

KHAYON KEITT, a minor, by and through his Mother and Next Friend, KENISHA PHILSON
2534 Edgcombe Circle North
Baltimore, Maryland 21215

Plaintiff,

v.

JOHNS HOPKINS BAYVIEW MEDICAL CENTER, INC.,

Serve on Resident Agent:
G. Daniel Shealer, Jr.
733 North Broadway
Suite 102
Baltimore, Maryland 21205

KRISTIINA ALTMAN, M.D.
Johns Hopkins Bayview
Medical Center, Inc.
4940 Eastern Avenue
Baltimore, Maryland 21224

and

JILL TSENG, M.D.
UCI Health Gynecologic Oncology
101 The City Drive South
Pavilion 3, Room 501
Orange, California 92868

and

AMELIA JERNIGAN, M.D.
Louisiana State University
Metairie Multi-Specialty Clinic, MD
3601 Houma Boulevard, Suite 203
New Orleans, Louisiana 70115

Defendants

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* CASE NO.: 24-c-19-006420

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Case: 2019-006420
Case Type: Civil
Filing Fee: \$100.00
Fees: \$100.00
TOTAL: \$200.00
Case ID: 2019006420
Case Date: 10/07/19 14:20:00

* * * * *

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Khayon Keitt, a minor, by and through his Mother and Next Friend, Kenisha Philson, by and through his undersigned counsel, Mary M. Koch, Sarah L. Smith and Wais, Vogelstein, Forman & Offutt, L.L.C. hereby sues the Defendants, Johns Hopkins Bayview Medical Center, Inc., Kristiina Altman, M.D., Jill Tseng, M.D., and Amelia Jernigan, M.D., and for his cause of action states as follows:

JURISDICTION AND VENUE

1. This medical negligence claim is instituted pursuant to Md. Cts. & Jud. Proc. Art. §§3-2A-01-10, for the recovery of damages in excess of Thirty Thousand Dollars (\$30,000.00).
2. Venue is proper in Baltimore City, Maryland.
3. Plaintiff avers that he has satisfied all conditions precedent to the filing of this lawsuit, including the filing of a Statement of Claim, Certificate of Qualified Expert and Report, and Waiver of Arbitration in the Health Care Alternative Dispute Resolution Office of Maryland. Attached hereto and incorporated herein by reference are the Certificate of Qualified Expert and Expert Report of Jeffrey King, M.D., and the Order of Transfer from the Health Care Alternative Dispute Resolution Office.

PARTIES

4. Plaintiff, Khayon Keitt is a minor residing with his mother, Kenisha Philson at 2534 Edgecombe Circle North, Baltimore, Maryland 21215.
5. Defendant Johns Hopkins Bayview Medical Center. Inc. is and, at all times relevant hereto, was a Maryland corporation engaged in the provision of health care services, including the provision of obstetrical care and other medical services, advice and treatment to individuals in need thereof. At all times relevant hereto, Johns Hopkins Bayview Medical Center, Inc. acted directly and/or by and/or through its actual and/or apparent agents, servants and/or employees.

6. At all times relevant hereto, Defendant Johns Hopkins Bayview Medical Center, Inc. held itself out to the public as a health care provider who would render reasonably competent health care services to those individuals who came under its professional care.

7. Defendant Kristiina Altman, M.D., is, and at all times relevant hereto, was a physician licensed to practice medicine, including obstetrics and gynecology, in the State of Maryland. At all times relevant hereto, Dr. Altman acted as the actual and/or apparent agent and/or employee of Johns Hopkins Bayview Medical Center, Inc.

8. Defendant Jill Tseng, M.D., was at all times relevant hereto, was a physician licensed to practice medicine, including obstetrics and gynecology, in the State of Maryland. At all times relevant hereto, Dr. Tseng acted as the actual and/or apparent agent and/or employee of Johns Hopkins Bayview Medical Center, Inc.

9. Defendant Amelia Jernigan, M.D., was at all times relevant hereto, was a physician licensed to practice medicine, including obstetrics and gynecology, in the State of Maryland. At all times relevant hereto, Dr. Jernigan acted as the actual and/or apparent agent and/or employee of Johns Hopkins Bayview Medical Center, Inc.

FACTS

10. Prior to becoming pregnant with Khayon, Ms. Philson's medical history was significant for 2 prior vaginal deliveries in May, 1998 and February, 2000. In June, 2002, Ms. Philson delivered her third child by cesarean section for fetal bradycardia.

11. On July 19, 2011 Ms. Philson presented to the Center for Addiction and Pregnancy ("CAP") at Johns Hopkins Bayview for her first prenatal visit where her last menstrual period ("LMP") was recorded as April 24, 2011. A Prenatal Risk Assessment form from CAP also dated July 19, 2011 indicates that Ms. Philson had a prior medical history significant for homelessness

and drug abuse, and a urinalysis was positive for cocaine and cannabis. A subsequent toxicology screen on July 21, 2011 indicated the presence of cocaine.

12. Ms. Philson underwent additional toxicology screens on the following dates, all of which were negative for all substances: July 25, 2011; August 4, 2011; August 8, 2011; August 15, 2011; August 22, 2011; August 31, 2011; September 7, 2011; September 19, 2011; October 6, 2011; October 10, 2011; October 27, 2011; November 3, 2011; November 9, 2011 and; November 15, 2011.

13. An ultrasound performed on July 26, 2011 indicates a gestational age of 13 $\frac{2}{7}$ weeks by LMP and 15 $\frac{3}{7}$ weeks by sonogram; sonographic dating was selected, and an anterior placenta was noted. The report also includes an estimated date of confinement of January 29, 2012 by LMP and January 14, 2012 by sonogram.

14. A follow up ultrasound on August 19, 2011 states that the gestational age is 16 $\frac{5}{7}$ weeks by LMP and 18 $\frac{6}{7}$ weeks by sonogram; sonographic dating was selected and the estimated fetal weight is recorded as 273 grams. Again, anterior placenta was noted, as well as a large left anterior myoma with a smaller myoma just anterior to the larger myoma.

15. A third ultrasound was performed on September 15, 2011 which states that the gestational age of the fetus 22 $\frac{5}{7}$ weeks by sonogram with an estimated fetal weight of 546 grams. A large anterior fibroid with adjacent smaller fibroid is also noted.

16. A fourth ultrasound was performed on November 11, 2011 where an estimated fetal weight of 1,488 grams was documented and the following gestational ages were recorded: by LMP, 28 weeks $\frac{5}{7}$ weeks; by this ultrasound 30 $\frac{1}{7}$ weeks; by 2nd trimester ultrasound 30 $\frac{6}{7}$ weeks.

17. On January 9, 2012 a non-stress test recorded as reactive.

18. On January 11, 2012 an ultrasound revealed an anterior placenta, normal amniotic fluid and symmetric growth restriction with an estimated fetal weight of 2,625 grams, and Ms. Philson was referred to the Labor & Delivery Unit at Johns Hopkins Bayview.

19. The history and physical from Johns Hopkins Bayview indicates "TUGR with fetal weight at the 2nd%. Symmetric growth restriction with approximately a 4-5 week lag in the fetal growth." An operative note dictated by Dr. Tseng and signed by Dr. Altman states that Ms. Philson was "...admitted on January 11, 2012 for induction of labor at term secondary to intrauterine growth restriction."

20. Continuous fetal monitoring was initiated at approximately 12:11 on January 11, 2012. At 13:06, a 2 minute deceleration is noted by Nurse Denita Morrison, and a Foley catheter for IOL was placed at 13:56. At 14:01, Nurse Morrison notes no contractions, a FHR baseline of 135 bpm with moderate variability, accelerations present, intermittent variable decelerations, and categorizes the strip as Category 2.

21. At 14:32, Nurse Morrison notes no contractions, a FHR baseline of 135 beats per minute with moderate variability, accelerations present, absent decelerations, and categorizes the strip as Category 1. Pitocin is initiated at 14:38, and the Foley catheter is removed at 14:51.

22. The strip is again categorized as Category 1 at 15:01 and 15:31. A sterile vaginal exam performed by Dr. Sarah Oman at 15:06 indicates that Ms. Philson was 1.5 cm dilated, 25% effaced and the fetal station was -4.

23. At 15:39, Dr. Alaina Brown performed a sterile vaginal exam and noted Ms. Philson was 1.5 cm dilated, 20% effaced, and fetal station was -4.

24. At 16:01, the strip was categorized as Category 2 by Nurse Morrison who noted no contractions, FHR baseline 150, moderate variability, accelerations present and variable decelerations.

25. An epidural bolus was administered at 16:44 by Nurse Morrison. Oxygen was administered to Ms. Philson starting at approximately 16:46, and she was repositioned at 16:53 and 16:55.

26. A second dose of Pitocin was administered by Nurse Morrison at 17:39.

27. The fetal monitoring strip shows ongoing late and variable decelerations from 18:13 until the time of delivery.

28. A sterile vaginal examination and artificial rupture of membranes with clear fluid was documented by Nurse Morrison at 18:38.

29. At approximately 18:56, Nurse Morrison documents placement of an intrauterine pressure catheter and fetal scalp electrodes, as well as the administration of supplemental oxygen via face mask. Pitocin was discontinued at 19:02.

30. Between 19:26 and 19:30, Nurse Morrison documents multiple position changes as well as a sterile vaginal examination by Dr. Tseng that indicates Ms. Philson was 3.5 cm dilated, 50% effaced and that the fetal station was -4 as well as thin meconium. At 19:28, the fetal monitoring strip indicates a variable deceleration with a nadir into the 50's. At 19:31 Nurse Dvonne Henderson notes irregular contractions, a FHR baseline of 135 bpm, absent accelerations and intermittent late decelerations and categorizes the strip as category 2.

31. At 20:00, Nurse Henderson notes that "Contraction Strength Int: 15, Contraction Comments: x1 ctx..." At 20:31, Nurse Henderson notes irregular contractions with 60-70 second

duration, and categorizes the strip as Category 2 with absent accelerations and intermittent variable decelerations.

32. From approximately 20:58 to 21:01, the fetal monitoring strip shows a prolonged deceleration. Shortly thereafter, Nurse Wendy Furrow documented that Ms. Philson voiced her interest in having a cesarean section with Dr. Tseng.

33. At 21:00, Dr. Tseng performed another sterile vaginal examination, and noted that Ms. Philson remained 3.5 cm dilated, 50% effaced and that the fetal station was -4. At 21:02, 0.25 mg of Terbutaline was administered subcutaneously.

34. At 21:31, Nurse Henderson notes a FHR baseline of 130 with moderate variability, accelerations present and intermittent variable decelerations.

35. At 22:31, Nurse Henderson documents occasional contractions with 60-70 second duration, a FHR baseline of 135, moderate variability, accelerations present, and intermittent variable decelerations and categorizes the strip as Category 2.

36. At 23:00, Nurse Henderson indicates that contractions are occurring twice per hour with 60-70 second durations, a FHR baseline of 135, moderate variability, accelerations present, and absent decelerations and categorizes the strip as Category 1. At 23:09, Pitocin was re-started.

37. At 23:27, Dr. Tseng performed another sterile vaginal examination, noting that Ms. Philson was 4 cm dilated, 75% effaced and that fetal station was -4. 0.25 mg of Terbutaline was administered subcutaneously, and Ms. Philson was re-positioned several times. At 23:47, Nurse Henderson notes that "external fetal stimulation resolved decel..." Fetal monitoring was discontinued at approximately 00:03.

38. The operative report of Dr. Altman indicates that delivery was indicated given Ms. Philson's lack of progress and fetal intolerance of labor. Surgery start time is documented at 23:55,

with the skin incision at 00:08, uterine incision at 00:29 and delivery at 00:37. During the course of delivery, “there was difficulty in delivering the fetal head secondary to head entrapment by the anterior fibroid pushing against the neck of the fetus.” The “head was entrapped for approximately 5 minutes secondary to a large anterior uterine fibroid.” The hysterotomy was extended and the fetus was eventually delivered. Three fibroids were also noted along the uterine incision line.

39. Khayon was born at approximately 12:37 a.m. on January 12, 2012 and weighed 2800 grams. Apgars were recorded as 2, 7 and 8 at 1, 5 and 10 minutes respectively. Khayon was noted to be limp and apneic and placed on a radiant warmer before being intubated and transferred to the NICU. Initial arterial cord gas revealed a pH of 6.85 and base excess of -15.0.

40. Khayon was eventually transferred to Johns Hopkins Hospital for therapeutic hypothermia due to concern for hypoxic ischemic injury.

41. Today, Khayon suffers from brain damage, global developmental delay and other damage.

42. Had the Defendants complied with the standard of care, Khayon Keitt would be a normal child today.

Count I
(Medical Malpractice)

43. Plaintiff repeats, re-alleges, adopts and incorporates by reference the above paragraphs of this Complaint as if fully set forth herein.

44. In their care and treatment of Khayon Keitt and Kenisha Philson, the Defendants, acting directly and/or by and/or through its actual and/or apparent agents, servants, and/or employees, including but not limited to, Dr. Altman, Dr. Tseng and Dr. Jernigan, owed to Plaintiff the duty to exercise that degree of care and skill which a reasonably competent hospital,

obstetrician, and/or similar health care provider would have exercised under the same or similar circumstances.

45. Defendant Johns Hopkins Bayview Medical Center, Inc., acting directly and/or by and/or through its actual and/or apparent agents, servants, and/or employees, including, but not limited to, Dr. Altman, Dr. Tseng and Dr. Jernigan, breached the aforesaid duty of care to Khayon Keitt and Kenisha Philson, and were negligent by:

- a. Failing to properly assess maternal and fetal status during labor and delivery;
- b. Failing to recognize the fetal heart rate tracing as abnormal with both late and variable decelerations and that Ms. Philson's cervix did not indicate imminent vaginal delivery at or around 16:54; and
- c. Failing to timely deliver Ms. Philson's fetus by cesarean section when the fetal heart rate tracing was repeatedly abnormal, in the setting of intrauterine growth restriction and failure of fetal descent.

46. As a direct and proximate result of the above-mentioned deviations from the applicable standards of care by the Defendants, Khayon Keitt suffered and/or will suffer the following permanent injuries, among others:

- a. Neonatal hypoxic ischemic encephalopathy;
- b. Respiratory distress;
- c. Brain damage;
- d. Metabolic acidosis;
- e. Meconium aspiration;
- f. Developmental delay;
- g. Cognitive and mental impairment;
- h. Neurological disabilities;
- i. Seizures;

- j. Physical impairment;
- k. Significant conscious pain and suffering;
- l. Emotional distress;
- m. He is and will be permanently dependent upon others for his care;
- n. He has and will continue to undergo serious and painful medical procedures;
- o. He has and will continue to incur significant medical and other care expenses for which he and his parents are incapable of paying;
- p. His earning capacity has been severely diminished; and
- q. Other injuries and damages

WHEREFORE, Plaintiff brings this action against all of the Defendants, jointly and severally, and seeks damages that will adequately and fairly compensate him, plus costs, and such other and further relief as may be deemed appropriate.

Respectfully submitted,

WAIS, VOGELSTEIN, FORMAN & OFFUTT, LLC



Mary McNamara Koch, Esq. (CPF#8806010231)
Sarah L. Smith, Esq. (CPF# 1112150147)
1829 Reisterstown Road
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Baltimore, MD 21208
mary@malpracticeteam.com
sarah@malpracticeteam.com
T: (410) 998-3600
F: (410) 998-3680
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

The Plaintiff, by and through his undersigned attorneys, hereby demand a trial by jury on all issues raised herein.

Respectfully submitted,

WAIS, VOGELSTEIN, FORMAN & OFFUTT, LLC



Mary McNamara Koch, Esq. (CPF#8806010231)

Sarah L. Smith, Esq. (CPF# 1112150147)

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Attorneys for Plaintiff

KHAYON KEITT, a minor, by and through
his Mother and Next friend
KENISHA PHILSON
Claimant

* BEFORE THE
*
* HEALTH CARE
*
* ALTERNATIVE DISPUTE
*
* RESOLUTION OFFICE
*

v.

JOHNS HOPKINS BAYVIEW MEDICAL
CENTER, INC., et al.

Health Care Providers

* HCA No.: 2019-533
*

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 18 day of June, 2019, 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

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).

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

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS A PLEADING

FORM FILED BY: [X] PLAINTIFF [] DEFENDANT CASE NUMBER (Clerk to insert)

CASE NAME: Khayon Keitt through Kenisha Philson vs. Johns Hopkins Bayview, et al. Plaintiff Defendant

PARTY'S NAME: Khayon Keitt through Parent, Kenisha Philson PHONE:

PARTY'S ADDRESS: 2534 Edgecombe Circle North, Baltimore, Maryland 21215

PARTY'S E-MAIL:

If represented by an attorney:

PARTY'S ATTORNEY'S NAME: Sarah L. Smith PHONE: 410-998-3600

PARTY'S ATTORNEY'S ADDRESS: 1829 Reisterstown Rd., Suite 435, Baltimore, MD 21208

PARTY'S ATTORNEY'S E-MAIL: sarah@malpracticeteam.com

JURY DEMAND? [X] Yes [] No

RELATED CASE PENDING? [] Yes [X] No If yes, Case #(s), if known:

ANTICIPATED LENGTH OF TRIAL?: hours 15 days

PLEADING TYPE

New Case: [X] Original [] Administrative Appeal [] Appeal

Existing Case: [] Post-Judgment [] Amendment

If filing in an existing case, skip Case Category/ Subcategory section - go to Relief section.

IF NEW CASE: CASE CATEGORY/SUBCATEGORY (Check one box.)

TORTS

- [] Asbestos
[] Assault and Battery
[] Business and Commercial
[] Conspiracy
[] Conversion
[] Defamation
[] False Arrest/Imprisonment
[] Fraud
[] Lead Paint - DOB of Youngest Plt:
[] Loss of Consortium
[] Malicious Prosecution
[X] Malpractice-Medical
[] Malpractice-Professional
[] Misrepresentation
[] Motor Tort
[] Negligence
[] Nuisance
[] Premises Liability
[] Product Liability
[] Specific Performance
[] Toxic Tort
[] Trespass
[] Wrongful Death

- [] Government
[] Insurance
[] Product Liability
PROPERTY
[] Adverse Possession
[] Breach of Lease
[] Detinue
[] Distress/Distrain
[] Ejectment
[] Forcible Entry/Detainer
[] Foreclosure
[] Commercial
[] Residential
[] Currency or Vehicle
[] Deed of Trust
[] Land Installments
[] Lien
[] Mortgage
[] Right of Redemption
[] Statement Condo
[] Forfeiture of Property / Personal Item
[] Fraudulent Conveyance
[] Landlord-Tenant
[] Lis Pendens
[] Mechanic's Lien
[] Ownership
[] Partition/Sale in Lieu
[] Quiet Title
[] Rent Escrow
[] Return of Seized Property
[] Right of Redemption
[] Tenant Holding Over

PUBLIC LAW

- [] Attorney Grievance
[] Bond Forfeiture Remission
[] Civil Rights
[] County/Mncpl Code/Ord
[] Election Law
[] Eminent Domain/Condemn.
[] Environment
[] Error Coram Nobis
[] Habeas Corpus
[] Mandamus
[] Prisoner Rights
[] Public Info. Act Records
[] Quarantine/Isolation
[] Writ of Certiorari

EMPLOYMENT

- [] ADA
[] Conspiracy
[] EEO/HR
[] FLSA
[] FMLA
[] Workers' Compensation
[] Wrongful Termination

INDEPENDENT PROCEEDINGS

- [] Assumption of Jurisdiction
[] Authorized Sale
[] Attorney Appointment
[] Body Attachment Issuance
[] Commission Issuance

- [] Constructive Trust
[] Contempt
[] Deposition Notice
[] Dist Ct Mtn Appeal
[] Financial
[] Grand Jury/Petit Jury
[] Miscellaneous
[] Perpetuate Testimony/Evidence
[] Prod. of Documents Req.
[] Receivership
[] Sentence Transfer
[] Set Aside Deed
[] Special Adm. - Atty
[] Subpoena Issue/Quash
[] Trust Established
[] Trustee Substitution/Removal
[] Witness Appearance-Compel
PEACE ORDER
[] Peace Order
EQUITY
[] Declaratory Judgment
[] Equitable Relief
[] Injunctive Relief
[] Mandamus
OTHER
[] Accounting
[] Friendly Suit
[] Grantor in Possession
[] Maryland Insurance Administration
[] Miscellaneous
[] Specific Transaction
[] Structured Settlements

CONTRACT

- [] Asbestos
[] Breach
[] Business and Commercial
[] Confessed Judgment
(Cont'd)
[] Construction
[] Debt
[] Fraud

Handwritten notes and stamps on the right side of the form, including a date stamp 'DEC 11 2017' and a signature.

IF NEW OR EXISTING CASE: RELIEF (Check All that Apply)

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> Abatement | <input type="checkbox"/> Earnings Withholding | <input type="checkbox"/> Judgment-Interest | <input type="checkbox"/> Return of Property |
| <input type="checkbox"/> Administrative Action | <input type="checkbox"/> Enrollment | <input type="checkbox"/> Judgment-Summary | <input type="checkbox"/> Sale of Property |
| <input type="checkbox"/> Appointment of Receiver | <input type="checkbox"/> Expungement | <input checked="" type="checkbox"/> Liability | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Arbitration | <input type="checkbox"/> Findings of Fact | <input type="checkbox"/> Oral Examination | <input type="checkbox"/> Writ-Error Coram Nobis |
| <input type="checkbox"/> Asset Determination | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Order | <input type="checkbox"/> Writ-Execution |
| <input type="checkbox"/> Attachment b/f Judgment | <input type="checkbox"/> Injunction | <input type="checkbox"/> Ownership of Property | <input type="checkbox"/> Writ-Garnish Property |
| <input type="checkbox"/> Cease & Desist Order | <input type="checkbox"/> Judgment-Affidavit | <input type="checkbox"/> Partition of Property | <input type="checkbox"/> Writ-Garnish Wages |
| <input type="checkbox"/> Condemn Bldg | <input type="checkbox"/> Judgment-Attorney Fees | <input type="checkbox"/> Peace Order | <input type="checkbox"/> Writ-Habeas Corpus |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Judgment-Confessed | <input type="checkbox"/> Possession | <input type="checkbox"/> Writ-Mandamus |
| <input type="checkbox"/> Court Costs/Fees | <input type="checkbox"/> Judgment-Consent | <input type="checkbox"/> Production of Records | <input type="checkbox"/> Writ-Possession |
| <input checked="" type="checkbox"/> Damages-Compensatory | <input type="checkbox"/> Judgment-Declaratory | <input type="checkbox"/> Quarantine/Isolation Order | |
| <input type="checkbox"/> Damages-Punitive | <input type="checkbox"/> Judgment-Default | <input type="checkbox"/> Reinstatement of Employment | |

If you indicated **Liability** above, mark one of the following. 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.

MONETARY DAMAGES (Do not include Attorney's Fees, Interest, or Court Costs)

- Under \$10,000 \$10,000 - \$30,000 \$30,000 - \$100,000 Over \$100,000

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

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

- | | | | |
|----------------|---|--------------------------|---|
| A. Mediation | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | C. Settlement Conference | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| B. Arbitration | <input type="checkbox"/> Yes <input type="checkbox"/> No | D. Neutral Evaluation | <input type="checkbox"/> Yes <input type="checkbox"/> No |

SPECIAL REQUIREMENTS

- If a Spoken Language Interpreter is needed, check here and attach form **CC-DC-041**
- If you require an accommodation for a disability under the Americans with Disabilities Act, check here and attach form **CC-DC-049**

ESTIMATED LENGTH OF TRIAL

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL.

(Case will be tracked accordingly)

- | | |
|---|--|
| <input type="checkbox"/> 1/2 day of trial or less | <input type="checkbox"/> 3 days of trial time |
| <input type="checkbox"/> 1 day of trial time | <input checked="" type="checkbox"/> More than 3 days of trial time |
| <input type="checkbox"/> 2 days of trial time | |

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-308 is requested, attach a duplicate copy of complaint and check one of the tracks below.

- | | |
|---|---|
| <input type="checkbox"/> Expedited - Trial within 7 months of Defendant's response | <input type="checkbox"/> Standard - Trial within 18 months of Defendant's response |
|---|---|

EMERGENCY RELIEF REQUESTED

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

FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO ASTAR RESOURCES JUDGES under Md. Rule 16-302, attach a duplicate copy of complaint and check whether assignment to an ASTAR is requested.

- Expedited** - Trial within 7 months of Defendant's response **Standard** - Trial within 18 months of Defendant's response

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, 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.
- Civil-Short Trial 210 days from first answer.
- Civil-Standard Trial 360 days from first answer.
- Custom Scheduling order entered by individual judge.
- Asbestos Special scheduling order.
- Lead Paint Fill in: Birth Date of youngest plaintiff.....
- Tax Sale Foreclosures Special scheduling order.
- Mortgage Foreclosures No scheduling order.

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.

12/2/2019

Date

1829 Reisterstown Rd., Suite 425

Address

Baltimore

City

MD

State

21208

Zip Code

Signature of Counsel / Party

Sarah L. Smith

Printed Name



WAIS
VOGELSTEIN
FORMAN &
OFFUTT LLC

EXCEPTIONAL REPRESENTATION. SUPERIOR RESULTS.

1829 REISTERSTOWN ROAD
SUITE 425
BALTIMORE, MARYLAND 21208
PHONE: 410-998-3600
FAX: 410-998-3680
WWW.MALPRACTICETEAM.COM

December 2, 2019

Civil Clerk
Circuit Court for Baltimore City
111 N. Calvert Street
Baltimore, MD 21202

RECEIVED FOR
COURT CLERK
19 DEC -5 11 56 17
CIVIL DIVISION

**RE: KHAYON KEITT, a minor, by and through his Parent
KENISHA PHILSON v. Johns Hopkins Bayview, et al.**

Dear Clerk:

Enclosed for filing please find a Civil Non-Domestic Case Information Sheet, Complaint and Demand for Jury Trial, and Order of Transfer from HCADRO, along with a check in the amount of \$185.00 to cover costs of filing same. An extra copy of the first page of the Complaint and Information Sheet is enclosed for you to date stamp and return in the envelope provided.

Kindly return the summonses to this office for service via private process.

Thank you for your assistance in this regard.

Sincerely,

Tesha M. Casale
Paralegal

/tmc
Enclosures