

CLERK  
CIRCUIT COURT FOR  
BALTIMORE CITY

CRYSTAL WOMACK,  
Parent and Next Friend of  
KAYCI BOLDEN, Infant  
3011 Thorndale Avenue, Apt. 6  
Baltimore, Maryland 21205

IN THE  
CIRCUIT COURT  
FOR CIVIL DIVISION

2012 DEC 19 AM 10:20

and

BALTIMORE CITY

CRYSTAL WOMACK  
3011 Thorndale Avenue, Apt. 6  
Baltimore, Maryland 21205

Case No.: 24-C-12-8069

and

CRYSTAL WOMACK, To The Use Of  
TREMAINE S. BOLDEN  
3011 Thorndale Avenue, Apt. 6  
Baltimore, Maryland 21205

Plaintiffs

v.

TARNISHA E. HEMPHILL, C.N.M.  
301 Saint Paul Place  
Baltimore, Maryland 21202

and

FAWN TIENNE MANNING, D.O.  
301 Saint Paul Place  
Baltimore, Maryland 21202

and

TANGELA ANDERSON TULL, M.D.  
301 Saint Paul Place  
Baltimore, Maryland 21202

and

STEVEN W. TUCKER, M.D.  
301 Saint Paul Place  
Baltimore, Maryland 21202

and

Case: 24-C-12-8069  
CV File #  
Appear fee  
MLSC  
TOTAL  
Receipt #24121202950  
Cashier: Sue Clifton  
12/20/12

METROPOLITAN OB-GYN :  
ASSOCIATES, LLC :  
920-940 West North Avenue :  
Baltimore, Maryland 21217 :  
    Serve on Resident Agent: :  
    Cyrus Lawyer III :  
    11510 Homewood Road :  
    Ellicott City, Maryland 21042 :

and :

ST. PAUL PLACE SPECIALISTS, INC. :  
301 Saint Paul Place :  
Baltimore, Maryland 21202 :  
    Serve on Resident Agent: :  
    Linda H. Jones :  
    Gallagher, Evelius & Jones, LLP :  
    218 North Charles Street, Suite 400 :  
    Baltimore, Maryland 21201 :

and :

MERCY MEDICAL CENTER, INC. :  
301 Saint Paul Place :  
Baltimore, Maryland 21202 :  
    Serve on Resident Agent: :  
    Linda H. Jones :  
    218 North Charles Street :  
    Baltimore, Maryland 21201 :

Defendants :

: : : : : : : : : : :

**COMPLAINT**

**COUNT I**

COMES NOW the Plaintiff, Crystal Womack, Parent and Next Friend of Kayci Bolden, Infant, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Tarnisha E. Hemphill, C.N.M., Fawn Tienne Manning, D.O., Steven W. Tucker,

M.D., Tangela Anderson Tull, M.D., Metropolitan OB-GYN Associates, LLC, St. Paul Place Specialists, Inc., and Mercy Medical Center, Inc., Defendants:

1. At all times of which the Plaintiff complains, the Defendants Tarnisha E. Hemphill, C.N.M. (hereinafter referred to as "Hemphill"), Fawn Tienne Manning, D.O. (hereinafter referred to as "Manning"), Steven W. Tucker, M.D. (hereinafter referred to as "Tucker"), and Tangela Anderson Tull, M.D. (hereinafter referred to as "Tull") represented to the Infant Plaintiff 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 Infant Plaintiff.

2. The Plaintiff alleges that the Defendants Hemphill, Manning, Tucker and Tull herein, including duly authorized agents and/or employees of the Defendant Hospital, owed to the Infant Plaintiff 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 Infant Plaintiff's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Infant Plaintiff, continuous evaluation of the Infant Plaintiff'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 Hemphill, Manning, Tucker, and Tull were negligent in that they failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate the Infant Plaintiff's condition, failed to properly and appropriately diagnose the Infant Plaintiff'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 Infant Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Infant Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Infant Plaintiff's condition, and were otherwise negligent.

4. The Plaintiff alleges that the Defendant Metropolitan OB-GYN Associates, LLC and the Defendant St. Paul Place Specialists, Inc., through their agents, servants and employees, owed to the Infant Plaintiff 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 Infant Plaintiff'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 Infant Plaintiff, continuous evaluation of the Infant Plaintiff'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 Defendants failed to do.

5. The Defendant Metropolitan OB-GYN Associates, LLC and the Defendant St. Paul Place Specialists, Inc., through their agents, servants and/or employees, were negligent in that they failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Infant Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Infant Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Infant Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the

Infant Plaintiff's condition, failed to diagnose the Infant Plaintiff's condition and were otherwise negligent.

6. The Plaintiff alleges that the Defendant Mercy Medical Center, Inc. (hereinafter referred to as "Hospital"), through its agents, servants and employees, owed to the Infant Plaintiff 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 Infant Plaintiff'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 Infant Plaintiff, continuous evaluation of the Infant Plaintiff'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 Infant Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Infant Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Infant Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Infant Plaintiff's condition, failed to diagnose the Infant Plaintiff's condition and was otherwise negligent. At all times referred to herein, the Defendants Hemphill, Manning, Tucker and Tull acted for themselves and as duly authorized agents and/or employees of the Defendant Metropolitan OB-GYN Associates, LLC and/or the Defendant St. Paul Place

Specialists, Inc. and/or the Defendant Hospital, acting within the scope of their respective authority.

8. As the direct and proximate result of the ongoing negligence of these Defendants and each of them, the Infant Plaintiff suffered unending physical pain, emotional anguish as well as fear, anxiety, and severe and permanent disability as is more fully described hereinbelow.

9. On May 31, 2011, at approximately 4:05 p.m., the Plaintiff, Crystal Womack, age 18, presented to the labor and delivery suite of the Defendant Hospital. At that time, she was 39 weeks and 1 day gestation, and had ruptured membranes. It is alleged that she was admitted to the obstetrical service of the Defendant Hospital by the Defendant Manning, under the Defendant Tucker's name, but was under the actual care of the Defendant Hemphill -- a Certified Nurse Midwife - and not a physician or surgeon.

10. It is alleged that these Defendants and each of them knew that the Plaintiff, Crystal Womack, was a *prima gravida* (first pregnancy) who had an unproven pelvis since she had never successfully given birth. These Defendants and each of them additionally knew that she was carrying a large baby, who had an estimated fetal weight of 9 pounds, or even greater.

11. It is alleged that although the resident, the Defendant Tull and a Certified Nurse Midwife, the Defendant Hemphill, discussed a risk of encountering shoulder dystocia, they negligently failed to offer the Plaintiff the alternative of a cesarean section - which was the only modality by which to avoid the risk of encountering shoulder dystocia. It is alleged that when these health care providers discussed the possibility or risk of shoulder dystocia with the Plaintiff, the standards of care required them to offer her an alternative to a vaginal delivery which carried the risk of shoulder dystocia -- specifically, a cesarean section which would have absolutely avoided all of the injuries, damages and ultimate disability suffered by the Infant

Plaintiff as is described hereinbelow. In response to these Defendants' discussion of shoulder dystocia, the Plaintiff indicated that she wanted them to do anything at all in order to avoid injury and/or death of her child. By failing to present the alternative of cesarean section, they not only breached the standards of care, but failed to provide any meaningful alternative to a vaginal delivery.

12. After the Plaintiff reached full dilatation and began to push, these Defendants predictably encountered a shoulder dystocia. At that time, the Certified Nurse Midwife, the Defendant Hemphill, was responsible for the delivery, but had negligently failed to have any qualified physician or surgeon in the delivery room to assist with the vaginal delivery which the Defendant Hemphill was determined to pursue. It is alleged that with the Defendant Hemphill anticipating shoulder dystocia, the standards of care required her to have a qualified physician or surgeon in the delivery room to accomplish the delivery.

13. When the Defendant Hemphill encountered the shoulder dystocia, it is alleged that she failed to deliver the child in accordance with the standards of care. Specifically, it is alleged that the Defendant Hemphill utilized excessive traction, did not conform with the applicable standards of care and, in fact, failed to deliver the child after 3-4 attempts. Finally, the Defendant called for an attending physician to assist. Accordingly, a qualified physician responded to the call and delivered the baby successfully on the first attempt, utilizing no traction.

14. The baby was delivered at 10:47 a.m. with depressed Apgar scores. She was limp, apneic and blue. She was started on positive pressure ventilation, and subsequently required intubation. At that time, a frank, obvious right arm palsy was noted due to the excessive traction exerted during the delivery - in ongoing violation of the standards of care on the part of

the Defendant Hemphill. Specifically, it is alleged that the Infant Plaintiff suffered a severe brachial plexus injury known as an Erb's Palsy, due to the negligence of these Defendants.

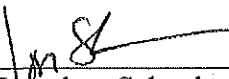
15. As the direct and proximate result of the ongoing negligence of these Defendants, it is alleged that the Infant Plaintiff has suffered a severe Erb's Palsy. She will not grow into a normal child, will not enjoy a normal childhood, nor will she enjoy a normal adulthood. In essence, she will be required to go through her entire life as a one-armed person in a two-armed world.

16. It is alleged that the Infant Plaintiff has in the past, is presently, and will in the future continue to suffer excruciating physical pain, emotional anguish as well as fear, anxiety, humiliation and embarrassment over her condition. She will not be able to compete to obtain gainful employment, and will require assistance from others throughout the course of her daily life -- all due to the severe disability she has sustained.

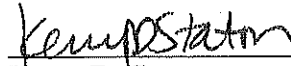
17. Additionally, it is alleged that the Infant Plaintiff has in the past, is presently, and will in the future continue to incur hospital, surgical, physiotherapeutic, pharmacological, and other losses and expenses for which claim is made.


18. The Plaintiff 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 permanent disability she has sustained -- with the Plaintiff and Infant Plaintiff being in no way contributorily negligent.

19. 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



  
Kerry D. Staton

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

Attorneys for the Plaintiffs


**COUNT II**

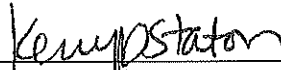
COMES NOW the Plaintiff, Crystal Womack, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Tarnisha E. Hemphill, C.N.M., Fawn Tienne Manning, D.O., Steven W. Tucker, M.D., Tangela Anderson Tull, M.D., Metropolitan OB-GYN Associates, LLC, St. Paul Place Specialists, Inc., and Mercy Medical Center, Inc., Defendants:

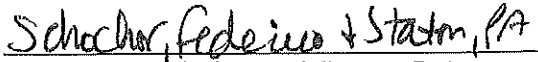
1. The Plaintiff incorporates in this Count those facts set forth in Count I hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

2. It is alleged that the Plaintiff has in the past, is presently, and will in the future, continue to incur hospital, surgical, physiotherapeutic, pharmacological, 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).

  
Jonathan Schochor

  
Kerry D. Staton

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

Attorneys for the Plaintiffs


**COUNT III**

COMES NOW the Plaintiff, Crystal Womack To The Use Of Tremaine S. Bolden, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Tarnisha E. Hemphill, C.N.M., Fawn Tienne Manning, D.O., Steven W. Tucker, M.D., Tangela Anderson Tull, M.D., Metropolitan OB-GYN Associates, LLC, St. Paul Place Specialists, Inc., and Mercy 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. It is alleged that the Plaintiff has in the past, is presently, and will in the future, continue to incur hospital, surgical, physiotherapeutic, pharmacological, 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).

  
Jonathan Schochor

Kerry D. Staton  
Kerry D. Staton

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

Attorneys for the Plaintiffs

**COUNT IV**

COMES NOW the Plaintiff, Crystal Womack, Parent and Next Friend of Kayci Bolden, Infant, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Tarnisha E. Hemphill, C.N.M., Fawn Tienne Manning, D.O., Steven W. Tucker, M.D., Tangela Anderson Tull, M.D., Metropolitan OB-GYN Associates, LLC, St. Paul Place Specialists, Inc., and Mercy 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.

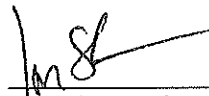
2. The Plaintiff alleges that the Defendants negligently failed to fully and properly inform and advise the Plaintiff of the alternatives available for the delivery of her baby and of the material risks associated with the vaginal delivery that they intended to utilize, and did utilize in violation of the standards of care.

3. It is alleged that the Plaintiff, as well as any reasonable and prudent individual, would have refused the vaginal delivery performed by these Defendants had she been advised, as

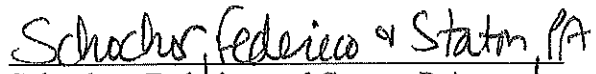
required by the standards of care, as to the injuries, damages and/or disability which could result from the technique utilized and the alternative available for cesarean section.

4. It is alleged that had these Defendants and each of them conformed with the applicable standards of care, and accurately described the risks and/or damages associated with the procedure as well as the alternative of cesarean section which was patently available, the Plaintiff, as well as other reasonable and prudent individuals similarly situated would have elected to undergo the cesarean section procedure in order to protect her baby. Had these Defendants complied with the Doctrine of Informed Consent, it is alleged that the Plaintiff and Infant Plaintiff would not have suffered the injuries, damages and permanent disabilities alleged. In fact, they all would have been avoided.

5. 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

  
\_\_\_\_\_  
Kerry D. Staton

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

Attorneys for the Plaintiffs

CRYSTAL WOMACK,  
Parent and Next Friend of  
KAYCI BOLDEN, Infant, et al

Plaintiffs

v.

TARNISHA E. HEMPHILL, C.N.M., et al

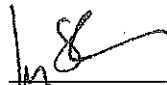
Defendants

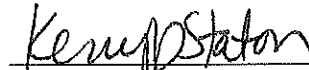
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: FOR  
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: BALTIMORE CITY  
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: Case No.:


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**ELECTION FOR JURY TRIAL**

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

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

  
\_\_\_\_\_  
Kerry D. Staton

  
\_\_\_\_\_  
Schochor, Federico and Staton, P.A.  
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1211 St. Paul Street  
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Attorneys for the Plaintiffs

CRYSTAL WOMACK,  
Parent and Next Friend of  
KAYCI BOLDEN, Infant, et al

Plaintiffs

v.

TARNISHA E. HEMPHILL, C.N.M., et al

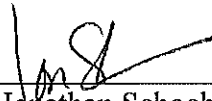
Defendants

: IN THE  
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: Case No.:

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**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.

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

Attorneys for the Plaintiffs