



**733 N. Broadway  
Baltimore, Maryland 21205**

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**and**

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**BETTY CHOU, M.D.  
4940 Eastern Avenue  
Baltimore, Maryland 21224**

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**and**

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**JOHNS HOPKINS COMMUNITY  
PHYSICIANS, INC.  
3100 Wyman Park Drive  
Baltimore, Maryland 21211**

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**SERVE ON:  
JOANNE E. POLLAK, ESQUIRE  
600 N. Wolfe Street, Administration 414  
Baltimore, Maryland 21287**

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**and**

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**MARKYIA S. NICHOLS, M.D.  
Medical Arts Building  
11085 Little Patuxent Parkway  
Columbia, MD 21044**

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**and**

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**JOEL LARMA, M.D.  
4940 Eastern Avenue  
Baltimore, Maryland 21224**

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**and**

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**SCOTT PURINTON, M.D.  
4940 Eastern Avenue  
Baltimore, Maryland 21224**

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**Defendants**

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## COMPLAINT AND ELECTION FOR JURY TRIAL

Damon Asencio, a minor, by his Parents and Next Friends, Janice Perez and Randy Asencio, and Janice Perez, Individually, and Randy Asencio, Individually, by their attorneys Howard A. Janet, Christian C. Mester, Maria H. Dawson, and Janet, Jenner & Suggs, LLC, hereby sue Defendants, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center, Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center, Betty Chou, M.D., Johns Hopkins Community Physicians, Inc., Markyia S. Nichols, M.D., Joel Larma, M.D., and Scott Purinton, M.D., and for cause state:

### JURISDICTION AND VENUE

1. Venue is appropriate in Baltimore City, Maryland, pursuant to Md. Code Ann., Cts. & Jud Proc. § 6-201, et. seq. as Defendants reside, carry on a regular business, are employed and/or are habitually engaged in a vocation in Baltimore City and the cause of action arose in Baltimore City.
2. Damages are in excess of the required jurisdictional amount.
3. This case was filed in the Health Claims Arbitration Office as Damon Asencio, minor, by and through his parents and next friends, Janice Perez and Randy Asencio, et al. v. The Johns Hopkins Health System Corporation, et al., HCA No.2005-0327 along with an Election to Waive Arbitration and the Certificate of Merit and Report of Russell Jelsema, M.D., copies of which are attached hereto as Exhibits A and B.

### THE PARTIES

3. At all times relevant, Janice Perez (“Ms. Perez”) and Randy Asencio (“Mr. Acencio”) were residents of the State of Maryland, and are the parents of Damon Asencio (“Damon” or “Baby Asencio”), a severely disabled minor, who resides in the State of Maryland.

4. At all times relevant, Defendant Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (hereinafter “Hopkins Bayview”), was and is an entity licensed and duly organized and existing under the laws of Maryland, which provides health care services, including obstetrical and gynecological services in Baltimore City, Maryland. In rendering care to Plaintiffs Ms. Perez and her infant, Baby Damon, Hopkins Bayview acted through its servants, employees, and agents (actual and apparent), who at all times acted within the scope of their authority and/or employment. Hopkins Bayview held itself out as a competent provider of medical care, including but not limited to obstetrical care. Upon information and belief, Hopkins Bayview is owned and/or operated by Defendant The Johns Hopkins Health System Corporation.

5. At all times relevant, Hopkins Bayview acted through its actual and/or apparent agents, servants, and/or employees, including but not limited to Betty Chou, M.D., Markyia S. Nichols, M.D., Joel Larma, M.D., Scott Purinton, M.D., Dr. Soto, Melissa Eichelberger, R.N., Nancy Maravi, R.N., and Jade Beene, all of whom acted within the scope of their authority and/or agency in providing care to the Plaintiffs.

6. At all times relevant, Defendant The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (hereinafter “Hopkins Health System”) was and is an entity licensed and duly organized and existing under the laws of Maryland, which provides health care services, including obstetrical and gynecological services in Baltimore City, Maryland. In rendering

care to Plaintiffs Ms. Perez and her infant, Baby Damon, Hopkins Health System acted through its servants, employees, and agents (actual and apparent), who at all times acted within the scope of their authority and/or employment. Hopkins Health System held itself out as a competent provider of medical care, including but not limited to obstetrical care. Upon information and belief, Hopkins Health System owns and/or operates Hopkins Bayview.

7. At all times relevant, Hopkins Health System acted through its actual and/or apparent agents, servants, and/or employees, including but not limited to Betty Chou, M.D., Markyia S. Nichols, M.D., Joel Larma, M.D., Scott Purinton, M.D., Dr. Soto, Melissa Eichelberger, R.N., Nancy Maravi, R.N., and Jade Beene, all of whom acted within the scope of their authority and/or agency in providing care to the Plaintiffs.

8. Upon information and belief, at all pertinent times, Defendant Markyia Nichols, M.D., (hereinafter "Dr. Nichols"), was practicing medicine in the State of Maryland in the field of obstetrics in her residency program. At all times relevant, Dr. Nichols acted within the scope of her authority as an actual and/or apparent agent, servant and/or employee of Hopkins Bayview and/or Hopkins Health System.

9. Upon information and belief, at all pertinent times, Defendant Joel Larma, M.D., (hereinafter "Dr. Larma"), was practicing medicine in the State of Maryland in the field of obstetrics in his residency program. At all times relevant, Dr. Larma acted within the scope of his authority as an actual and/or apparent agent, servant and/or employee of Hopkins Bayview and/or Hopkins Health System.

10. Upon information and belief, at all pertinent times, Defendant Scott Purinton, M.D., (hereinafter "Dr. Purinton"), was practicing medicine in the State of Maryland in the field of

obstetrics in his residency program. At all times relevant, Dr. Purinton acted within the scope of his authority as an actual and/or apparent agent, servant and/or employee of Hopkins Bayview and/or Hopkins Health System.

11. At all pertinent times, Defendant Betty Chou, M.D., (hereinafter "Dr. Chou"), was licensed to practice medicine in the State of Maryland in the field of obstetrics. At all times relevant, Dr. Chou acted within the scope of her authority as an actual and/or apparent agent, servant and/or employee of Hopkins Bayview and/or Hopkins Health System and/or Johns Hopkins Community Physicians, Inc.

12. At all times relevant, Defendant Johns Hopkins Community Physicians, Inc. (hereinafter "Hopkins Community Physicians"), was and is an entity licensed and duly organized and existing under the laws of Maryland, which provides health care services, including obstetrical and gynecological services. At all times relevant, in rendering care to Plaintiffs Ms. Perez and her infant, Baby Damon, Hopkins Community Physicians acted through its actual and/or apparent agents, servants, and/or employees, including but not limited to Dr. Chou and upon information and belief Dr. Soto, who at all times acted within the scope of their authority and/or employment. Hopkins Community Physicians held itself out as a competent provider of medical care, including but not limited to obstetrical care.

13. At all times relevant, Plaintiffs Ms. Perez and her infant, Baby Damon were patients of the Defendants for the purpose of receiving obstetrical, prenatal and perinatal care.

#### **FACTS COMMON TO ALL COUNTS**

14. In or about June 2003, Janice Perez became pregnant with her first child. In or about September 9, 2003, Ms. Perez presented to Johns Hopkins Tindeco Health Center (hereinafter,

“Tindeco”) for prenatal care, and Tindeco followed Ms. Perez for the remainder of her pregnancy.

15. On February 3, 2004, Ms. Perez was diagnosed with oligohydramnios (decrease of amniotic fluid), and twice-weekly non-stress tests were recommended to ensure fetal well being. Because of continued low levels, Ms. Perez was admitted to Hopkins Bayview on February 20, 2004 at 8:30 p.m. for induction of labor secondary to oligohydramnios, whereupon she came under the care of physicians, including but not limited to Drs. Nichols, Larma, Purinton, Soto, and Chou, who were the actual and/or apparent agents, servants and/or employees of Hopkins Bayview and/or Hopkins Health System and/or Hopkins Community Physicians, acting within the scope of their agency and/or employment, and the nurses, including but not limited to Melissa Eichelberger, R.N., Nancy Maravi, R.N., and Jade Beene, who were the actual and/or apparent agents, servants and/or employees of Hopkins Bayview and/or Hopkins Health System acting within the scope of their agency and/or employment. Several Hopkins Bayview and/or Hopkins Health System physicians and nurses monitored and examined Ms. Perez and reviewed her history. Defendant Dr. Chou was Ms. Perez’s attending physician. Ms. Perez was approximately 36 and 5/7 weeks gestation.

16. Upon admission on February 20, 2004, Ms. Perez was placed on a fetal heart monitor and the well-being of her fetus and her contraction pattern were documented. Cytotec and Pitocin (labor augmenting medications) were administered. The picture was that of a healthy fetus and remained that way for most of the labor. Spontaneous rupture of membranes occurred around 2:43 a.m. on February 22, 2004, and was clear and odorless, signs indicative of a healthy fetus.

17. Starting at approximately 4:33 a.m. on February 22, 2004, however, the fetal monitor tracing began to demonstrate worrisome readings, indicative of fetal stress and/or fetal distress. Dr. Larma was the resident during the early morning hours of February 22, 2004. Despite the worrisome

fetal heart tracings and the nurses eventually implementing intrauterine resuscitative measures, the Defendants failed to contact a more senior resident and/or the attending to notify them of what was transpiring with their patient, and in fact, continued to increase the Pitocin, which was contraindicated, and continued to implement intrauterine resuscitative measures despite their not resolving the problems.

18. Despite the worrisome fetal heart rate tracings and the contraction pattern, the Defendants continued to increase the Pitocin through 7:29 a.m., at which time the Pitocin was finally turned off, and continued to implement intrauterine resuscitative measures despite their not resolving the concerns. Dr. Jarma was notified by the nurses of the condition of the fetus at approximately 7:29 a.m., but the records do not demonstrate that he responded. Instead, the record indicates that a Dr. Soto instructed the nurses to resume the Pitocin augmentation at 7:31 a.m. Notwithstanding these indications of fetal distress, including late decelerations and decreasing variability, the Defendants resumed Pitocin administration, continued monitoring Ms. Perez and did not perform a caesarian section to deliver the baby.

19. Despite decelerations following ever increasing doses of Pitocin, the nurses and health care providers caring for Ms. Perez failed to discontinue the Pitocin, or notify their superiors, physicians or others within the hospital's chain of command regarding what was transpiring with their patient.

20. Throughout the morning, from after the approximate 4:33 a.m. time period on February 22, 2004, until delivery at 11:34 a.m., the fetal heart tracings continued to show worrisome patterns of fetal distress, including ominous fetal heart patterns and ominous fetal heart rates. Despite these signs of fetal distress, Ms. Perez's labor was allowed to continue throughout the



morning, and the nurses failed to notify their superiors, physicians or others within the hospital's chain of command regarding what was transpiring.

21. From 7:30 a.m. through 8:45 a.m., the fetal monitor tracings remained worrisome and required actions by the Defendants, including performance of an emergency caesarean section. The records indicate that the attending physician, Dr. Chou, examined Ms. Perez around 8:45 a.m., wherein she noted that the fetal heart tracings needed to be watched closely. Despite the presentation of the fetus at that time, Dr. Chou and the Defendants failed to move to a timely delivery of this fetus, and the nurses failed to notify their superiors, physicians or others within the hospital's chain of command regarding what was transpiring with their patient.

22. The nurses noted mild variable decelerations and notified Dr. Chou at approximately 9:00 a.m. Dr. Purinton, a resident, responded and performed a sterile vaginal exam at approximately 9:09 a.m. Ms. Perez's fetus continued exhibiting signs of fetal distress, including fetal decelerations. Notwithstanding these ominous signs, the Defendants continued monitoring Ms. Perez, did not notify their superiors, and did not perform a caesarian section.

23. The nurses continued to perform intrauterine resuscitative interventions and at 9:15 a.m. notified Dr. Purinton and again at 9:23 a.m., both Drs. Chou and Purinton were made aware of the ominous findings. An amnioinfusion was performed by Dr. Nichols at 9:35 a.m. At 9:56 a.m., scalp stimulation was performed along with other intrauterine resuscitative measures when Dr. Nichols was in the room. Notwithstanding the ominous signs on the fetal heart tracings, the Defendants continued monitoring Ms. Perez, did not notify their superiors, and did not perform a caesarian section.

24. Despite the obvious signs that the fetus lacked ability and reserve to tolerate the final

hours of labor, the Defendants delayed the delivery of Damon Asencio and failed to appropriately respond, but did, surprisingly, contact the pediatrics department around 11:24 a.m. in anticipation of problems with the baby at birth.

25. Belatedly, Damon Asencio was vaginally delivered at 11:34 a.m. on February 22, 2004 — he had poor tone, was without respiratory effort, and had a heart rate of less than 80 beats per minute. Damon Asencio was intubated, and while his color improved, his perfusion and tone remained poor. Damon Asencio's Apgar scores (a zero to ten scale used to measure the well-being of a newborn) were very low. He had a 2 Apgar score at one minute and a 6 Apgar at five minutes. He was then transferred to the Neonatal Intensive Care Unit.

26. On his second day of life, Damon Asencio was transferred from Hopkins Bayview to Johns Hopkins Hospital, where he remained in the NICU until March 17, 2004. He had multiple medical problems, all related to the severe asphyxia from which he suffered at birth. He suffered from pulmonary hypertension, seizures that began within the first 24 hours of his birth, metabolic acidosis, and lactic acidosis, among other conditions.

27. The failure to deliver Damon Asencio in a timely fashion by the Defendants caused him to suffer perinatal asphyxia (lack of oxygen to the brain), hypoxic ischemic encephalopathy, seizures, neurological injuries, and other severe, disabling, and permanent injuries.

28. Had the Defendants adhered to the applicable standards of care, Ms. Perez's condition and the condition of her fetus would have been appreciated, and appropriate measures would have been taken and the injuries to the Plaintiffs would have been avoided.

#### **COUNT I- NEGLIGENCE**

29. Plaintiffs reallege paragraphs one through twenty-eight, as if fully stated herein.

30. The Defendants (directly and through their agents, servants, and employees (actual and/or apparent)), owed Plaintiffs the duty to exercise that degree of care and skill which like health care providers would have exercised in meeting the standard of care applicable to each under the same or similar circumstances.

31. Defendants, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Betty Chou, M.D., Johns Hopkins Community Physicians, Inc. (directly and through its actual and/or apparent agents, servants, and employees), Markyia S. Nichols, M.D., Joel Larma, M.D., and Scott Purinton, M.D., failed to act as reasonably competent like health care providers would have acted under the same or similar circumstances, breached their duties under the applicable standards of care and were negligent in the following ways, among others:

- A. Failing to recognize Ms. Perez's condition;
- B. Failing to recognize her baby's condition;
- C. Failing to respond appropriately to the mother's condition and the baby's condition on a timely basis;
- D. Failing to deliver Damon Asencio on a timely basis;
- E. Failing to properly manage and monitor labor and delivery so as to prevent avoidable injury to the mother and baby;
- F. Failing to recognize and appropriately respond to ominous signs of fetal distress over a prolonged period of time;

- G. Failing to perform a timely cesarean section;
- H. Failing to intervene in a timely manner to prevent severe injuries to the baby;
- I. Failing to perform appropriate testing to determine the baby's condition and/or failing to appropriately and correctly interpret the tests performed;
- J. Failing to give appropriate informed consent;
- K. Failing to properly communicate and/or to properly formulate an appropriate treatment plan; and
- L. Performance of other negligent acts or omissions in the care of Ms. Perez and her baby, Damon.

32: Defendants, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), and Johns Hopkins Community Physicians, Inc. (directly and through its actual and/or apparent agents, servants, and employees), are vicariously liable for the acts and omissions of their agents, (actual and apparent) servants and/or employees who provided care to Ms. Perez and her fetus.

33. In addition, Defendants, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), and Johns Hopkins Community Physicians, Inc. (directly and through its actual

and/or apparent agents, servants, and employees), failed to act as reasonably competent like health care providers would have acted under the same or similar circumstances, breached their duties under the applicable standards of care and were negligent in the following ways, among others:

A. Failing to adequately train, supervise, and instruct its agents, servants and employees;

B. Failing to establish and/or enforce and/or follow appropriate policies, procedures, and/or protocols;

C. Failing to establish and/or follow and/or enforce appropriate policies, procedures and practices to address properly the needs of patients such as Janice Perez and Damon Asencio;

D. Failing to adequately credential, train, supervise, and instruct their agents servants and employees;

E. Failing to advise physicians and/or attending physicians of the clinical findings necessary to insure a proper diagnosis and appropriate treatment;

F. Failing to properly communicate and document the pertinent physical findings pertaining to Ms. Perez and Damon;

G. Failing to go up the chain of command as the condition of the mother and infant continued to deteriorate; and

H. Performance of other negligent acts and omissions in the care of the mother and the child.

34. Damon Asencio, a minor, as a direct and proximate result of the negligence of

each of the Defendants, jointly and severally, suffered severe, painful, permanent and disabling injuries, including, but not limited to:

A. Brain damage, hypoxic ischemic encephalopathy, seizure disorder and microcephaly in addition to other severe, permanent, and disabling medical conditions;

B. Severe and permanent impairment of his cognitive and speech and language skills including mental retardation as well as impairment of social, fine and gross motor skills;

C. Past and future physical pain, mental anguish and emotional suffering;

D. Prolonged hospitalization and the need for ongoing medical, nursing, hospital, pharmaceutical, rehabilitative, and custodial care;

E. Loss of future income;

F. Loss of enjoyment and quality of life; and

G. Substantial medical, custodial, rehabilitative and other expenses, past, present and future.

**WHEREFORE**, Plaintiff Damon Asencio, a minor, by and through his Parents and Next Friends, Janice Perez and Randy Asencio, requests that judgment be entered against the Defendants, jointly and severally, and requests that he be compensated with a fair, adequate and just award, plus costs.

#### **COUNT II - NEGLIGENCE**

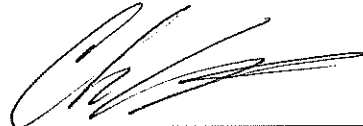
35. Plaintiffs reallege Paragraphs 1-34 above as if fully set forth herein.

36. As a further direct and proximate result of the negligence of the Defendants, and each of them, Janice Perez and Randy Asencio have expended and will continue to expend in the

future tremendous effort and large sums of money for the extraordinary medical and hospital care, therapies, treatment, equipment, nursing care, rehabilitative care, and custodial, attendant and other care for their child proximately caused by the Defendants' negligence.

**WHEREFORE**, Plaintiffs, Janice Perez, Individually, and Randy Asencio, Individually, request that judgment be entered against the Defendants, jointly and severally, and request that they be compensated with a fair, adequate and just award, plus costs.

Respectfully submitted,



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Howard A. Janet  
Christian C. Mester  
Maria H. Dawson, R.N., J.D.

JANET, JENNER & SUGGS, LLC  
Woodholme Center  
1829 Reisterstown Road, Suite 320  
Baltimore, Maryland 21208  
(410) 653-3200  
Attorneys for Plaintiffs

**DAMON ASECIO, a minor,  
by his Parents and Next Friends,  
Janice Perez and Randy Asencio  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224**

**and**

**JANICE PEREZ  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224**

**and**

**RANDY ASECIO  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224**

**Claimants**

**v.**

**THE JOHNS HOPKINS HEALTH SYSTEM  
CORPORATION D/B/A JOHNS HOPKINS  
BAYVIEW MEDICAL CENTER  
601 N. Broadway  
Baltimore, Maryland 21205**

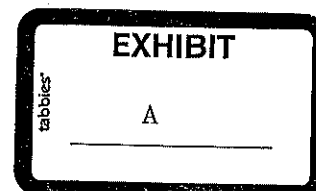
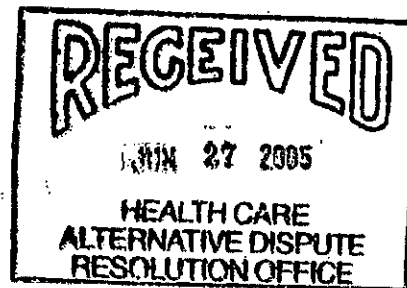
**SERVE ON:  
JOANNE E. POLLAK, ESQUIRE  
600 N. Wolfe Street, Administration 414  
Baltimore, Maryland 21205**

**and**

**JOHNS HOPKINS BAYVIEW MEDICAL  
CENTER, INC.  
D/B/A JOHNS HOPKINS BAYVIEW  
MEDICAL CENTER  
4940 Eastern Avenue  
Baltimore, Maryland 21224**

**SERVE ON:  
JOANNE E. POLLAK, ESQUIRE  
BRB 102  
Johns Hopkins Health System Corp.**

\* IN THE  
\* HEALTH CARE  
\* ALTERNATIVE DISPUTE  
\* RESOLUTION OFFICE  
\* OF MARYLAND  
\*  
\* HCA NO.:





733 N. Broadway  
Baltimore, Maryland 21205

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4940 Eastern Avenue  
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4940 Eastern Avenue  
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Health Care Providers

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**ELECTION TO WAIVE ARBITRATION**

Claimants, Damon Asencio, a minor, by his Parents and Next Friends, Janice Perez and Randy Asencio, and Janice Perez, Individually, and Randy Asencio, Individually, by their attorneys Howard A. Janet, Christian C. Mester, Maria H. Dawson and Janet, Jenner & Suggs, LLC, pursuant to Maryland Code Annotated, Cts. & Jud. Proc. Art., Section 3-2A-06B, hereby waive the arbitration of this above-captioned claim.



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Howard A. Janet  
Christian C. Mester  
Maria H. Dawson, R.N., J.D.

JANET, JENNER & SUGGS, LLC  
Woodholme Center  
1829 Reisterstown Road, Suite 320  
Baltimore, Maryland 21208  
(410) 653-3200  
Attorneys for Claimants

DAMON ASECIO, a minor,  
by his Parents and Next Friends,  
Janice Perez and Randy Asencio  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224

and

JANICE PEREZ  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224

and

RANDY ASECIO  
2524 Fleet Street, Apt. 2B  
Baltimore, Maryland 21224

Claimants

v.

THE JOHNS HOPKINS HEALTH SYSTEM  
CORPORATION D/B/A JOHNS HOPKINS  
BAYVIEW MEDICAL CENTER  
601 N. Broadway  
Baltimore, Maryland 21205

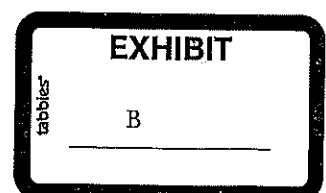
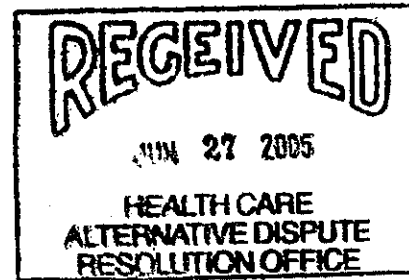
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Johns Hopkins Health System Corp.

\* IN THE  
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Health Care Providers

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CERTIFICATE OF MERIT

1. I, Russel Jelsema, M.D., am a licensed physician and am board-certified

in Obstetrics and Gynecology and Maternal Fetal Medicine, and have taught medicine in that speciality, including physicians, medical students, interns, residents, and nurses. Obstetrics and Gynecology is the field of medicine that the Health Care Providers in this matter, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center, Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center, Betty Chou, M.D., Johns Hopkins Community Physicians, Inc., Markyia S. Nichols, M.D., Joel Larma, M.D., and Scott Purinton, M.D., were engaged in that gave rise to this claim.

2. I have clinical experience, have taught medicine, and have provided consultation relating to clinical practice in Health Care Providers's, The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center, Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center, Betty Chou, M.D., Johns Hopkins Community Physicians, Inc., Markyia S. Nichols, M.D., Joel Larma, M.D., and Scott Purinton, M.D., specialty, obstetrics and gynecology, within five years of the date of the acts and omissions giving rise to this cause of action.

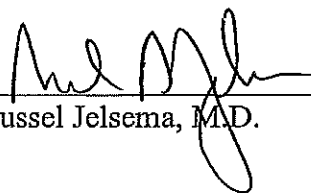
3. Based upon my education, training and experience, and my review of the medical records of Janice Perez and Damon Asencio pertaining to this claim, it is my opinion to a reasonable degree of medical probability that the care rendered to Janice Perez and Damon Asencio by The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Betty Chou, M.D., Johns Hopkins Community Physicians, Inc. (directly and through its actual and/or apparent agents, servants, and employees), Markyia S. Nichols, M.D., Joel Larma, M.D., and

Scott Purinton, M.D., which is the subject of this action, departed from applicable standards of care and as a direct and proximate result, Janice Perez and Damon Asencio suffered severe and permanent injuries.

4. Attached is a brief report of my opinions.

5. Less the 20% annually of my professional activities involve testifying in personal injuries claims.

6. I hereby certify and affirm that the above is accurate and true and correct to the best of my ability and based upon my personal knowledge.

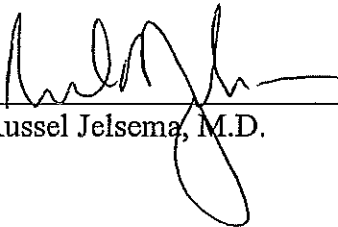


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Russel Jelsema, M.D.

To whom it may concern:

I have reviewed the pertinent medical records of Janice Perez and Damon Asencio. My review revealed deviations from acceptable standards of care by the health care providers, including The Johns Hopkins Health System Corporation d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Johns Hopkins Bayview Medical Center, Inc. d/b/a Johns Hopkins Bayview Medical Center (directly and through its actual and/or apparent agents, servants, and employees), Betty Chou, M.D., Johns Hopkins Community Physicians, Inc. (directly and through its actual and/or apparent agents, servants, and employees), Markyia S. Nichols, M.D., Joel Larma, M.D., and Scott Purinton, M.D. To a reasonable degree of medical probability, Janice Perez's and Damon Asencio's injuries were the direct and proximate result of these deviations.

  
\_\_\_\_\_  
Russel Jelsema, M.D.

Circuit Court for BALTIMORE CITY

City or County

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CIRCUIT COURT FOR  
BALTIMORE CITY

2005 JUN 28 PM 1:17

**CIVIL—NON-DOMESTIC CASE INFORMATION REPORT**

CIVIL DIVISION

**Directions:**

*Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.*

*Defendant: You must file an Information Report as required by Rule 2-323(h).*

**THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.**

FORM FILED BY:  PLAINTIFF  DEFENDANT CASE NUMBER: \_\_\_\_\_ (Clerk to insert)

CASE NAME: Damon Asencio, minor, et al. v The Johns Hopkins Health Systems Corp., et al.  
Plaintiff Defendant

JURY DEMAND:  Yes  No Anticipated length of trial: \_\_\_\_\_ hours or \_\_\_\_\_ days

RELATED CASE PENDING?  Yes  No If yes, Case #(s), if known: \_\_\_\_\_ more than three days

HAS ALTERNATIVE DISPUTE RESOLUTION (ADR):  
Been Tried?  Yes  No  
Requested?  Yes  No

If yes, specify: \_\_\_\_\_

Special Requirements?  Interpreter/communication impairment  
 Other ADA accommodation: \_\_\_\_\_

**NATURE OF ACTION**  
(CHECK ONE BOX)

**DAMAGES / RELIEF**

**TORTS**

- Motor Tort
- Premises Liability
- Assault & Battery
- Product Liability
- Professional Malpractice
- Wrongful Death
- Business & Commercial
- Libel & Slander
- False Arrest/Imprisonment
- Nuisance
- Toxic Torts
- Fraud
- Malicious Prosecution
- Lead Paint
- Asbestos
- Other  
Medical Malpractice

**LABOR**

- Workers' Comp.
- Wrongful Discharge
- EEO
- Other \_\_\_\_\_

**CONTRACTS**

- Insurance
- Confessed Judgment
- Other \_\_\_\_\_

**REAL PROPERTY**

- Judicial Sale
- Condemnation
- Landlord Tenant
- Other \_\_\_\_\_

**OTHER**

- Civil Rights
- Environmental
- ADA
- Other \_\_\_\_\_

**A. TORTS**

**Actual Damages**

- Under \$7,500
- \$7,500 - \$50,000
- \$50,000 - \$100,000
- Over \$100,000

- Medical Bills  
\$ \_\_\_\_\_
- Property Damages  
\$ \_\_\_\_\_
- Wage Loss  
\$ \_\_\_\_\_

**B. CONTRACTS**

- Under \$10,000
- \$10,000 - \$20,000
- Over \$20,000

**C. NONMONETARY RELIEF**

- Declaratory Judgment
- Injunction
- Other \_\_\_\_\_

**TRACK REQUEST**

**With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.**

- 1/2 day of trial or less
- 1 day of trial time
- 2 days of trial time
- 3 days of trial time
- More than 3 days of trial time

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.**

Date: June 28, 2005

Signature: \_\_\_\_\_



**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.**

**CIRCUIT COURT FOR BALTIMORE CITY (check only one)**

- Expedited Trial 60 to 120 days from notice. Non-jury matters.
- Standard-Short Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments.
- Standard-Medium Trial 12 months from Defendant's response. ~~Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000~~ Medical Malpractice.
- Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- Lead Paint Fill in: Birthdate of youngest plaintiff \_\_\_\_\_
- Asbestos Events and deadlines set by individual judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY**

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.
- Liability is not conceded, but is not seriously in dispute.
- Liability is seriously in dispute.

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- Expedited (Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- Standard (Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- Extended Standard (Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- Complex (Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

# JANET, JENNER & SUGGS, LLC

Attorneys at Law

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John J. Cord\*\*  
Stephen C. Offutt\*\*  
Maria H. Dawson, R.N., J.D.\*

\* Member of Maryland Bar  
\*\* Member of South Carolina Bar  
\* Member of District of Columbia Bar  
\* Member of New Jersey Bar  
\*\* Member of Pennsylvania Bar

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info@medlawlegalteam.com  
www.medlawlegalteam.com  
Toll Free (888) 463-3529

EMAIL: CMester@medlawlegalteam.com

Please respond to the Maryland office

June 28, 2005

## VIA HAND DELIVERY

Clerk's Office  
Circuit Court for Baltimore City  
111 N. Calvert Street  
Baltimore, Maryland 21202

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CIRCUIT COURT FOR  
BALTIMORE CITY  
2005 JUN 28 PM 1:17  
CIVIL DIVISION

RE: Damon Asencio, Minor, by and through his parents and next friend Janice Perez and Randy Asencio v. The Johns Hopkins Health Systems Corporation, et al.

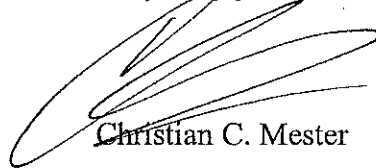
Dear Sir/Madam:

Enclosed for filing in the above-referenced matter, please find an original plus eight (8) copies of a Complaint – seven (7) copies - one for each Defendant for service, and one (1) copy to be date stamped and returned to my office). Please prepare the necessary summonses for each Defendant and return them to my office for service by private process.

I am enclosing a check in the amount of \$125.00 to cover the filing fee in this matter.

Thank you for your assistance in this matter.

Very truly yours,



Christian C. Mester

CCM/amb  
Enclosures