

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 Plaintiff.

2. The Plaintiff alleges that the Defendant Garland herein, including duly authorized agents and/or employees of the Defendant Francis Scott Key Medical Center, Inc. n/k/a Johns Hopkins Bayview Medical Center, Inc. (hereinafter referred to as "Hospital"), owed to the 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 Plaintiff's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Plaintiff, continuous evaluation of the 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 the Defendant failed to do.

3. The Defendant Garland was negligent in that he failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to properly and appropriately diagnose the 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 Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's condition, and was otherwise negligent.

4. The Plaintiff alleges that the Defendant Hospital, through its agents, servants and employees, owed to the 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 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 Plaintiff, continuous evaluation of the 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.

5. 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 Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's condition, failed to diagnose the Plaintiff's condition and was otherwise negligent.

6. At all times referred to herein, the Defendant Garland, and any other medical personnel caring for the Plaintiff, acted as duly authorized agents and/or employees of the Defendant Hospital, acting within the scope of their respective authority.

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

8. On July 10, 1993, the Plaintiff's mother, Nina Fabode, was a 30-year-old pregnant female who presented to the Defendant Hospital for delivery.

9. At the time of her presentation, the Plaintiff's mother was noted to be 4 centimeters dilated, 50% effaced, and at -1 station with intact membranes. She was admitted to the Defendant Hospital for expected delivery under the care of the Defendant Garland. At all times referred to herein, the Defendant Garland held himself out to be an expert in obstetrics.

10. At 4:50 p.m., the Plaintiff's mother's membranes were artificially ruptured and the fluid was clear. However, as the mother and child moved toward a vaginal delivery, shoulder dystocia was encountered. At all times referred to herein, the Defendant Garland attended the Plaintiff's mother and delivered the Plaintiff at 6:45 p.m. It is alleged that at the time the shoulder dystocia was encountered, the standards of care required the Defendant Garland, and any other hospital personnel caring for the Plaintiff's mother and infant Plaintiff, to utilize the correct and accepted maneuvers to relieve the shoulder dystocia and deliver the child without injury. Further, the standards of care required the Defendant Garland and/or others to avoid utilizing excessive traction and force on the fetal head to occasion the birth.

11. It is alleged that the Defendant Garland and/or others at the Defendant Hospital failed to use appropriate maneuvers, and utilized excess traction, and excessive force such that the infant Plaintiff, when born, had suffered obvious facial bruising, molding of the head, and a paralyzed left arm. It is asserted that the paralyzed left arm -- known as an Erb's Palsy -- resulted from the continuing negligence of the Defendant Garland and/or others in failing to use appropriate techniques, in conjunction with the utilization of excessive force and traction.

12. As a direct and proximate result of the ongoing negligence of these Defendants, the Plaintiff has suffered a severe brachial plexus injury, resulting in a useless left arm. It is

alleged that the injury is not only severe but permanent in nature. As a direct result, it is alleged that the Plaintiff was unable to enjoy activities that normal children do, is unable to enjoy activities that normal adults do, and has been forced to go through life as a one-armed person in a two-armed world.

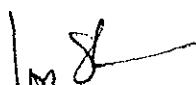
13. It is alleged that the Plaintiff has in the past, is presently and will in the future continue to suffer severe pain, emotional anguish, fear, anxiety, humiliation and embarrassment over her condition. Further, it is alleged that the Plaintiff has in the past, is presently, and will in the future continue to incur hospital, surgical, physiotherapeutic, pharmacological, nursing, custodial and other losses and expenses for which claim is made.

14. It is alleged that the Plaintiff has been severely compromised in her ability to hold gainful employment, and is unable to work normally in the workforce as the direct and proximate result of the ongoing negligence of these Defendants.


15. It is asserted that had these Defendants acted in accordance with the standards of care, the Erb's Palsy would have been avoided, and all of the injuries, damages and permanent disability which the Plaintiff has sustained would have been avoided.

16. The Plaintiff refers to the negligence of these Defendants and each of them as the sole and proximate cause of all of the injuries, damages and severe, permanent disability from which she suffers -- with the 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



James D. Cardea

Schochor, Federico & Staton, P.A.

Schochor, Federico and Staton, P.A.

The Paulton

1211 St. Paul Street

Baltimore, Maryland 21202

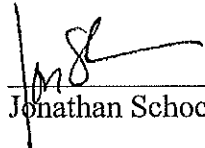
(410) 234-1000

Attorneys for the Plaintiff


ALICSON LAWRENCE	:	IN THE
Plaintiff	:	CIRCUIT COURT
v.	:	FOR
DONALD E. GARLAND, M.D., et al	:	BALTIMORE CITY
Defendants	:	Case No.:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:
:	:	:

ELECTION FOR JURY TRIAL

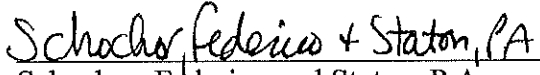
The Plaintiff in this case elects to try her case before a Jury.



 Jonathan Schochor

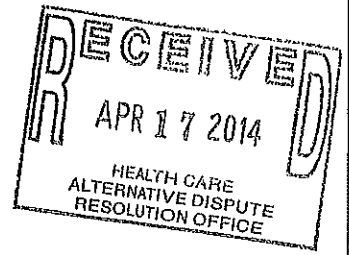


 James D. Cardea



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

Attorneys for the Plaintiff



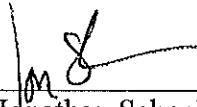
ALICSON LAWRENCE : BEFORE THE
 Claimant : HEALTH CARE
 v. : ALTERNATIVE DISPUTE
 DONALD E. GARLAND, M.D., et al : RESOLUTION OFFICE
 Defendants : HCA No.:


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

ELECTION FOR WAIVER OF ARBITRATION

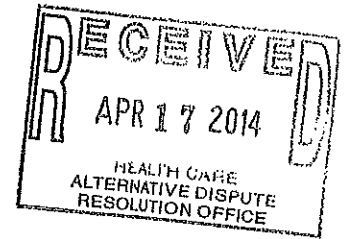
COMES NOW the Claimant, Alicson Lawrence, by their attorneys, Jonathan Schochor, James D. Cardea and Schochor, Federico and Staton, P.A., and file this Election for Waiver of Arbitration pursuant to the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06B. For reasons in support thereof, the Claimant respectfully represents:

1. The Claimant has elected to waive arbitration in the above-captioned case to save time and expense associated herewith.
2. That after filing, this election shall be binding on all parties.


 Jonathan Schochor


 James D. Cardea
 Schochor, Federico and Staton, P.A.
 The Paulton
 1211 St. Paul Street
 Baltimore, Maryland 21202
 (410) 234-1000
 Attorneys for the Claimant

Jonathan Schochor, Esquire
Schochor, Federico and Staton, P.A.
The Paulton
1211 St. Paul Street
Baltimore, Maryland 21202



Re: Alicson Lawrence

Dear Mr. Schochor:

This is to acknowledge that after a review of the medical records and other material involved in the above-referenced case, I have concluded that there have been violations of the standards of care by Donald Garland, M.D. acting for himself and as a duly authorized agent and/or employee of the Defendant Francis Scott Key Medical Center, Inc. which have directly and proximately resulted in injuries and damages to the Claimant.

It is my opinion that Dr. Garland breached the standards of care by failing to utilize appropriate maneuvers and using excessive traction during the delivery of Alicson resulting in a permanent left brachial plexus injury. It is my opinion that had these Defendants complied with the applicable standards of care that all of the injuries and damages, including the brachial plexus injury, sustained by Alicson Lawrence would have been avoided. Additionally, I incorporate the Complaint filed in this case by reference.

I certify that I am a board-certified expert in obstetrics and gynecology. I further certify that I have had clinical experience, provided consultation relating to clinical practice and/or taught medicine in the Defendants' specialty or a related field of health-care, or in the field of health care in which the Defendants provided care or treatment to the Claimant, within five (5) years of the date of the alleged act or omission giving rise to the cause of action.

Accordingly, I have concluded that the case filed before the Health Care Alternative Dispute Resolution Office of Maryland is meritorious. I also acknowledge that less than twenty percent of my annual professional time involves testimony in personal injury claims.

This report represents a broad summary of my opinions for purposes of certifying the merit of this matter. I specifically reserve the right to modify, amend and/or supplement my opinions as further information about this case is made available to me through the discovery process.

Very truly yours,


Richard Luciani, M.D.

ALICSON LAWRENCE

Claimant

vs.

DONALD E. GARLAND, M.D., et al.

Defendants

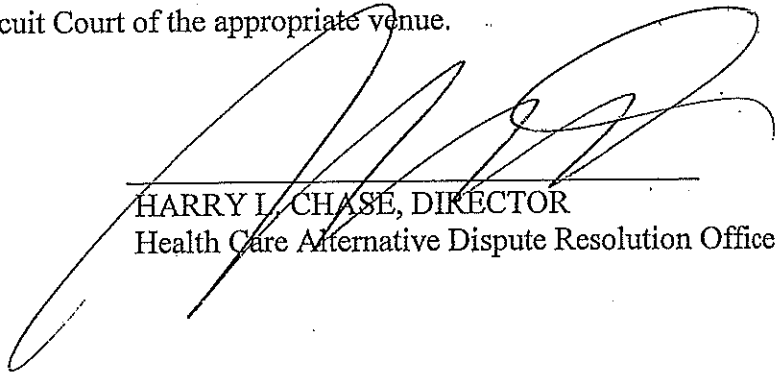
*
*
*
*
*
*
*
*
*
*
*

IN THE
HEALTH CARE
ALTERNATIVE DISPUTE
RESOLUTION OFFICE
HCA No.: 2014-170

ORDER OF TRANSFER

The Claimant, by and through counsel, having elected a Waiver of Arbitration under the provisions of Annotated Code of Maryland, Courts and Judicial Proceedings Article, §3-2A-06B, it is this 22nd day of April, 2014, by the Health Care Alternative Dispute Resolution Office,

ORDERED, that this case shall be and is hereby, transferred to the United States District Court, or to the Circuit Court of the appropriate venue.



HARRY L. CHASE, DIRECTOR
Health Care Alternative Dispute Resolution Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel.



HARRY L. CHASE, DIRECTOR



City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

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). 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: Lawrence Plaintiff vs. Garland, et al Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 10 days
 RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC-DC 49)

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ <hr/> CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ <hr/> REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ <hr/> OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input checked="" type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 <hr/> C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-1017? (Check all that apply)

A. Mediation Yes No C. Settlement Conference Yes No
 B. Arbitration Yes No D. Neutral Evaluation Yes No

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 3 days of trial time
 1 day of trial time More than 3 days of trial time
 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date 4/28/14 Signature [Signature]

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.

Expedited
Trial within 7 months
of Filing

Standard
Trial within 18 months
of Filing

EMERGENCY RELIEF REQUESTED _____
Signature _____ Date _____

**COMPLEX SCIENCE AND/OR MEDICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.
Please check the applicable box below and attach a duplicate copy of your complaint.*

Expedited - Trial within 7 months of Filing

Standard - Trial within 18 months of Filing

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE 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 210 days.
- Standard Trial 360 days.
- Lead Paint Fill in: Birth Date 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, International 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.