

DANIELLE V. HARDY,
Individually, as Surviving Mother,
and as Personal Representative
of the Estate of her Late Daughter,
KAITLYNN A. HARDY
115 Willow Bend Drive
Apartment 1B
Owings Mills, Maryland 21117

and

WAYNE M. HARDY, Individually,
and as Surviving Father of his
Late Daughter, KAITLYNN A. HARDY
115 Willow Bend Drive
Apartment 1B
Owings Mills, Maryland 21117,

Plaintiffs

v.

VICTOR A. KHOUZAMI, M.D.
Suite 406
6565 N. Charles Street
Towson, Maryland 21204

and

PERINATAL ASSOCIATES, LLC
Suite 406
6565 N. Charles Street
Towson, Maryland 21204

Serve on:

Victor A. Khouzami, M.D.
Suite 406
6565 N. Charles Street
Towson, Maryland 21204,

Defendants

IN THE
CIRCUIT COURT
FOR
BALTIMORE COUNTY
CASE NO.:

C-06-7278
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CLERK OF
BALTIMORE COUNTY

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COMPLAINT AND ELECTION FOR JURY TRIAL

COUNT ONE - SURVIVAL ACTION

COMES NOW the Plaintiff, Danielle V. Hardy, surviving mother and Personal Representative of the Estate of her late daughter, Kaitlynn A. Hardy, and in support of claims of medical negligence and survival action, states:

1. On or about June 22, 2006, Danielle V. Hardy was appointed Personal Representative of the estate of her late daughter, Kaitlynn A. Hardy, by the Register of Wills of the Circuit Court for Baltimore County.

2. At all times relevant herein, the Defendant Khouzami, an obstetrician/gynecologist, was acting for and on behalf of, as an agent and/or employee of his professional association known as Perinatal Associates, LLC.

3. At all times relevant herein, other agents and/or employees of Perinatal Associates, LLC may have been negligent or breached standards of care as described hereinabove and hereinbelow.

4. On or about December 15, 2004, the Plaintiff, Danielle V. Hardy, was admitted to the Greater Baltimore Medical Center with a diagnosis of intrauterine pregnancy at 24 weeks, for observation and steroid administration. The Plaintiff was admitted under the Defendants' care.

5. On December 19, 2004, or four days into the admission to the Greater Baltimore Medical Center as described hereinabove, the Plaintiff was noted to have suffered a spontaneous rupture of her membranes, and she was begun on I.V. antibiotics. Examination by the Defendants revealed that the Plaintiff was approximately 2 centimeters dilated, which was unchanged from the date of admission.

6. Ultrasound testing confirmed an intrauterine pregnancy at 24 weeks in the breech position. The Defendants discussed with the Plaintiff that should she go into labor, a classical Cesarean section would be performed for delivery of the fetus.

7. The Plaintiff was seen in consultation by a neonatologist on December 20, 2005. This neonatologist noted that the likelihood of fetal survival was 70 to 80 percent.

8. On December 21, 2005, the Plaintiff was noted to have a cord prolapse through the cervix, and she was taken to the operating room for an emergency classical Cesarean section by the Defendant Khouzami.

9. During the surgery and the uterine incision for the Cesarean section, the Defendant Khouzami negligently extended and otherwise inappropriately caused the Plaintiff's decedent, the infant, Kaitlynn A. Hardy, to be severely cut and lacerated. It is alleged that the Defendant Khouzami negligently breached standards of care and allowed for the uterine incision to deliver the infant, Kaitlynn A. Hardy, to be extended so as to cause a 5 centimeter laceration of the Plaintiff's decedent's chest and abdomen.

10. It is alleged that the Defendant Khouzami was negligent and breached standard of care in severely and mortally injuring and wounding the Plaintiff's decedent, the infant, Kaitlynn A. Hardy, so as to cause a 5 centimeter deep laceration of the infant Plaintiff's decedent, causing the infant's intestines and spleen to be extruded from the wound.

11. Upon delivery of the infant Plaintiff's decedent, the above severe laceration was noted and attempts at resuscitation by attending pediatricians occurred. Upon birth, the infant Plaintiff's decedent, was noted to have a heart rate of less than 100 beats a minute, shallow breaths, and was very pale. The infant Plaintiff's decedent's heart rate continued to decrease to

less than 40 beats per minute, and severe bleeding was noted from the laceration site.

12. The Defendants decided on their own that resuscitation should not continue, and the infant Plaintiff's decedent expired at four minutes of life.

13. It is alleged that the Defendants were negligent and breached standards of care in severely and mortally injuring and wounding the infant Plaintiff's decedent, at the time of the above stated Cesarean section so as to cause deep and extensive laceration of the infant Plaintiff's decedent, allowing for extrusion of the intestines and spleen of the infant Plaintiff's decedent, severe bleeding, arrest, and death. It is alleged that the infant Plaintiff's decedent's death occurred as a direct and proximate result of the negligence of these Defendants as stated hereinabove and the bleeding and associated trauma caused by the stated negligent incision by the Defendants.

14. It is alleged that the Defendants were negligent in the manner of the performance of the Cesarean section in allowing for this injury to occur, for severe trauma and extrusion of the abdominal organs to occur, and for severe bleeding, arrest, and eventual death to occur, and the manner in which the scalpel was utilized.

15. Standards of care in this situation required the Defendants to carefully and cautiously incise into the uterine cavity to deliver the infant Plaintiff's decedent by Cesarean section and to avoid laceration and injury, such as occurred here, to the fetus. The degree of laceration and injury here and the extent to which it allowed for extrusion of abdominal organs, indicate failure to adhere to standards of care by these Defendants, especially with respect to the utilization of the scalpel for the entire incision without the utilization of scissors or other instruments.

16. It is alleged that as a direct and proximate result of the negligence of these

Defendants, the infant Plaintiff's decedent endured conscious pain and suffering, hospital and medical bills, funeral and burial expenses, and was otherwise injured, and was deprived of her life.

17. All of the above injuries and damages occurred as a direct and proximate result of the negligence of these Defendants without any negligence on the part of the Plaintiff contributing thereto.

WHEREFORE, this claim is brought and the amount in controversy exceeds the statutory limit for the filing of these claims. Venue is claimed in Baltimore County where the negligence occurred and the death occurred.

COUNT TWO

COMES NOW the Plaintiff, Danielle V. Hardy, individually and as surviving mother of her late daughter, Kaitlynn A. Hardy, and in support of her claim for medical negligence and wrongful death, states:

18. The Plaintiff repeats herein all of the above as if the same were repeated verbatim.

19. The Plaintiff is the mother of the deceased infant, Kaitlynn A. Hardy. As a result of the negligence of these Defendants as described hereinabove and hereinbelow, the Plaintiff has suffered the loss of her daughter and claims all allowable damages under Maryland's wrongful death law.

WHEREFORE, this claim is brought and the amount in controversy exceeds the statutory limit for the filing of these claims. Venue is claimed in Baltimore County where the negligence occurred and the death occurred.

COUNT THREE

COMES NOW the Plaintiff, Wayne M. Hardy, individually and as surviving father of his late daughter, Kaitlynn A. Hardy, and in support of his claim for medical negligence and wrongful death, states:

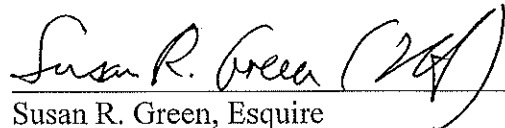
20. The Plaintiff repeats herein all of the above as if the same were repeated verbatim.

21. The Plaintiff is the father of the deceased infant, Kaitlynn A. Hardy. As a result of the negligence of these Defendants as described hereinabove and hereinbelow, the Plaintiff has suffered the loss of his daughter and claims all allowable damages under Maryland's wrongful death law.

WHEREFORE, this claim is brought and the amount in controversy exceeds the statutory limit for the filing of these claims. Venue is claimed in Baltimore County where the negligence occurred and the death occurred.



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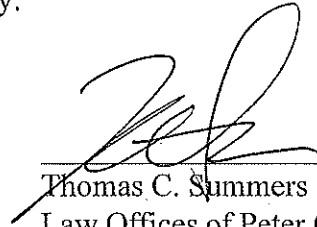


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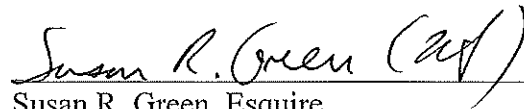
Attorneys for Plaintiffs

ELECTION FOR JURY TRIAL

The Plaintiffs elect to have a trial by a jury.



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