

OBIAGELI NWOKO, Individually
As Surviving Mother, and As Personal
Representative of the Estate of
KAMSIYUCHUKWO NWOKO
1014 Vine Street
Baltimore, MD 21223

And

UGOCHUKWU NWOKO, Individually
As Surviving Father, and as Personal
Representative of the Estate of
KAMSIYUCHUKWO NWOKO
1014 Vine Street
Baltimore, MD 21223

Plaintiffs

v.

**GREATER BALTIMORE MEDICAL
CENTER, INC.**
6701 N. Charles Street
Baltimore, MD 21204
**SERVE ON: RESIDENT AGENT
JOHN B. CHESSARE**
6701 N. Charles Street
Baltimore, MD 21204

And

VICTOR KHOZAMI, M.D.
6565 N. Charles Street, Suite 406
Baltimore, MD 21204

And

CLAIRE WEITZ, M.D.
6565 N. Charles Street, Suite 406
Baltimore, MD 21204

* IN THE
* CIRCUIT COURT
* OF
* MARYLAND
* FOR
* BALTIMORE COUNTY
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* CASE NO.
* **C-03-CV-19-004169**
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Defendants

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STATEMENT OF CLAIM

COME NOW THE PLAINTIFFS, Obiageli Nwoko and Ugochukwu Nwoko, by and through their attorneys David Ellin, Samuel O. Cole, and the Law Office of David Ellin, P.C., and file this claim against Defendants Greater Baltimore Medical Center, Inc. (hereinafter "GBMC"), and Victor Khouzami, M.D. (hereinafter "Khouzami, M.D."), and Claire Weitz, M.D. (hereinafter "Weitz, M.D.") for medical malpractice, and other acts of negligence pursuant to Title 3, Sub-Sections 2A, *et seq.*, of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, and in support thereof, state:

PARTIES, VENUE AND JURISDICTION

1. At the time of the occurrences described herein, Plaintiffs were residents of Baltimore City, Maryland.
2. The Defendant GBMC, at all times herein conducted business and held itself out to be a provider of healthcare services to patients in and around the State of Maryland, including Baltimore County, Maryland, and maintained its principal place of business located at 6701 N. Charles Street, Baltimore, Maryland.
3. The Defendant Khouzami, M.D. is, and was at all times relevant to this action, an OB-GYN licensed in the State of Maryland, who carries on a regular business, is employed, and/or habitually engages in a vocation in Baltimore County, Maryland. At the time of the incidents alleged herein, Defendant Khouzami, M.D. was an actual and/or apparent agent, servant and/or employee of GBMC, or, in the alternative, was acting as an independent contractor on behalf of GBMC.

4. The Defendant Weitz, M.D. is, and was at all times relevant to this action, an OB-GYN licensed in the State of Maryland, who carries on a regular business, is employed, and/or habitually engages in a vocation in Baltimore County, Maryland. At the time of the incidents alleged herein, Defendant Weitz, M.D. was an actual and/or apparent agent, servant and/or employee of GBMC, or, in the alternative, was acting as an independent contractor on behalf of GBMC.

5. Venue in this claim is invoked in Baltimore County, Maryland, the location where the Defendants carry on regular business and/or habitually engage in a vocation pursuant to Section 6-201, sub-section (a), of the Courts and Judicial Proceedings Article of the Maryland Annotated Code, and the location where the acts and/or omissions occurred, as alleged herein.

6. The amount of this claim exceeds Thirty Thousand Dollars (\$30,000.00).

STATEMENTS COMMON TO ALL COUNTS

7. At the time of the incidents described herein, Obiageli Nwoko was a 35-year-old woman who was pregnant with her unborn son, Decedent Kamsiyochukwo Nwoko (hereinafter "Baby Nwoko").

8. Obiageli Nwoko received regular perinatal medical treatment from Khouzami, M.D., throughout the pregnancy.

9. Throughout Ms. Nwoko's pregnancy, she suffered from elevated blood pressure, which was monitored and treated by Khouzami, M.D.

10. From February 14th, 2017, until August 29th, 2017, Ms. Nwoko's blood glucose levels were regularly tested, and were within normal limits.

11. On August 29th, 2017, during a prenatal office visit with Khouzami, M.D. at the Perinatal Associates Department at GBMC, Ms. Nwoko's blood glucose levels were tested, and her blood glucose was 100 mg/dL. No medication or treatment was provided to assist in controlling Ms. Nwoko's blood glucose levels, and Khouzami, M.D. instructed Ms. Nwoko to return in about two (2) weeks.

12. On September 12th, 2017, during Ms. Nwoko's next appointment with Khouzami, M.D., Ms. Nwoko's blood glucose levels were tested, and her blood glucose was **500 mg/dL**. No medication or treatment was provided to assist in controlling Ms. Nwoko's blood glucose levels, and Khouzami, M.D. instructed Ms. Nwoko to get the FLU shot and to return in about two (2) weeks.

13. On September 26th, 2017, during Ms. Nwoko's next appointment with Weitz, M.D., Ms. Nwoko's blood glucose levels were tested, and her blood glucose was 100 mg/dL. No medication or treatment was provided to assist in controlling Ms. Nwoko's blood glucose levels, and Weitz, M.D. instructed Ms. Nwoko to return in about one (1) week.

14. On October 1st, 2017, Ms. Nwoko was admitted to GBMC Labor and Delivery. At 3:47 AM, a comprehensive metabolic panel was collected, and Ms. Nwoko's blood glucose was **514 mg/dL**. No fetal heart tones were present. Ms. Nwoko was placed on an insulin drip and a cesarean section was recommended.

15. A cesarean section was performed, and the baby was delivered at 8:45 AM. The pre-operative diagnosis concerning Baby Nwoko was "fetal demise in utero." At the time of delivery, Baby Nwoko was in fact dead.

16. After Baby Nwoko's death, Ms. Nwoko was, for the first time, diagnosed with diabetes. Ms. Nwoko was provided medicine and diabetes education materials.

17. The Certificate of Fetal Death stated the initiating cause/condition of Baby Nwoko's death as "maternal undiagnosed diabetes."

18. It is asserted that Defendant Khouzami, M.D., Weitz, M.D., and/or other yet-unnamed providers at Defendant GBMC, acting at all times for and on behalf of, and as apparent agents, servants, employees, owners, managers, and/or representatives of Defendant GBMC, breached the accepted standards of care by failing to diagnose Ms. Nwoko's gestational diabetes at any time between August 29th, 2017 and October 1st, 2017, and by failing to treat Ms. Nwoko's elevated blood glucose levels at any time between August 29th, 2017 and October 1st, 2017.

19. It is asserted that Baby Nwoko suffered extreme physical injuries and death due to the failures of Defendants Khouzami, M.D. and Weitz, M.D. to diagnose Ms. Nwoko's gestational diabetes at any time between August 29th, 2017 and October 1st, 2017, and the failures to treat Ms. Nwoko's elevated blood glucose levels at any time between August 29th, 2017 and October 1st, 2017.

20. It is asserted that Plaintiff Ms. Nwoko suffered physical injuries, and that Plaintiffs suffered extreme emotional injuries when their unborn son died due to the failures of Defendants Khouzami, M.D. and Weitz, M.D. to diagnose Ms. Nwoko's gestational diabetes at any time between August 29th, 2017 and October 1st, 2017, and the failures to treat Ms. Nwoko's elevated blood glucose levels at any time between August 29th, 2017 and October 1st, 2017.

21. It is asserted that all injuries sustained by Baby Nwoko, and all injuries sustained by Plaintiffs, were caused solely by the actions or inactions of Defendant GBMC by and through its employees, agents, servants, or representatives of Defendant GBMC named hereinabove. The failure to properly diagnose and/or treat Ms. Nwoko's elevated blood glucose levels at any time between August 29th, 2017 and October 1st, 2017, was the proximate cause of Baby Nwoko's injuries and death described herein.

COUNT I – NEGLIGENCE

Victor Khouzami, M.D.

22. Plaintiffs, by and through their undersigned attorneys, hereby make claim against Defendant Khouzami, M.D., for negligence and incorporate by reference thereto all paragraphs above as if fully set forth herein, and further allege as follows:

23. Defendant Khouzami, M.D. owed to Plaintiffs a duty of care to render treatment and care commensurate with the degree of skill, care, and learning ordinarily exercised or possessed by the average qualified Defendant acting in the same or similar circumstances, taking into account the existing state of knowledge and practice of medicine.

24. Defendant Khouzami, M.D. breached said duty and was careless, reckless, and/or negligent by the following acts and/or omissions, including, but not limited to:

- a. Failure to properly diagnose Ms. Nwoko's gestational diabetes;
- b. Failure to properly treat Ms. Nwoko's elevated blood glucose levels between August 29th, 2017 and October 1st, 2017; and
- c. Defendant Khouzami, M.D. was or may have been negligent in other ways.

25. As a direct and proximate result of Defendant Khouzami, M.D.'s negligent acts and/or omissions, Baby Nwoko was caused to endure severe physical pain and suffering, and death.

26. As a direct and proximate result of Defendant Khouzami, M.D.'s negligent acts and/or omissions, Plaintiff Ms. Nwoko was caused to suffer serious physical pain and suffering, and Plaintiffs were caused to suffer severe emotional distress, suffering, and mental anguish.

27. Plaintiffs aver that all damages, past, present, and future, were a direct and proximate result of the negligence or want of due care on the part of the Defendant Khouzami, M.D., with no action on the part of the Plaintiffs contributing thereto.

WHEREFORE, Plaintiffs claim economic and non-economic damages in excess of Thirty-Thousand Dollars (\$30,000.00) against Defendant Khouzami, M.D.

COUNT II – NEGLIGENCE

Claire Weitz, M.D.

28. Plaintiffs, by and through their undersigned attorneys, hereby make claim against Defendant Weitz, M.D., for negligence and incorporate by reference thereto all paragraphs above as if fully set forth herein, and further allege as follows:

29. Defendant Weitz, M.D. owed to Plaintiffs a duty of care to render treatment and care commensurate with the degree of skill, care, and learning ordinarily exercised or possessed by the average qualified Defendant acting in the same or similar circumstances, taking into account the existing state of knowledge and practice of medicine.

30. Defendant Weitz, M.D. breached said duty and was careless, reckless, and/or negligent by the following acts and/or omissions, including, but not limited to:

- a. Failure to properly diagnose Ms. Nwoko's gestational diabetes;
- b. Failure to properly treat Ms. Nwoko's elevated blood glucose levels between August 29th, 2017 and October 1st, 2017; and
- c. Defendant Weitz, M.D. was or may have been negligent in other ways.

31. As a direct and proximate result of Defendant Weitz, M.D.'s negligent acts and/or omissions, Baby Nwoko was caused to endure severe physical pain and suffering, and death.

32. As a direct and proximate result of Defendant Weitz, M.D.'s negligent acts and/or omissions, Plaintiff Ms. Nwoko was caused to suffer serious physical pain and suffering, and Plaintiffs were caused to suffer severe emotional distress, suffering, and mental anguish.

33. Plaintiffs aver that all damages, past, present, and future, were a direct and proximate result of the negligence or want of due care on the part of the Defendant Weitz, M.D., with no action on the part of the Plaintiffs contributing thereto.

WHEREFORE, Plaintiffs claim economic and non-economic damages in excess of Thirty-Thousand Dollars (\$30,000.00) against Defendant Weitz, M.D.

COUNT III – WRONGFUL DEATH
Obiageli Nwoko

34. Plaintiff Obiageli Nwoko incorporates by reference thereto all paragraphs above as if fully set forth herein, and further alleges as follows:

35. Plaintiff Obiageli Nwoko is the surviving mother of Decedent Baby Nwoko.

36. As a direct and proximate result of the negligence of the Healthcare Providers, Khouzami, M.D., Weitz, M.D., and GBMC, Plaintiff Obiageli Nwoko has suffered and will

continue to suffer mental anguish, emotional pain and suffering, grief, loss of society, companionship, comfort, attention, and care for the untimely death of Decedent.

WHEREFORE, Plaintiff Obiageli Nwoko claims damages in excess of Thirty-Thousand Dollars (\$30,000.00), against all Defendants.

COUNT IV – WRONGFUL DEATH

Ugochukwu Nwoko

37. Plaintiff Ugochukwu Nwoko incorporates by reference thereto all paragraphs above as if fully set forth herein, and further alleges as follows:

38. Plaintiff Ugochukwu Nwoko is the surviving father of Decedent Baby Nwoko.

39. As a direct and proximate result of the negligence of the Healthcare Providers, Khouzami, M.D., Weitz, M.D., and GBMC, Plaintiff Ugochukwu Nwoko has suffered and will continue to suffer mental anguish, emotional pain and suffering, grief, loss of society, companionship, comfort, attention, and care for the untimely death of Decedent.

WHEREFORE, Plaintiff Ugochukwu Nwoko claims damages in excess of Thirty-Thousand Dollars (\$30,000.00), against all Defendants.

COUNT V – SURVIVAL ACTION

All Defendants

40. Plaintiff Obiageli Nwoko, as Personal Representative of the Estate of Baby Nwoko, incorporates by reference thereto all paragraphs above as if fully set forth herein, and further alleges as follows:

41. Defendant Khouzami, M.D., and Defendant Weitz, M.D., who were at all times employees, agents, servants and/or representatives, either actual or apparent, of Defendant GBMC, and/or who were reasonably believed by Plaintiffs to be employees, agents, servants

and/or representatives, either actual or apparent, of Defendant GBMC, owed to Baby Nwoko a duty to render sound decision making based on training, protocol and common sense, common treatment and care commensurate with the degree of skill, care, and learning ordinarily exercised and/or possessed by qualified agents, servants, and/or employees in the same or similar circumstances, taking into account the training and protocol that should be taught to agents, servants and/or employees who are OB-GYNs, including but not limited to the diagnosis and treatment of gestational diabetes.

42. The Defendants described herein, acting at all times for and on behalf of Defendant GBMC, breached said duties. Their negligent acts and/or omissions, and the negligent acts and/or omissions of Defendant GBMC included, but were not limited to:

- a. Failure to properly diagnose Ms. Nwoko's gestational diabetes;
- b. Failure to properly treat Ms. Nwoko's elevated blood glucose levels between August 29th, 2017 and October 1st, 2017; and
- c. Defendants Khouzami, M.D., and Weitz, M.D. were or may have been negligent in other ways.

43. As a direct and proximate result of the breaches of the applicable standards of care as described herein of Defendants Khouzami, M.D., and Weitz, M.D., acting at all times as employees, agents, or representatives of Defendant GBMC, Baby Nwoko suffered severe bodily injury and death, and the Estate of Baby Nwoko was also caused to sustain significant economic losses, including but not limited to medical expenses, funeral expenses, and other losses and expenses.

44. Plaintiff avers that all injuries and damages described above were a direct and proximate result of the negligence of Defendants Khouzami, M.D., and Weitz, M.D., acting at all times as employees, agents, or representatives of Defendant GBMC, and which are imputed to Defendant GBMC pursuant to the doctrine of *respondeat superior*, without any negligence or want of due care on the part of Plaintiffs or the Late Baby Nwoko contributing thereto.

WHEREFORE, Plaintiff Obiageli Nwoko, as Personal Representative of the Estate of Baby Nwoko, claims damages in excess of Thirty-Thousand Dollars (\$30,000.00), against all Defendants.



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