

July

THANH AN TRUONG, Individually and
as Personal Representative of the
Estate of THU LE NGUYEN,
6705 Queens Ferry Road
Baltimore, Maryland 21239

and

CHRISTIAN NGUYEN, Individually
and by his father and next friend,
THANH AN TRUONG
6705 Queens Ferry Road
Baltimore, Maryland 21239

Plaintiffs

v.

GREATER BALTIMORE MEDICAL
CENTER
6569 N. Charles Street
Baltimore, MD 21204

Serve On: Resident Agent
ROBERT P. KOWAL
6701 N. Charles Street
Baltimore, MD 21204

and

TERRY MASZAROSE, C.N.M.
7505 Osler Drive
Suite 402
Towson, MD 21204

and

CAPITOL WOMEN'S CARE
7505 Osler Drive
Suite 402
Towson, MD 21204

IN THE
CIRCUIT COURT
OF MARYLAND
FOR
BALTIMORE COUNTY

CASE NO.: 03-C-09-9463

6

RECEIVED AND FILED

2009 AUG -7 PM 2:01

CLERK OF COURT

re: State Board of Physicians

Reur

Serve On: Resident Agent
Debbie Redd
12200 Tech Roadlvd.
Suite 330
Silver Spring, MD 20904*

and

SANDRA QUARTNER, M.D.
6569 N. Charles Street
Suite 304
Baltimore, MD 21204

and

VICTOR KHOUZAMI, MD
6565 N. Charles Street
Suite 406
Towson, MD 21204

and

GREATER BALTIMORE OB/GYN
ASSOCIATES
6565 N. Charles Street
Suite 406
Towson, MD 21204

Serve On: Resident Agent
Victor Khouzami, M.D.
6701 N. Charles Street
Baltimore, MD 21204

Defendants

COMPLAINT AND ELECTION FOR JURY TRIAL

Thanh An Truong, individually and as Personal Representative of the Estate of Thu Le
Nguyen, and Christian Truong, individually and by his father and next friend, Thanh An Truong,
Plaintiffs, by their attorneys, Paul D. Bekman, Julia A. Lodowski and Salsbury, Clements,

Bekman, Marder & Adkins, LLC, sue the Defendants, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzami, M.D. and Greater Baltimore OB/GYN Associates and state as follows:

Count One

1. The amount of this claim exceeds \$30,000.00.
2. The venue for this claim is proper in Baltimore County, Maryland.
3. A Statement of Claim was filed with the Health Claims Arbitration Office as required under Maryland law, and arbitration of the claim was waived by the Plaintiffs pursuant to § 3-2A-06B(b) of the Courts and Judicial Proceedings Article. The Statement of Claim, documents filed thereto and Order of Transfer are attached.
4. At all times hereinafter set forth, the Defendant, Greater Baltimore Medical Center ("GBMC") was and is a medical facility offering medical and other related services to the general public and in such capacity, such hospital, its agents, apparent agents, servants, and/or employees, medical staff, nurses, midwives and consultants held themselves out as practicing ordinary standards of medical, hospital and nursing care, and as such, owed a duty to the Plaintiffs to render and provide health care within the ordinary standards of medical, hospital and nursing care and to exercise reasonable skill and care in the selection of its personnel to provide competent physicians, obstetricians, midwives, anaesthesiologists, nurses and other medical personnel, possessing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine and obstetrics and gynecology, and to supervise and provide its patients with diagnostic and medical services and treatment commensurate with the condition from which the patient suffers and for which the patient entered said hospital.

5. At all times hereinafter set forth, the Defendant, Marissa Keene, M.D., a deceased physician who specialized in obstetrics and gynecology, was an agent, apparent agent servant and/or employee of Defendant GBMC who was acting within the scope of her employment at GBMC.

6. At all times hereinafter set forth, all labor and delivery nurses caring for Thu Le Nguyen in December 2005 at GBMC, including but not limited to Mel Seitz, RN, were agents, apparent agents, servants and/or employees of Defendant GBMC who were acting within the scope of their employment and/or duties at GBMC.

7. At all times hereinafter set forth, Terry Maszarose, CNM, held herself out to the Plaintiffs and the general public as an experienced, competent, and able midwife and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics and midwifery and, as such, owed a duty to the Plaintiffs to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics and midwifery.

8. At all times hereinafter set forth, the Defendant, Sandra Quartner, M.D., held herself out to the Plaintiffs and the general public as an experienced, competent, and able obstetrician and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics, as such, owed a duty to the Plaintiffs to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics.

9. At all times hereinafter set forth, the Defendant, Victor Khouzami, M.D., held himself out to the Plaintiffs and the general public as an experienced, competent, and able obstetrician

and maternal fetal medicine physician, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics and maternal fetal medicine, as such, owed a duty to the Plaintiffs to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics and maternal fetal medicine.

10. At all times hereinafter set forth, Terry Maszarose, CNM, was an agent, apparent agent, servant and/or employee of Defendants GBMC and Capitol Women's Care and was acting within the scope of her employment and duties with those entities.

11. At all times hereinafter set forth, Sandra Quartner, M.D., was an agent, apparent agent, servant and/or employee of Defendant GBMC and was acting within the scope of her employment and/or agency with GBMC.

12. At all times hereinafter set forth, Victor Khouzami, M.D., was an agent, apparent agent, servant and/or employee of Defendants GBMC and Greater Baltimore OB/GYN Associates and was acting within the scope of his employment and agency with those entities.

13. At approximately 11:22 p.m. on December 18, 2005, the decedent, Thu Le Nguyen, then- 39 5/7 weeks pregnant, presented to Defendant, GBMC with a chief complaint of ruptured membranes. Ms. Nguyen had been receiving pre-natal care from her obstetrician, Sandra Quartner, M.D. (hereinafter referred to as Defendant "Quartner").

14. The nurses confirmed ruptured membranes and recorded a fetal heart rate of 150. Mrs. Nguyen received IV fluids at 12 midnight and continuous fetal monitoring. Defendant Marissa Keene, M.D. (hereinafter "Keene"), was the in-house attending obstetrician on-call for Mrs. Nguyen at the time. Defendant Quartner was her attending obstetrician.

15. Throughout the night, Mrs. Nguyen labored without much progression. At

approximately 6:15 a.m., Mrs. Nguyen received Pitocin.

16. From 6:15 a.m. through 8:20 a.m., the amount of Pitocin administered was increased. Mel Seitz, R.N. was the labor and delivery nurse in charge of Mrs. Nguyen's care at the time. Terry Maszarose, CNM, was the nurse midwife providing bedside assistance throughout the morning of December 19, 2005.

17. At 8:15 a.m., CNM Maszarose ruptured Mrs. Nguyen's membranes at the direction of Defendant Quartner.

18. At 9:35 a.m., nurse Seitz noticed a "prolonged deceleration" on the fetal heart rate tracing and noted that she would continue to observe Mrs. Nguyen and her strip closely. This "prolonged deceleration" was not reported to CNM Maszarose or any physician and Nurse Seitz did not continue to monitor Mrs. Nguyen closely. During this time, her fetal strip continued to worsen.

19. At approximately 9:52 a.m., Nurse Seitz consulted with CNM Maszarose about the earlier fetal heart strips. Nurse Seitz noted Mrs. Nguyen's blood pressure was up and Mrs. Nguyen was shaking. Her plan was to "continue to observe closely." Neither nurse Seitz or CNM Maszarose called a physician. Additionally, Nurse Seitz did not monitor Mrs. Nguyen or her strips closely but rather, left the room. Again, while she was gone from the room, Mrs. Nguyen's strips continued to worsen.

20. At approximately 10:10 a.m., Nurse Seitz walked into the room immediately after Mrs. Nguyen vomited. The fetal heart rate was noted to be down in the 90s and Mrs. Nguyen's blood pressure was 74/53. The Pitocin was shut off and Defendant Keene was called for stat. Mrs. Nguyen's fetal monitor strips remained ominous until 10:20 a.m. when a stat c-section was called.

21. Mrs. Nguyen underwent an emergency c-section by Defendant Keene at 10:23 a.m. with the baby delivered at 10:25 a.m. At the time of the c-section, Mrs. Nguyen was bleeding heavily from a placental abruption. Notwithstanding the bleed, Defendant Keene did not perform a hysterectomy, administer Methergine or Hemabate, order blood work or request blood.

22. At approximately 10:25 a.m., Defendant Quartner entered the operating room. She noticed a severe bleed and uterine atony but notwithstanding the bleed, she did not perform a hysterectomy. Further, she did not request blood until 10:42 a.m.. The first CBC was performed at 11:34 a.m. and the first coagulation profile was performed at 12:37 a.m.

23. At approximately 11:19 a.m., Mrs. Nguyen received her first blood transfusion. Defendant Khouzami was called into the OR at some point and did not recommend a hysterectomy.

24. Mrs. Nguyen's bleed was finally controlled sometime later that afternoon. In the intensive care unit, EEG testing revealed severe anoxic encephalopathy as a result of blood loss and shock. On the evening of December 20, 2005, Mrs. Nguyen was removed from life support. At 6:21 p.m. that evening, Mrs. Nguyen was pronounced dead.

25. The Defendant Greater Baltimore Medical Center, through Dr. Keene, Nurse Seitz, CNM Maszarose and its other agents, apparent agents, servants and/or employees was negligent and careless in the following respects:

- a) failure to closely monitor Mrs. Nguyen and her fetal monitor strips from 9 a.m. until 10:10 a.m.;
- b) failure to timely report concerning fetal monitor findings to the obstetrician on call the morning of December 19, 2005;
- c) failure to timely recommend a c-section on December 19, 2005;

- d) failure to timely perform a c-section on December 19, 2005;
- e) failure to timely administer blood products;
- f) failure to perform a hysterectomy;
- g) failure to timely provide Hemabate and Methargine;
- h) failure to timely order lab studies;
- i) failure to prevent death by massive blood loss and hemorrhagic shock; and
- j) was otherwise negligent and careless.

26. The Defendant, Terry Maszarose, CNM, was negligent and careless in the following respects:

- a) failure to closely monitor Mrs. Nguyen and her fetal monitor strips from 9 a.m. until 10:10 a.m.;
- b) failure to appropriately interpret the fetal monitor strips of December 19, 2005;
- c) failure to timely report concerning fetal monitor findings to the obstetrician on call the morning of December 19, 2005;
- d) failure to timely recommend a c-section on December 19, 2005; and
- e) was otherwise careless and negligent.

27. The Defendant, Sandra Quartner, M.D. was negligent and careless in the following respects:

- a) failure to timely perform a hysterectomy;
- b) failure to properly control the bleed;
- c) failure to timely order blood products; and
- d) failure to prevent death by hemorrhagic shock.

28. The Defendant, Victor Khouzami, M.D., was negligent and careless in the following

respects:

- a) failure to recommend a hysterectomy or other means of blood loss control; and
- b) failure to prevent death by hemorrhagic shock.

29. As a direct result of the negligence of the Defendants referenced above, the decedent was caused to suffer painful and permanent injuries to her body, including death, was caused to sustain severe mental anguish and emotional pain and suffering, was caused to incur hospital, medical expenses and was caused to incur other financial losses and damages.

30. All the losses, damages and injuries sustained by the decedent were caused by the negligence of the Defendants referenced above without any negligence on the part of the decedent contributing thereto.

WHEREFORE, the Plaintiffs, Thanh An Truong, as Personal Representative of the Estate of Thu Le Nguyen, claims damages against the Defendants, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.

Count Two

The Plaintiff, Thanh An Truong, individually, incorporates Paragraphs 1 - 30 of the Statement of Claim as if they were fully set forth at length herein.

31. That at the time of the death of the decedent, Thu Le Nguyen, the Plaintiff, Thanh An Truong, was the husband of the decedent.

32. That as a direct result of the negligence of the Defendants referenced above, the Plaintiff, Thanh An Truong, individually, suffered severe mental anguish, emotional pain and suffering, and has lost and has been deprived of the society, companionship, comfort, protection,

care, attention, advice, counsel and support which the decedent, Thanh An Truong, rendered while alive and could have and would have continued to afford and render had she continued to live.

33. By reason of the negligence of the Defendants which culminated in the death of the decedent, the Plaintiff, Thanh An Truong, as surviving spouse of the decedent, requests compensation to him for all damages, injuries and losses past, present and future which he has sustained and will continue to sustain in the future, all of which were proximately caused by the negligence and carelessness of the Defendants referenced above, without any negligence on the part of the Plaintiff or the decedent thereunto contributing.

WHEREFORE, the Plaintiff, Thanh An Truong, as surviving spouse of, deceased, Thu Le Nguyen, claims damages against the Defendants, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.

Count Three

The Plaintiff, Christian Nguyen, individually, incorporates Paragraphs 1-30 of the Statement in Support of Claim as if they were fully set forth at length herein.

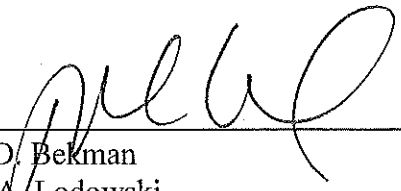
34. That at the time of the death of the decedent, Thu Le Nguyen, the Plaintiff, Christian Nguyen, was the natural child of the decedent.

35. That as a direct result of the Defendants referenced above, the Plaintiff, Christian Nguyen, individually, suffered severe mental anguish, emotional pain and suffering, and has lost and has been deprived of society, companionship, comfort, protection, care, attention, advice, counsel and support which the decedent, Thu Le Nguyen, rendered while alive and could have

and would have continued to afford and render had she continued to live.

36. By reasons of the negligence of the Defendants referenced above which culminated in the death of the decedent, the Plaintiff, Christian Nguyen, as surviving child of decedent, requests compensation to him for all the damages, injuries, and losses, past, present and future, which he has sustained and will continue to sustain in the future, all of which were proximately caused by the negligence and carelessness of the Defendants referenced above, without any negligence on the part of the Plaintiff or the decedent thereunto contributing.

WHEREFORE, the Plaintiff, Christian Nguyen, as surviving child of Thu Le Nguyen, deceased, claims damages against the Defendants, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.



Paul D. Bekman
Julia A. Lodowski
**Salsbury, Clements, Bekman
Marder & Adkins, L.L.C.**
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410)539-6633

Attorneys for Plaintiffs

THANH AN TRUONG, Individually and
as Personal Representative of the
Estate of THU LE NGUYEN,
6705 Queens Ferry Road
Baltimore, Maryland 21239

and

CHRISTIAN NGUYEN, Individually
and by his father and next friend,
THANH AN TRUONG
6705 Queens Ferry Road
Baltimore, Maryland 21239

Plaintiffs

v.

GREATER BALTIMORE MEDICAL
CENTER
6569 N. Charles Street
Baltimore, MD 21204

Serve On: Resident Agent
ROBERT P. KOWAL
6701 N. Charles Street
Baltimore, MD 21204

and

TERRY MASZAROSE, C.N.M.
7505 Osler Drive
Suite 402
Towson, MD 21204

and

CAPITOL WOMEN'S CARE
7505 Osler Drive
Suite 402
Towson, MD 21204

Serve On: Resident Agent
Debbie Redd

* IN THE
*
* CIRCUIT COURT
*
* OF MARYLAND
*
* FOR
*
* BALTIMORE COUNTY
*
* CASE NO.:

1803 Research Blvd.
Suite 100
Rockville, MD 20850

and

SANDRA QUARTNER, M.D.
6569 N. Charles Street
Suite 304
Baltimore, MD 21204

and

VICTOR KHOUZAMI, MD
6565 N. Charles Street
Suite 406
Towson, MD 21204

and

GREATER BALTIMORE OB/GYN
ASSOCIATES
6565 N. Charles Street
Suite 406
Towson, MD 21204

Serve On: Resident Agent
Victor Khouzami, M.D.
6701 N. Charles Street
Baltimore, MD 21204

Defendants *

RECEIVED AND FILED
2008 AUG -7 PM 2:01
CLERK OF DISTRICT COURT

ELECTION FOR JURY TRIAL

Mr. Clerk:

The Plaintiff hereby elects to have this case heard before a jury.



Paul D. Bekman
Julia A. Lodowski
**Salsbury, Clements,
Bekman, Marder & Adkins L.L.C.**
300 West Pratt Street, Suite 450
Baltimore, Maryland 21201
(410)539-6633

HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

6 St. Paul Street, Suite 1501
Baltimore, Maryland 21202-1608
(410) 767-8200

CLAIM FORM

HCA NO.: _____

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

THANH AN TRUONG
Name
6705 Queens Ferry Road
Street Address
Baltimore, MD 21239
City, State, Zip Code

GREATER BALTIMORE MEDICAL CENTER
Name
6569 North Charles Street
Street Address
Baltimore, MD 21204
City, State, Zip Code

CHRISTIAN NGUYEN, A Minor by his
Name Father & Next Friend, THANH AN TRUONG
6705 Queens Ferry Road
Street Address
Baltimore, MD 21239
City, State, Zip Code

TERRY MASZAROSE, C.N.M.
Name
7505 Osler Drive, Suite 402
Street Address
Towson, MD 21204
City, State, Zip Code

Name

Street Address

City, State, Zip Code

CAPITOL WOMEN'S CARE
Name
7505 Osler Drive, Suite 402
Street Address
Towson, MD 21204
City, State, Zip Code

(1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$30,000.00, and the appropriate venue is: Baltimore County, Maryland.

(2) The basis of the claim is described on the page(s) attached hereto.

(3) The resolution of the claim will involve particular expertise in this area of specialty Obstetrics (#029).
(PLEASE SEE REVERSE SIDE FOR AREAS OF CONCENTRATION)

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all the Costs resulting from the filing of this claim, whether it is won or lost; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

Julia A. Lodowski, Esq.
Signature
300 W. Pratt Street, Suite 450
Street Address
Baltimore, MD 21201
City, State, Zip Code
410-539-6633
Telephone Number

Thanh An Truong
Signature for each Claimant THANH AN TRUONG, Individual
& as Father & Next Friend of CHRISTIAN NGUYEN,
A Minor

HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

6 St. Paul Street, Suite 1501
Baltimore, Maryland 21202-1608
(410) 767-8200

CLAIM FORM

HCA NO.: _____

CLAIMANT(S)

HEALTH CARE PROVIDER(S)

Name

Street Address

City, State, Zip Code

SANDRA QUARTNER, M.D.
Name
6569 North Charles Street, Suite 304
Street Address
Baltimore, MD 21204
City, State, Zip Code

Name

Street Address

City, State, Zip Code

VICTOR KHOUZAMI, M.D.
Name
6565 North Charles Street, Suite 406
Street Address
Towson, MD 21204
City, State, Zip Code

Name

Street Address

City, State, Zip Code

GREATER BALTIMORE OB/GYN ASSOCIATES
Name
6565 North Charles Street, Suite 406
Street Address
Towson, MD 21204
City, State, Zip Code

(1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts Article. The damages claimed are in excess of \$30,000.00, and the appropriate venue is: _____

(2) The basis of the claim is described on the page(s) attached hereto.

(3) The resolution of the claim will involve particular expertise in this area of specialty _____
(PLEASE SEE REVERSE SIDE FOR AREAS OF CONCENTRATION)

WARNING: Each Claimant has been advised that he/she may be held civilly liable for part or all the Costs resulting from the filing of this claim, whether it is won or lost; this would be an individual and personal responsibility.

ATTORNEY FOR CLAIMANT(S)

CLAIMANT(S)

Signature

Street Address

City, State, Zip Code

Telephone Number

Signature for each Claimant

Serve On: Resident Agent
Debbie Redd
1803 Research Blvd.
Suite 100
Rockville, MD 20850

and

SANDRA QUARTNER, M.D.
6569 N. Charles Street
Suite 304
Baltimore, MD 21204

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6565 N. Charles Street
Suite 406
Towson, MD 21204

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GREATER BALTIMORE OB/GYN
ASSOCIATES
6565 N. Charles Street
Suite 406
Towson, MD 21204

Serve On: Resident Agent
Victor Khouzami, M.D.
6701 N. Charles Street
Baltimore, MD 21204

Health Care Providers

STATEMENT IN SUPPORT OF CLAIM

Thanh An Truong, individually and as Personal Representative of the Estate of Thu Le
Nguyen, and Christian Truong, individually and by his father and next friend, Thanh An Truong,
Claimants, by their attorneys, Paul D. Bekman, Julia A. Lodowski and Salisbury, Clements,

Bekman, Marder & Adkins, LLC, sue the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzami, M.D. and Greater Baltimore OB/GYN Associates and state as follows:

Count One

1. The amount of this claim exceeds \$30,000.00.

2. The venue for this claim is proper in Baltimore County, Maryland.

3. At all times hereinafter set forth, the Health Care Provider, Greater Baltimore Medical Center ("GBMC") was and is a medical facility offering medical and other related services to the general public and in such capacity, such hospital, its agents, apparent agents, servants, and/or employees, medical staff, nurses, midwives and consultants held themselves out as practicing ordinary standards of medical, hospital and nursing care, and as such, owed a duty to the Claimants to render and provide health care within the ordinary standards of medical, hospital and nursing care and to exercise reasonable skill and care in the selection of its personnel to provide competent physicians, obstetricians, midwives, anaesthesiologists, nurses and other medical personnel, possessing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine and obstetrics and gynecology, and to supervise and provide its patients with diagnostic and medical services and treatment commensurate with the condition from which the patient suffers and for which the patient entered said hospital.

4. At all times hereinafter set forth, the Health Care Provider, Marissa Keene, M.D., a deceased physician who specialized in obstetrics and gynecology, was an agent, apparent agent servant and/or employee of Health Care Provider GBMC who was acting within the scope of her employment at GBMC.

5. At all times hereinafter set forth, all labor and delivery nurses caring for Thu Le Nguyen in December 2005 at GBMC, including but not limited to Mel Seitz, RN, were agents, apparent agents, servants and/or employees of Health Care Provider GBMC who were acting within the scope of their employment and/or duties at GBMC.

6. At all times hereinafter set forth, Terry Maszarose, CNM, held herself out to the Claimants and the general public as an experienced, competent, and able midwife and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics and midwifery and, as such, owed a duty to the Claimants to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics and midwifery.

7. At all times hereinafter set forth, the Health Care Provider, Sandra Quartner, M.D., held herself out to the Claimants and the general public as an experienced, competent, and able obstetrician and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics, as such, owed a duty to the Claimants to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics.

8. At all times hereinafter set forth, the Health Care Provider, Victor Khouzami, M.D., held himself out to the Claimants and the general public as an experienced, competent, and able obstetrician and maternal fetal medicine physician, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of obstetrics and maternal fetal medicine, as such, owed a duty to the Claimants to

render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of obstetrics and maternal fetal medicine.

9. At all times hereinafter set forth, Terry Maszarose, CNM, was an agent, apparent agent, servant and/or employee of Health Care Providers GBMC and Capitol Women's Care and was acting within the scope of her employment and duties with those entities.

10. At all times hereinafter set forth, Sandra Quartner, M.D., was an agent, apparent agent, servant and/or employee of Health Care Provider GBMC and was acting within the scope of her employment and/or agency with GBMC.

11. At all times hereinafter set forth, Victor Khouzami, M.D., was an agent, apparent agent, servant and/or employee of Health Care Providers GBMC and Greater Baltimore OB/GYN Associates and was acting within the scope of his employment and agency with those entities.

12. At approximately 11:22 p.m. on December 18, 2005, the decedent, Thu Le Nguyen, then- 39 5/7 weeks pregnant, presented to Health Care Provider, GBMC with a chief complaint of ruptured membranes. Ms. Nguyen had been receiving pre-natal care from her obstetrician, Sandra Quartner, M.D. (hereinafter referred to as Health Care Provider "Quartner").

13. The nurses confirmed ruptured membranes and recorded a fetal heart rate of 150. Mrs. Nguyen received IV fluids at 12 midnight and continuous fetal monitoring. Health Care Provider Marissa Keene, M.D. (hereinafter "Keene"), was the in-house attending obstetrician on-call for Mrs. Nguyen at the time. Health Care Provider Quartner was her attending obstetrician.

14. Throughout the night, Mrs. Nguyen labored without much progression. At approximately 6:15 a.m., Mrs. Nguyen received Pitocin.

15. From 6:15 a.m. through 8:20 a.m., the amount of Pitocin administered was increased.

Mel Seitz, R.N. was the labor and delivery nurse in charge of Mrs. Nguyen's care at the time. Terry Maszarose, CNM, was the nurse midwife providing bedside assistance throughout the morning of December 19, 2005.

16. At 8:15 a.m., CNM Maszarose ruptured Mrs. Nguyen's membranes at the direction of Health Care Provider Quartner.

17. At 9:35 a.m., nurse Seitz noticed a "prolonged deceleration" on the fetal heart rate tracing and noted that she would continue to observe Mrs. Nguyen and her strip closely. This "prolonged deceleration" was not reported to CNM Maszarose or any physician and Nurse Seitz did not continue to monitor Mrs. Nguyen closely. During this time, her fetal strip continued to worsen.

18. At approximately 9:52 a.m., Nurse Seitz consulted with CNM Maszarose about the earlier fetal heart strips. Nurse Seitz noted Mrs. Nguyen's blood pressure was up and Mrs. Nguyen was shaking. Her plan was to "continue to observe closely." Neither nurse Seitz or CNM Maszarose called a physician. Additionally, Nurse Seitz did not monitor Mrs. Nguyen or her strips closely but rather, left the room. Again, while she was gone from the room, Mrs. Nguyen's strips continued to worsen.

19. At approximately 10:10 a.m., Nurse Seitz walked into the room immediately after Mrs. Nguyen vomited. The fetal heart rate was noted to be down in the 90s and Mrs. Nguyen's blood pressure was 74/53. The Pitocin was shut off and Health Care Provider Keene was called for stat. Mrs. Nguyen's fetal monitor strips remained ominous until 10:20 a.m. when a stat c-section was called.

20. Mrs. Nguyen underwent an emergency c-section by Health Care Provider Keene at 10:23 a.m. with the baby delivered at 10:25 a.m. At the time of the c-section, Mrs. Nguyen was

bleeding heavily from a placental abruption. Notwithstanding the bleed, Health Care Provider Keene did not perform a hysterectomy, administer Methergine or Hemabate, order blood work or request blood.

21. At approximately 10:25 a.m., Health Care Provider Quartner entered the operating room. She noticed a severe bleed and uterine atony but notwithstanding the bleed, she did not perform a hysterectomy. Further, she did not request blood until 10:42 a.m.. The first CBC was performed at 11:34 a.m. and the first coagulation profile was performed at 12:37 a.m.

22. At approximately 11:19 a.m., Mrs. Nguyen received her first blood transfusion. Health Care Provider Khouzami was called into the OR at some point and did not recommend a hysterectomy.

23. Mrs. Nguyen's bleed was finally controlled sometime later that afternoon. In the intensive care unit, EEG testing revealed severe anoxic encephalopathy as a result of blood loss and shock. On the evening of December 20, 2005, Mrs. Nguyen was removed from life support. At 6:21 p.m. that evening, Mrs. Nguyen was pronounced dead.

24. The Health Care Provider Greater Baltimore Medical Center, through Dr. Keene, Nurse Seitz, CNM Maszarose and its other agents, apparent agents, servants and/or employees was negligent and careless in the following respects:

- a) failure to closely monitor Mrs. Nguyen and her fetal monitor strips from 9 a.m. until 10:10 a.m.;
- b) failure to timely report concerning fetal monitor findings to the obstetrician on call the morning of December 19, 2005;
- c) failure to timely recommend a c-section on December 19, 2005;
- d) failure to timely perform a c-section on December 19, 2005;

- e) failure to timely administer blood products;
- f) failure to perform a hysterectomy;
- g) failure to timely provide Hemabate and Methargine;
- h) failure to timely order lab studies;
- i) failure to prevent death by massive blood loss and hemorrhagic shock; and
- j) was otherwise negligent and careless.

25. The Health Care Provider, Terry Maszarose, CNM, was negligent and careless in the following respects:

- a) failure to closely monitor Mrs. Nguyen and her fetal monitor strips from 9 a.m. until 10:10 a.m.;
- b) failure to appropriately interpret the fetal monitor strips of December 19, 2005;
- c) failure to timely report concerning fetal monitor findings to the obstetrician on call the morning of December 19, 2005;
- d) failure to timely recommend a c-section on December 19, 2005; and
- e) was otherwise careless and negligent.

26. The Health Care Provider, Sandra Quartner, M.D. was negligent and careless in the following respects:

- a) failure to timely perform a hysterectomy;
- b) failure to properly control the bleed;
- c) failure to timely order blood products; and
- d) failure to prevent death by hemorrhagic shock.

27. The Health Care Provider, Victor Khouzami, M.D., was negligent and careless in the following respects:

- a) failure to recommend a hysterectomy or other means of blood loss control; and
- b) failure to prevent death by hemorrhagic shock.

28. As a direct result of the negligence of the Health Care Providers referenced above, the decedent was caused to suffer painful and permanent injuries to her body, including death, was caused to sustain severe mental anguish and emotional pain and suffering, was caused to incur hospital, medical expenses and was caused to incur other financial losses and damages.

29. All the losses, damages and injuries sustained by the decedent were caused by the negligence of the Health Care Providers referenced above without any negligence on the part of the decedent contributing thereto.

WHEREFORE, the Claimants, Thanh An Truong, as Personal Representative of the Estate of Thu Le Nguyen, claims damages against the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.

Count Two

The Claimant, Thanh An Truong, individually, incorporates Paragraphs 1 - 29 of the Statement of Claim as if they were fully set forth at length herein.

30. That at the time of the death of the decedent, Thu Le Nguyen, the Claimant, Thanh An Truong, was the husband of the decedent.

31. That as a direct result of the negligence of the Health Care Providers referenced above, the Claimant, Thanh An Truong, individually, suffered severe mental anguish, emotional pain and suffering, and has lost and has been deprived of the society, companionship, comfort, protection, care, attention, advice, counsel and support which the decedent, Thanh An Truong,

rendered while alive and could have and would have continued to afford and render had she continued to live.

32. By reason of the negligence of the Health Care Providers which culminated in the death of the decedent, the Claimant, Thanh An Truong, as surviving spouse of the decedent, requests compensation to him for all damages, injuries and losses past, present and future which he has sustained and will continue to sustain in the future, all of which were proximately caused by the negligence and carelessness of the Health Care Providers referenced above, without any negligence on the part of the Claimant or the decedent thereunto contributing.

WHEREFORE, the Claimant, Thanh An Truong, as surviving spouse of, deceased, Thu Le Nguyen, claims damages against the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.

Count Three

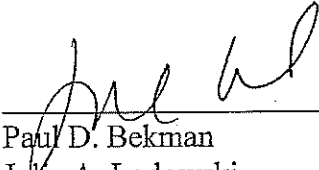
The Claimant, Christian Nguyen, individually, incorporates Paragraphs 1-29 of the Statement in Support of Claim as if they were fully set forth at length herein.

33. That at the time of the death of the decedent, Thu Le Nguyen, the Claimant, Christian Nguyen, was the natural child of the decedent.

34. That as a direct result of the Health Care Providers referenced above, the Claimant, Christian Nguyen, individually, suffered severe mental anguish, emotional pain and suffering, and has lost and has been deprived of society, companionship, comfort, protection, care, attention, advice, counsel and support which the decedent, Thu Le Nguyen, rendered while alive and could have and would have continued to afford and render had she continued to live.

35. By reasons of the negligence of the Health Care Providers referenced above which culminated in the death of the decedent, the Claimant, Christian Nguyen, as surviving child of decedent, requests compensation to him for all the damages, injuries, and losses, past, present and future, which he has sustained and will continue to sustain in the future, all of which were proximately caused by the negligence and carelessness of the Health Care Providers referenced above, without any negligence on the part of the Claimant or the decedent thereunto contributing.

WHEREFORE, the Claimant, Christian Nguyen, as surviving child of Thu Le Nguyen, deceased, claims damages against the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khouzai, M.D. and Greater Baltimore OB/GYN Associates, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.



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(410)539-6633

Attorneys for Claimants

THANH AN TRUONG, Individually and
as Personal Representative of the
Estate of THU LE NGUYEN,
6705 Queens Ferry Road
Baltimore, Maryland 21239

and

CHRISTIAN NGUYEN, Individually
and by his father and next friend,
Thanh AN TRUONG
6705 Queens Ferry Road
Baltimore, Maryland 21239

Claimants

v.

GREATER BALTIMORE MEDICAL
CENTER
6569 N. Charles Street
Baltimore, MD 21204

Serve On: Resident Agent
ROBERT P. KOWAL
6701 N. Charles Street
Baltimore, MD 21204

and

TERRY MASZAROSE, C.N.M.
7505 Osler Drive
Suite 402
Towson, MD 21204

and

CAPITOL WOMEN'S CARE
7505 Osler Drive
Suite 402
Towson, MD 21204

Serve On: Resident Agent
Debbie Redd

IN THE
HEALTH CLAIMS
ARBITRATION OFFICE
OF
MARYLAND
HCA NO.:

1803 Research Blvd.
Suite 100
Rockville, MD 20850

and

SANDRA QUARTNER, M.D.
6569 N. Charles Street
Suite 304
Baltimore, MD 21204

and

VICTOR KHOUZAMI, MD
6565 N. Charles Street
Suite 406
Towson, MD 21204

and

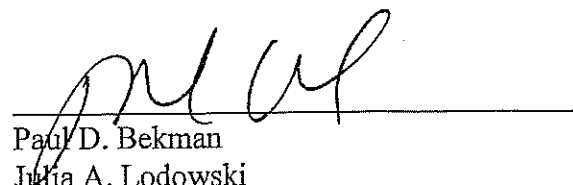
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6565 N. Charles Street
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Serve On: Resident Agent
Victor Khouzami, M.D.
6701 N. Charles Street
Baltimore, MD 21204

Health Care Providers

ELECTION TO WAIVE ARBITRATION

Thanh An Truong, individually and as Personal Representative of the Estate of Thu Le Nguyen, and Christian Nguyen, individually and by his father and next friend, Thanh An Truong, Claimants, by their attorneys, Paul D. Bekman, Julia A. Lodowski and Salsbury, Clements, Bekman, Marder & Adkins L.L.C., hereby elect to waive arbitration in the above captioned matter to the **Circuit Court for Baltimore County.**



Paul D. Bekman

Julia A. Lodowski

Salsbury, Clements,

Bekman, Marder & Adkins L.L.C.

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Baltimore, Maryland 21201

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Baltimore, MD 21204

Health Care Providers

* * * * *

AMENDED CERTIFICATE OF QUALIFIED EXPERT

I, Frederick Harlass, M.D., hereby certify that I am a board certified in the field of
Obstetrics and Gynecology.

I hereby certify that less than 20% of my professional activities are devoted to activities
that directly involve testimony in personal injury claims.

Report: Re: Frederick Harlass, M.D.

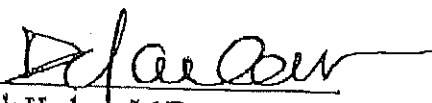
I have reviewed the records of The Le Nguyen relating to the care and treatment she received from Greater Baltimore Medical Center, Terry Maszarose, C.N.M, Capitol Women's Care, Sandra Quartner, M.D., Victor Khoussami, M.D. and Greater Baltimore OB/GYN Associates.

Based upon my review, I conclude that the medical care and treatment rendered by the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M, Capitol Women's Care failed to comply with the standards of care in the following ways: (a) failed to monitor the fetal monitor strips from 9:35 a.m. until 10:10 am; (b) failed to closely monitor Mrs. Nguyen from 9:35 a.m. until 10:10 a.m.; (c) failed to timely call for physician help at 9:35 a.m.; and (d) was otherwise negligent and careless.

Further, based upon my review, I conclude that the medical care and treatment rendered by the Health Care Providers Sandra Quartner, M.D., Victor Khoussami, M.D. and Greater Baltimore OB/GYN failed to comply with the standards of care in the following ways: (a) failed to timely treat the uterine bleed with medical therapy once notified of the bleed by the nurses; (b) failed to timely perform laboratory studies to assess and treat the bleed; (c) failed to timely perform a hysterectomy or other invasive procedures to timely stop the uterine bleed; and (d) was otherwise careless and negligent.

I hereby state that these deviations from the standard of care were a proximate cause of the injuries to Thu Le Nguyen.

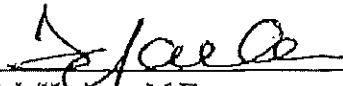
I hereby certify that I have read the above and that it is true and correct to the best of my knowledge, information and belief.


Frederick Harlass, M.D.

I hereby certify that I have reviewed the medical records of The Le Nguyen pertaining to the care and treatment rendered to her by the Health Care Providers in the above matter.

I hereby certify that based on my training, expertise and review, the care and treatment rendered to the Claimant by the Health Care Providers, Greater Baltimore Medical Center, Terry Maszarose, C.N.M., Capitol Women's Care, Sandra Quartner, M.D., Victor Khousami, M.D. and Greater Baltimore OB/GYN Associates failed to comply with the standards of care and that said failures were the proximate cause of the injuries in this case.

I hereby certify that I have read the above and that it is true and correct to the best of my knowledge, information and belief.



Frederick Harfags, M.D.

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

*

THANH AN TRUONG, et al.

*

Claimants

HCA No.: 2008-565

Vs.

*

GREATER BALTIMORE MEDICAL CENTER, et al.

*

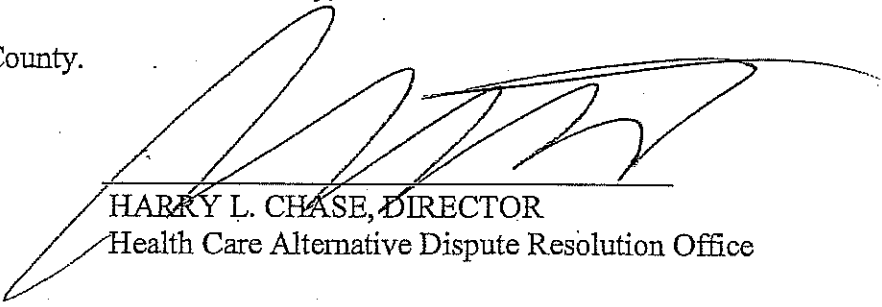
Health Care Providers

* * * * *

ORDER OF TRANSFER

The Claimants, having elected a Waiver of Arbitration under the provisions of the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06B it is this 28th Day of July, 2009, by the Health Care Alternative Dispute Resolution Office,

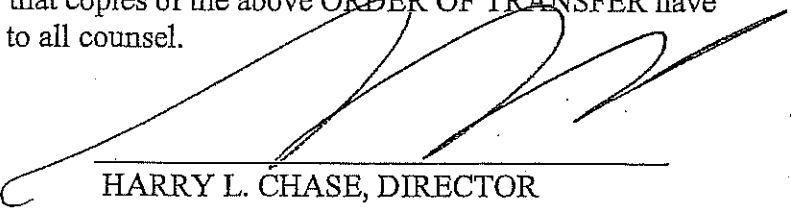
ORDERED that this case shall be and is hereby, transferred to the Circuit Court for Baltimore County.



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