

RECEIVED  
CIRCUIT COURT FOR  
BALTIMORE CITY

ANTHO KALOMBO and  
SEAN CROWLEY, Co-Personal  
Representatives of The Estate of the  
Late PATRICK B. CROWLEY, Deceased  
6227 Commons Road  
Rosedale, Maryland 21237

IN THE  
CIRCUIT COURT

MAY 15 PM 4:15  
CIVIL DIVISION

FOR  
BALTIMORE CITY

and

Case No.:

ANTHO KALOMBO, Individually  
6227 Commons Road  
Rosedale, Maryland 21237

and

SEAN CROWLEY, Individually  
6227 Commons Road  
Rosedale, Maryland 21237

Plaintiffs

v.

NANCY HUEPPCHEN, M.D.  
600 North Wolfe Street, Phipps 228  
Baltimore, Maryland 21287

and

DAVID A. MADDER, D.O.  
4924 Campbell Boulevard, Suite 200  
Baltimore, Maryland 21236

and

JOHNS HOPKINS COMMUNITY  
PHYSICIANS, INC.

3100 Wyman Park Drive  
Baltimore, Maryland 21211  
Serve on Resident Agent:  
Joanne E. Pollak, Esquire  
600 North Wolfe Street  
Baltimore, Maryland 21287

and

Case: 24-CV-00000-00000  
CV File New  
MLSC  
Appear Fee  
TOTAL

COMMENT:  
ANTHO KALAMBO, ETAL VS  
NANCY HUEPPCHEN, M.D.,  
ETAL

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JOHNS HOPKINS BAYVIEW  
 MEDICAL CENTER, INC. :  
 4940 Eastern Avenue :  
 Baltimore, Maryland 21224 :  
     Serve on Resident Agent:  
     Joanne E. Pollak, Esquire :  
     733 North Broadway, BRB 102 :  
     Baltimore, Maryland 21205 :  
             Defendants :

: : : : : : : : : :

**COMPLAINT**

**COUNT I**

COME NOW the Plaintiffs, Antho Kalombo and Sean Crowley, Co-Personal  
 Representatives of the Estate of the Late Patrick B. Crowley, Deceased, by their attorneys,  
 Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sue, Nancy  
 Hueppchen, M.D., David A. Madder, D.O., Johns Hopkins Community Physicians, Inc., and  
 Johns Hopkins Bayview Medical Center, Inc., Defendants:

1. At all times of which the Plaintiffs complain, the Defendants Nancy Hueppchen,  
 M.D. and David A. Madder, D.O. represented to the Plaintiffs' Decedent and the public that they  
 possessed the degree of skill, knowledge and ability possessed by reasonably competent medical  
 practitioners, practicing under the same or similar circumstances as those involving the Plaintiffs'  
 Decedent.

2. The Plaintiffs allege that the Defendants Nancy Hueppchen, M.D. and David A.  
 Madder, D.O. herein, including duly authorized agents and/or employees of the Defendant  
 Hospital, owed to the Plaintiffs' Decedent the duty to exercise the degree of care, skill and  
 judgment expected of a competent medical practitioner acting in the same or similar  
 circumstances, which duty included the performance of adequate and proper diagnostic tests and

procedures to determine the nature and severity of the Plaintiffs' Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Plaintiffs' Decedent, continuous evaluation of the Plaintiffs' Decedent's condition and the effects of such treatment, and adjustment of the course of treatment in response to such ongoing surveillance and evaluation -- all of which these Defendants failed to do.

3. The Defendants Nancy Hueppchen, M.D. and David A. Madder, D.O. were negligent in that they failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate the Plaintiffs' Decedent's condition, failed to properly and appropriately diagnose the Plaintiffs' Decedent's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiffs' Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiffs' Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiffs' Decedent's condition, and were otherwise negligent.

4. The Plaintiffs allege that the Defendant Johns Hopkins Community Physicians, Inc., through its agents, servants and employees, owed to the Plaintiffs' Decedent a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiffs' Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury

upon the Plaintiffs' Decedent, continuous evaluation of the Plaintiffs' Decedent's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

5. The Defendant Johns Hopkins Community Physicians, Inc., through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiffs' Decedent's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiffs' Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiffs' Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiffs' Decedent's condition, failed to diagnose the Plaintiffs' Decedent's condition and was otherwise negligent.

6. The Plaintiffs allege that the Defendant Johns Hopkins Bayview Medical Center, Inc. (hereinafter referred to as "Hospital"), through its agents, servants and employees, owed to the Plaintiffs' Decedent a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiffs' Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury upon the Plaintiffs' Decedent, continuous evaluation of the Plaintiffs' Decedent's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

7. The Defendant Hospital, through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiffs' Decedent's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiffs' Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiffs' Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiffs' Decedent's condition, failed to diagnose the Plaintiffs' Decedent's condition and was otherwise negligent. At all times referred to herein, the Defendants Nancy Hueppchen, M.D. and David A. Madder, D.O. acted for themselves and as duly authorized agents and/or employees of the Defendant Johns Hopkins Community Physicians, Inc. and/or the Defendant Hospital, acting within the scope of their respective authority.

8. As the direct and proximate result of the negligence of these Defendants and each of them, the Plaintiffs' Decedent suffered unending physical pain, emotional anguish as well as fear and anxiety ultimately culminating in his tragic and untimely demise, as is more fully described, hereinbelow.

9. On November 26, 2007, the Plaintiff, Antho Kalombo, presented to the Defendant Hospital with a history of a positive home pregnancy test. As part of her medical history, she specifically advised these Defendants that she required a cerclage for a diagnosed incompetent cervix in a prior pregnancy. During her prior pregnancy, the Plaintiff received a cerclage which resulted in a full term delivery. The Plaintiff was examined and was advised that she was

approximately 7-2/7 weeks through her gestation based on ultrasonography, and advised to follow-up in the Defendant Hospital's White Marsh clinic for prenatal care.

10. Accordingly, she was seen at the Defendant Hospital's White Marsh clinic on December 12, 2007 and subsequently on January 9, 2008. She then returned on January 22, 2008 and February 12, 2008 for additional laboratory work -- all of which was normal.

11. On January 28, 2008 at 16-5/7 weeks gestation, the Plaintiff presented to the Defendant Hospital's Bayview office for ultrasonography to confirm dates and evaluate her cervix in view of her prior diagnosis of an incompetent cervix and the requirement of a cerclage. The ultrasonographer reported cervical funneling and other cervical changes consistent with the prior diagnosis of incompetent cervix. It is alleged that the standards of care required placement of the cerclage at that time. It is alleged that delay in placement of the cerclage constituted a breach in the standards of care and jeopardized the future well-being of the Plaintiff's baby. Tragically, the Defendant Hospital's personnel failed to place any cerclage notwithstanding the findings compelling same and her history of a documented incompetent cervix and need of a cerclage.

12. Subsequent to the January 28, 2008 visit, the Plaintiff was telephoned and told to report to the Defendant Hospital on February 15, 2008 for placement of the cerclage. However, when she presented at that time, she was already one centimeter dilated with bulging membranes. Accordingly, placement of the cerclage that same day proved too little and too late. Had these Defendants and each of them placed the cerclage as required by the standards of care it would have been placed in a timely fashion before cervical dilatation and bulging membranes occurred. Had this been accomplished as required, it is alleged that the cerclage would have been effective in preventing any premature birth and/or infection. However, due to the ongoing negligence of

these Defendants in failing to place the cerclage in a timely fashion, the Plaintiff was left to progress to the point where she was dilated with bulging membranes at the time the cerclage was finally placed on February 15, 2008. Predictably, she subsequently developed an infection which resulted in the premature birth and demise of the Infant Plaintiff.

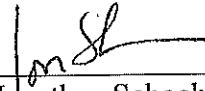
13. In fact, on March 1, 2008, the Plaintiff was admitted to the Defendant Hospital with complaints of severely bulging membranes. She was taken to an operating room for removal of the cerclage and anticipated delivery. Tragically, due to the negligence of the Defendant's personnel in failing to place the cerclage in a timely fashion, the Infant Plaintiff, Patrick, was born at approximately 8:19 a.m. suffering with the effects of the ongoing infection and premature delivery. As the result, the Infant Plaintiffs' Decedent died shortly thereafter.

14. It is alleged that the Infant Plaintiff suffered ongoing and severe physical pain, emotional anguish as well as fear and anxiety culminating in his demise. Additionally, his estate incurred hospital, surgical, pharmacological, nursing, funeral, burial and other losses and expenses for which claim is made.

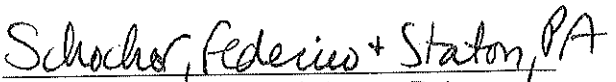
15. Had these Defendants acted in accordance with the standards of care, it is alleged that the cerclage would have been effected as it was in her previous pregnancy, resulting in a full-term viable and healthy son. However, due to the ongoing negligence as referenced to hereinabove, the Plaintiffs herein lost their son on March 1, 2008.

16. The Plaintiffs and Infant Plaintiff refer to the negligence of these Defendants and each of them as the sole and proximate cause of all of the injuries, damages and the ultimate death of the Infant Plaintiff -- with the Plaintiffs and Infant Plaintiff being in no way contributorily negligent.

17. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).

  
Jonathan Schochor

  
Scott P. Kurlander

  
Schochor, Federico and Staton, P.A.  
The Paulton  
1211 St. Paul Street  
Baltimore, Maryland 21202  
(410) 234-1000

Attorneys for the Plaintiffs

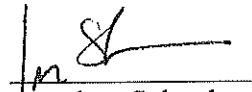
## COUNT II

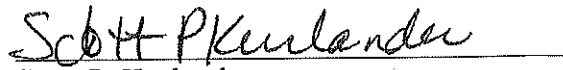
COMES NOW the Plaintiff, Antho Kalombo, by her attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Nancy Hueppchen, M.D., David A. Madder, D.O., Johns Hopkins Community Physicians, Inc., and Johns Hopkins Bayview Medical Center, Inc., Defendants:

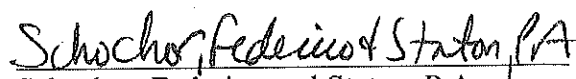
1. The Plaintiff incorporates in this Count those facts set forth in Count I hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.
2. As the direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff has incurred hospital, surgical, medical, funeral, burial and other losses and expenses for which claim is made.



3. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).

  
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Attorneys for the Plaintiffs

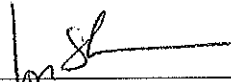
### COUNT III

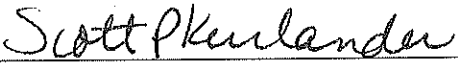
COMES NOW the Plaintiff, Sean Crowley, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Nancy Hueppchen, M.D., David A. Madder, D.O., Johns Hopkins Community Physicians, Inc., and Johns Hopkins Bayview Medical Center, Inc., Defendants:

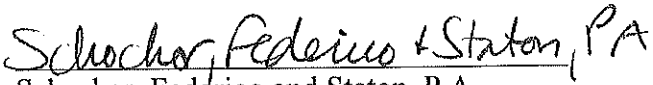
1. The Plaintiff incorporates in this Count those facts set forth in Counts I and II hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

2. As the direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff has incurred hospital, surgical, medical, funeral, burial and other losses and expenses for which claim is made.

3. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).

  
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Attorneys for the Plaintiffs

#### COUNT IV

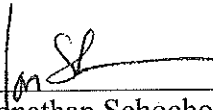
COMES NOW the Plaintiff, Antho Kalombo, by her attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Nancy Hueppchen, M.D., David A. Madder, D.O., Johns Hopkins Community Physicians, Inc., and Johns Hopkins Bayview Medical Center, Inc., Defendants:

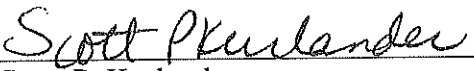
1. The Plaintiff incorporates in this Count those facts set forth in Counts I, II and III hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

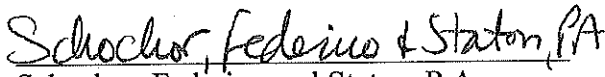
2. The Plaintiff alleges that she is the surviving mother of the Plaintiff's Decedent, Patrick B. Crowley. As a result of the negligence of these Defendants, the Plaintiff asserts that the relationship she anticipated with the Plaintiff's Decedent was destroyed.

3. The Plaintiff alleges that she has lost the love, support, guidance, advice and comfort which would have been furnished by her beloved son as the result of the negligence of these Defendants. The death of her son represents a tragedy from which she will never recover.

4. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).

  
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Scott P. Kurlander

  
Schochor, Federico and Staton, P.A.  
The Paulton  
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Attorneys for the Plaintiffs

**COUNT V**

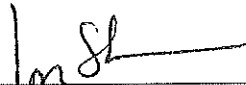
COMES NOW the Plaintiff, Sean Crowley, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Nancy Hueppchen, M.D., David A. Madder, D.O., Johns Hopkins Community Physicians, Inc., and Johns Hopkins Bayview Medical Center, Inc., Defendants:

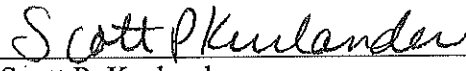
1. The Plaintiff incorporates in this Count those facts set forth in Counts I, II, III and IV hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

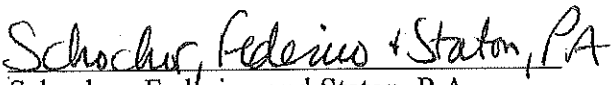
2. The Plaintiff alleges that he is the surviving father of the Plaintiff's Decedent, Patrick B. Crowley. As a result of the negligence of these Defendants, the Plaintiff asserts that the relationship he anticipated with the Plaintiff's Decedent was destroyed.

3. The Plaintiff alleges that he has lost the love, support, guidance, advice and comfort which would have been furnished by his beloved son as the result of the negligence of these Defendants. The death of his son represents a tragedy from which he will never recover.

4. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).

  
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Attorneys for the Plaintiffs

ANTHO KALOMBO and  
SEAN CROWLEY, Co-Personal  
Representatives of The Estate of the  
Late PATRICK B. CROWLEY, Deceased,  
et al

Plaintiffs

v.

NANCY HUEPPCHEN, M.D., et al

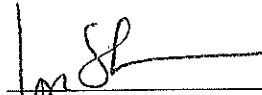
Defendants


: IN THE  
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: FOR  
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: BALTIMORE CITY  
:  
: Case No.:

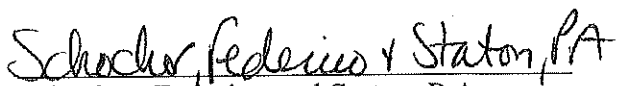
: : : : : : : : : : :

**ELECTION FOR JURY TRIAL**

The Plaintiffs in this case elect to try their case before a Jury.

  
\_\_\_\_\_  
Jonathan Schochor

  
\_\_\_\_\_  
Scott P. Kurlander

  
Schochor, Federico and Staton, P.A.  
The Paulton  
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Baltimore, Maryland 21202  
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Attorneys for the Plaintiffs

ANTHO KALOMBO and : IN THE  
SEAN CROWLEY, Co-Personal :  
Representatives of The Estate of the : CIRCUIT COURT  
Late PATRICK B. CROWLEY, Deceased, :  
et al : FOR  
Plaintiffs : BALTIMORE CITY

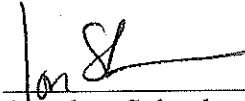
v. : Case No.:

NANCY HUEPPCHEN, M.D., et al :  
Defendants :

: : : : : : : : : : : : : : : :

**CERTIFICATE OF DISCOVERY**

I HEREBY CERTIFY that Interrogatories, Request for Production of Documents, and Notice to Take Deposition will be served along with the Complaint, and that I will retain the original of this document in my possession, without alteration, until the case is concluded in this Court, the time for noting an appeal has expired, and any appeal noted has been decided.

  
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Baltimore, Maryland 21202  
(410) 234-1000

Attorneys for the Plaintiffs