison Carhart, Jr., M.D.

9. The Defendant, Care Reproductive Health, LLC d/b/a CARE – Clinics for Abortion and Reproductive Excellence, is a foreign limited liability company organized and existing under the laws of the State of Nebraska with its principal place of business at 10401 Old Georgetown Road, Suite 104, Bethesda, MD 20814. At all relevant times, Care Reproductive Health, LLC d/b/a CARE – Clinics for Abortion and Reproductive Excellence owned and operated an abortion clinic in Bethesda, Maryland and was the employer and/or the actual and/or apparent principal of Leroy Harrison Carhart, Jr., M.D.

10. The Defendant, ACO Incorporated f/k/a AbortionClinics. Org, Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, is a corporation organized and existing under the laws of the State of Maryland with its principal place of business at 10401 Old Georgetown Road, Suite 104, Bethesda, MD 20814. At all relevant times, ACO Incorporated f/k/a AbortionClinics.Org, Inc. and d/b/a CARE –Clinics for Abortion and Reproductive Excellence owned and operated an abortion clinic in Bethesda, Maryland and was the employer and/or the actual and/or apparent principal of Leroy Harrison Carhart, Jr., M.D.

11. For the remainder of this Complaint and Prayer for Jury Trial, Defendants Care Reproductive Health, LLC d/b/a CARE – Clinics for Abortion and Reproductive Excellence and ACO Incorporated f/k/a AbortionClinics.Org, Inc. and d/b/a CARE –Clinics for Abortion and Reproductive Excellence will be collectively referred to as the “CARE Abortion Clinic”.

AMOUNT OF CLAIM AND VENUE

12. The amount of this claim exceeds Thirty Thousand Dollars (\$30,000.00), and venue is appropriate in Montgomery County and/or the United States District Court for the District of Maryland as the forum in which the Defendants resided and/or regularly conducted business, and as the forum in which the acts complained about occurred.

FACTS COMMON TO ALL COUNTS

13. On or about January 16, 2023, Plaintiff Chanetta Smith sought medical services from LeRoy H. Carhart, Jr., M.D., and the Care Abortion Clinic for the purpose of aborting her 24-week gestational age fetus.

14. After contacting a national abortion services company by phone, Plaintiff Chanetta Smith was referred to Defendants LeRoy H. Carhart, Jr., M.D. and the Care Abortion Clinic at 10401 Old Georgetown Road, #104, Bethesda, Maryland, 20814.

15. After contacting the clinic, Plaintiff Chanetta Smith drove from her home in Lincoln, Delaware to the Care Abortion Clinic in Bethesda.

16. On January 16, 2023, Plaintiff Chanetta L. Smith had her initial appointment with Defendants Carhart and the CARE Abortion Clinic for the purposes of obtaining an abortion. At this initial appointment, Plaintiff Chanetta Smith was given an ultrasound examination along with oral medicines and a vaginal insertion of a seaweed extract known as "laminaria" designed to cause cervical dilation. Following this procedure, Plaintiff Smith spent the night in Bethesda, Maryland.

17. On January 17, 2023, Plaintiff Smith returned to the Care Abortion Clinic in the morning as directed for completion of the abortion. At that time, additional oral

medications were given to further dilate the uterus. Neither Dr. Carhart nor the CARE Abortion Clinic produced notes that detailed the performance of the procedure by Dr. Carhart, other than to record that Ms. Smith was dilated further using a “mixture of Pratt and Denison Dilators”, that her cervix was dilated to 49, that the fetal injection was given at 12:23 p.m., that Plaintiff Smith tolerated the procedure “very well”, that there were “no complications” and that she was allegedly stable and discharged.

18. Hospital records tell a different story. Following evacuation of the fetus, Plaintiff Smith developed significant postoperative bleeding and hypotension. The clinic estimated blood loss of 600 cc. The clinic called EMS and delivered TXA and a 2 L crystalloid fluid bolus before arrival of the paramedics. EMS personnel delivered 1 L of Ringer’s during transportation. During the EMS ambulance ride, Plaintiff Smith complained of pelvic pain, feeling extremely cold, and feeling like she was going to die.

19. Upon arrival at Shady Grove Adventist Hospital, Ms. Smith appeared pale and lethargic, and complained of 10/10 buttocks pain. She had significant rigors and a blood pressure of 57/32. Ms. Smith was given IV Zosyn along with IV Morphine and underwent a stat ultrasound of her abdomen and pelvis. She developed a fever. She received multiple transfusions of packed FFP and platelets, which included 4 units of packed cells, 3 units of FFP and 2 units of platelets for resuscitation beginning at 9:13 p.m. She had a hemoglobin of 4.3. She developed a fever.

20. A transvaginal ultrasound was performed. Although the ultrasound imaging was limited by Ms. Smith’s pain and body habitus, the ultrasound showed blood in the uterus and vagina and “nodular debris” concerning for retained products of conception. An obstetric hospitalist reported that Ms. Smith was suffering a life-threatening deterioration, that she

required the highest level of preparedness to intervene emergently and, given the capabilities of the Shady Grove facility, Ms. Smith would be better served in a tertiary care facility for management and potential removal of retained products of conception. By 10:52 p.m., Ms. Smith's blood pressure was in the low 100 systolic range, so transfusions were stopped and the decision to transfer care to University of Maryland Medical Center (UMMC) was approved for emergent transport and definitive care.

21. Ms. Smith arrived at UMMC at approximately 1:27 a.m., on January 18, 2023. She was found to be in hemorrhagic shock due to retained products of conception following abortion. On arrival, Ms. Smith displayed improved hemodynamics, had a blood pressure of 141/76, with a 102-heart rate, but was complaining of diffuse sharp abdominal pain with ongoing vaginal bleeding and intermittent cramping pain. Upon physical exam, Ms. Smith displayed abdominal tenderness on superficial and deep palpation in the midline from pubis above the umbilicus.

22. On January 18, 2023, she was taken to the OR for examination under anesthesia, and a surgical dilation and curettage. Operative findings included a cervix approximately 3 cm dilated, uterine fundus small with excellent tone, evacuation of possible products of conception, vaginal mucosal tears at 3 o'clock and 7 o'clock positions; and a cervical tear noted at 8 o'clock with a 3 cm strand of tissue extending from the cervix which was removed. Hemostasis was noted and a Foley catheter was placed.

23. Prior to discharge on January 19, 2023, the Foley Catheter was removed. Ms. Smith was instructed to call her Ob/Gyn for follow-up appointment within two weeks.

24. On January 24, 2023, Ms. Smith presented to Bay Health – Sussex Campus, Emergency Department with complaints of continued urinary leakage since the catheter

removal at UMMC. A CT of the abdomen and pelvis demonstrated a fluid distended endometrial canal, probable perforation of the right lateral uterine wall with an adjacent 47x46x62 mm complex extrauterine fluid collection with a moderate amount of fluid distending the vaginal canal and a moderate hydroureteronephrosis with transition point of the right ureter as it passed by the aforementioned fluid collection. A GYN consultant recommended transfer to Christiana Care. Urogynecology was consulted and recommended fistula revision in 8-12 weeks with continued bladder decompression with Foley catheter until that time.

25. An MRI performed on January 24, 2023 found right lateral wall uterine rupture with associated fluid, vesicovaginal fistula and free air and free fluid in pelvis. Cystoscopy was recommended for further evaluation prior to surgical intervention to repair the fistula.

26. On July 12, 2023, Ms. Smith arrived at Bay Health with complaints about the catheter that had been in place since January. Ms. Smith was immediately transferred to Christiana Hospital. A ureter cystogram showed no evidence of fistula and her foley was removed. She was discharged and scheduled to see urogynecologist, Dr. Goldstein, on July 19, 2023, who had instructed removal of catheter as it continued to decondition the urethral bladder function. Dr. Goldstein examined Ms. Smith in the office on July 19, 2023, which revealed continued urine leakage. Dr. Goldstein recommended that Ms. Smith see a urologist at Brandywine Urology Consultants, and Ms. Smith saw Steven Terranova, M.D., on July 28, 2023, who recommended a cystoscopy.

27. On July 18, 2024, Ms. Smith was admitted to Bay Health, where she underwent evaluation of left flank pain. On July 19, 2024, was seen by urology expert Ray Bologna, M.D., and underwent a cystoscopy by Dr. Bologna that revealed that Ms. Smith was

suffering from a right ureteral vaginal fistula caused by her traumatic D&E performed by the Defendants.

28. On August 30, 2024, Dr. Bologna performed a robotic assisted laparoscopic right neo cystotomy, a right ureteral reimplant, a cystoscopy, and a right ureteral stent insertion, all to correct injuries suffered as result of the botched abortion performed by Defendants.

**COUNT I
(Negligence)**

The Plaintiff, Chanetta L. Smith, adopts and incorporates by reference paragraphs 1 through 28 of this Complaint and Prayer for Jury Trial as though fully set forth herein.

29. At all times complained of herein, the Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., individually and through their agents, servants, and/or employees, represented to the public and to the Plaintiff Chanetta L. Smith possession of that degree of skill, knowledge and ability ordinarily possessed by an outpatient medical center specializing in reproductive health services, birth control, miscarriage care and pregnancy termination services and an abortionist specializing in abortion care.

30. At all times complained of herein, Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as

Personal Representative of the Estate of Leroy Harrison Carhart, Jr., owned and operated a private practice specializing in reproductive health and abortion care and individually and through their agents, servants, and/or employees, represented to the public and to the Plaintiff Chanetta L. Smith possession of that degree of skill, knowledge and ability ordinarily possessed by reasonably competent physicians practicing reproductive health and pregnancy termination services.

31. At all times complained of herein, Defendant, Dr. Leroy Carhart was licensed to practice medicine in the State of Maryland, and represented to the public and to the Plaintiff Chanetta L. Smith possession of that degree of skill, knowledge and ability ordinarily possessed by a reasonably competent physician practicing reproductive health and abortion/pregnancy termination services.

32. At all times complained of herein, Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Dr. Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, breached and violated the accepted standards of care and were negligent in their care and treatment of the Plaintiff Chanetta L. Smith. These breaches of the standards of care include, but are not limited to, the following:

- a. Failing to exercise reasonable care in the timely and careful diagnosis and treatment of Plaintiff's conditions;
- b. Failing to employ adequate diagnostic procedures and tests to determine the nature and severity of the medical status and/or conditions of the Plaintiff;

- c. Failing to exercise reasonable care in the timely and careful diagnosis of such conditions;
- d. Failing to act within the standard of care in their care and treatment of Plaintiff Chanetta L. Smith;
- e. Failing to exercise timely and reasonable care in employing appropriate surgical techniques;
- f. Failing to use the correct devices and components for Plaintiff's late term pregnancy termination;
- g. Failing to perform the dilation and evacuation under ultrasound guidance;
- h. Causing two vaginal tears, a cervical tear, a uterine rupture, and injury to the ureters/bladder during the dilation and evacuation;
- i. Failing to timely identify and/or appreciate the injuries caused by Defendants and transfer Ms. Smith to a hospital before Plaintiff lost liters of blood;
- j. Failing to provide informed consent to Chanetta L. Smith; and
- k. Being otherwise careless and negligent.

33. The Plaintiff further avers that as a direct and proximate result of the negligent and careless acts and omissions of the Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, Plaintiff Chanetta L. Smith experienced permanent and disabling injuries, the need for gynecologic surgery to repair multiple vaginal and cervical tears due to the trauma suffered while undergoing a late term pregnancy termination, a right ureteral vaginal fistula, the need for long term catheterization due to continued bladder leakage, the

need for repair surgery to reimplant her right ureter, with stent placement due to traumatic late term pregnancy termination, a severe shock to her nerves and nervous system, conscious pain and suffering, continued pain and stability issues, loss of the ability to maintain employment, continued pain and physical disability and the need for additional surgeries.

WHEREFORE, the Plaintiff, Chanetta L. Smith, brings this claim against the Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., in an amount in excess of the minimum jurisdiction of the Circuit Court for Montgomery County, together with costs, fees and such other relief as justice requires.

COUNT II
(Failure to Obtain Informed Consent)

The Plaintiff, Chanetta L. Smith, repeats, realleges, adopts and incorporates by reference paragraphs 1 through 33 of this Complaint and Prayer for Jury Trial as though fully set forth herein.

34. The Defendants CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, owed to the Plaintiff, Chanetta L. Smith, the duty to obtain Plaintiff's informed consent to her course of treatment, including appropriately notifying the Plaintiff of the

various alternatives and risks to her course of treatment in order to obtain the Plaintiff's informed consent to her plan of care and/or treatment.

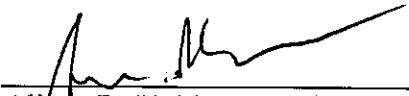
35. The Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, failed to appropriately obtain an informed consent from the Plaintiff, Chanetta L. Smith, to her plan of care and/or treatment and were otherwise negligent.

36. As the direct and proximate result of the failure to obtain an informed consent by the Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, the Plaintiff, Chanetta L. Smith, experienced a severe shock to her nerves and nervous system, pain, mental anguish, unnecessary procedures, unnecessary medical care and expenses, and was otherwise injured and damaged, as detailed above.

37. All of the injuries, damages and losses complained of were caused by the failure of the Defendants CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of

Leroy Harrison Carhart, Jr., individually and/or by and through their agents, servants, and/or employees, to obtain Plaintiff's informed consent, without any negligence or want of due care on the part of the Plaintiff thereunto contributing.

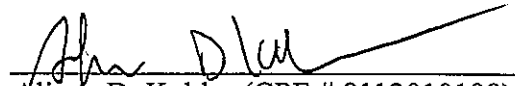
WHEREFORE, the Plaintiff, Chanetta L. Smith, brings this claim against the Defendants, CARE Reproductive Health, LLC, a foreign limited liability company, d/b/a CARE – Clinics for Abortion and Reproductive Excellence, ACO Incorporated, f/k/a AbortionClinics.Org., Inc. and d/b/a CARE – Clinics for Abortion and Reproductive Excellence, and Mary Lou Carhart, as Personal Representative of the Estate of Leroy Harrison Carhart, Jr., in an amount in excess of the minimum jurisdiction of the Circuit Court for Montgomery County.



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ELECTION FOR JURY TRIAL

The Plaintiff, Chanetta L. Smith, by and through her attorneys, elects to try this case before a jury.



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