



MERCY MEDICAL CENTER, INC.  
301 St. Paul Place  
Baltimore, MD 21202

**Serve On: Resident Agent**  
Linda H. Jones, Esq.  
218 N. Charles Street  
Suite 400  
Baltimore, MD 21201

*Defendants*

\* \* \* \* \*  
**COMPLAINT AND ELECTION FOR JURY TRIAL**

RECEIVED  
CIRCUIT COURT FOR  
BALTIMORE CITY  
2011 JUN 30 PM 12:45  
CIVIL DIVISION

Plaintiff, Cherie Marvel, Individually, by and through her attorneys, Julia R. Arfaa and Salsbury, Clements, Bekman, Marder & Adkins, L.L.C., sues the Defendants, Teresa Hoffman, M.D., Carol Phillips, M.D., Teresa Hoffman, M.D. & Associates, Samuel Hsu, M.D. and the Mercy Medical Medical Center and state as follows:

**COUNT I**

1. The amount of this claim exceeds \$30,000.00.
2. The venue for this claim is proper in Baltimore City, 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, Teresa Hoffman, M.D., held herself out to the Plaintiffs and to the general public as an experienced, competent, and able physician 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, 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.

5. At all times hereinafter set forth, the Defendant, Carol Phillips, M.D., held herself out to the Plaintiffs and to the general public as an experienced, competent, and able physician 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, 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.

6. At all times hereinafter set forth, the Defendant, Samuel Hsu, M.D., held himself out to the Plaintiffs and to the general public as an experienced, competent, and able physician 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 emergency medicine, 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 emergency medicine.

7. At all times hereinafter set forth, the Defendant, Mercy Medical Center, Inc. ("Mercy") was and is a medical facility offering administrative, medical, emergency medical, nursing and other related services to the general public and in such capacity, such hospital, its agents, servants and/or employees, medical staff, administrators, physicians, emergency physicians, nurses and consultants held themselves out as practicing ordinary standards of medical, emergency medical, nursing, hospital and administrative care and, as such, owed a duty

to the Plaintiff to render and provide health care within the ordinary standards of administrative, emergency medical, medical, hospital and nursing care, and to exercise reasonable skill and care in the selection of its personnel to provide competent emergency physicians, physicians, nurses, administrators, and other administrative and 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, emergency medicine, hospital and nursing, and to supervise and provide its patients with diagnostic, medical, and administrative services and treatment commensurate with the condition from which the patient suffers and for which patient entered said hospital.

8. At all times hereinafter set forth, the Defendant, Teresa Hoffman, M.D., (hereinafter "Dr. Hoffman") was an agent and/or apparent agent, servant, or employee of the Defendant, Teresa Hoffman M.D. & Associates.

9. At all times hereinafter set forth, the Defendant, Carol Phillips, M.D., (hereinafter "Dr. Phillips") was an agent and/or apparent agent, servant, or employee of the Defendant, Teresa Hoffman M.D. & Associates.

10. At all times hereinafter set forth, the Defendant, Samuel Hsu, M.D., (hereinafter "Dr. Hsu") was an agent and/or apparent agent, servant, or employee of the Defendant, Mercy Medical Center, Inc.

11. In late June, early July 2008, 37 year old Cherie Marvel became pregnant with her second child.

12. Ms. Marvel presented to the office of her regular obstetrician, Teresa Hoffman, M.D. & Associates, on July 24, 2008 for regular prenatal care. At the time of her July 24, 2008 visit, she was bleeding and cramping. A sonogram taken at the time by Dr. Hoffman showed gestational sac but did not show a fetal heartbeat. A HCG level was obtained of 702.

13. On July 28, 2008, Ms. Marvel again presented to the office of Teresa Hoffman, M.D. & Associates where more HCG levels were drawn. These levels were higher than before at 1,489. The rise in the levels was not normal for a miscarriage or a healthy pregnancy. An additional ectopic pregnancy should have been considered at this time and Ms. Marvel should have had another sonogram and been told to return in 2-3 days for another HCG level.

14. On July 29, 2008, another sonogram was taken at Dr. Hoffman's office by Dr. Hoffman. On this sonogram, no intrauterine gestational sac was found and a miscarriage was confirmed. The rise in the levels from the day before were noted and not normal for a miscarriage or an additional healthy pregnancy. It is alleged that the diagnosis of ectopic pregnancy should have been made at this time and Ms. Marvel should have been given Methotrexate to avoid a rupture of Ms. Marvel's fallopian tube, hemorrhage into her peritoneum, the necessity for emergency surgery, and removal of her ovary.

15. On August 4, 2008, Ms. Marvel presented to the office of Teresa Hoffman, M.D. & Associates with complaints of severe abdominal pain, severe bloating and shortness of breath. A sonogram did not show internal bleeding. Dr. Phillips saw Ms. Marvel and told her to go to the emergency room for an evaluation for pulmonary embolism. No additional HCG levels were taken.

16. Ms. Marvel presented to the emergency room of Mercy at approximately 5:40 p.m. She complained of severe abdominal pain and severe abdominal bloating for one day (like her "belly was full of air"). Dr. Hsu, the emergency medicine physician caring for Ms. Marvel at the time, did not do an abdominal exam (notwithstanding Ms. Marvel's request) and did not order an abdominal/pelvic ultrasound or abdominal CT scan.

17. Labs were drawn which revealed an HCG of 2,758. Dr. Hsu asked Ms. Marvel if

it was higher than before but Ms. Marvel did not know. Dr. Hsu did not attempt to contact Dr. Hoffman's office to determine her prior HCG levels or get any further information on her recent pregnancy status. HCG levels of 2,758 are inconsistent with a miscarriage one week prior and inconsistent with a healthy pregnancy. It is alleged that the standard of care required consultation an abdominal/ pelvic ultrasound and consultation with her obstetrician on the prior values. Had that been done, an ectopic pregnancy would have been diagnosed and methotrexate would have been started and would have avoided the rupture of her tube, hemorrhage into her peritoneum, the necessity of emergency surgery, and the removal of her ovary.

18. Ms. Marvel was discharged home by Dr. Hsu with a diagnosis of non-specific abdominal pain.

19. The Defendant, Teresa Hoffman, M.D, was negligent and careless in the following respects:

- a. failed to recognize HCG levels inconsistent with a recent miscarriage or normal pregnancy;
- b. failed to timely diagnose an ectopic pregnancy;
- c. failed to treat for an ectopic pregnancy;
- d. failed to do appropriate diagnostic studies including a sonogram; and
- e. and was otherwise negligent and careless.

20. The Defendant, Carol Phillips, M.D, was negligent and careless in the following respects:

- a. failed to recognize HCG levels inconsistent with a recent miscarriage or normal pregnancy;
- b. failed to timely diagnose an ectopic pregnancy;

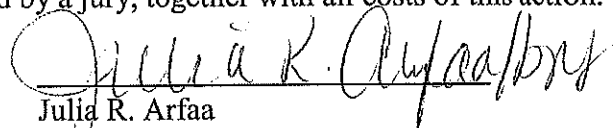
- c. failed to draw HCG levels on August 4 or perform a sonogram on August 4;
- d. failed to treat for an ectopic pregnancy; and
- e. and was otherwise negligent and careless.

21. The health care provider, Samuel Hsu, M.D., was negligent and careless in the following respects:

- a. failure to perform an abdominal examination;
- b. failure to order an abdominal/pelvic ultrasound;
- c. failure to order an abdominal CT scan;
- d. failure to contact Ms. Marvel's OB's to learn of prior HCG levels;
- e. failure to consult with an OB;
- f. failure to start methotrexate; and
- g. was otherwise careless and negligent.

22. As a direct result of the negligence of the Defendants, the Plaintiff was caused to suffer painful and permanent injuries to his body; 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 damage.

WHEREFORE, the Plaintiff, Cherie Marvel, claims damages against the Defendants, in an amount exceeding \$30,000.00 to be determined by a jury, together with all costs of this action.



Julia R. Arfaa  
**Salsbury, Clements,  
Bekman, Marder & Adkins, L.L.C.**  
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*Attorneys for Plaintiffs*

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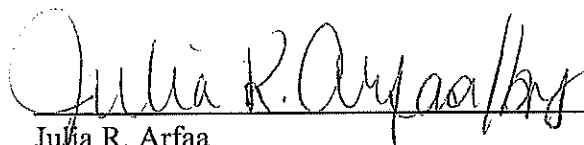
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**ELECTION FOR JURY TRIAL**

RECEIVED  
CIVIL DIVISION  
JUN 24 2009 11 24 AM  
COURT HOUSE  
BALTIMORE, MD

Mr. Clerk:

The Plaintiffs hereby elect to have this case heard before a jury.



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Marder & Adkins, L.L.C.**  
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*Attorneys for Plaintiffs*





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*Health Care Providers*

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**STATEMENT IN SUPPORT OF CLAIM**

Claimant, Cherie Marvel, Individually, by and through her attorneys, Julia R. Arfaa and Salsbury, Clements, Bekman, Marder & Adkins, L.L.C., sues the Health Care Providers, Teresa Hoffman, M.D., Carol Phillips, M.D., Teresa Hoffman, M.D. & Associates, Samuel Hsu, M.D. and the Mercy Medical Medical Center and state as follows:

**COUNT I**

1. The amount of this claim exceeds \$30,000.00.
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3. At all times hereinafter set forth, the Health Care Provider, Teresa Hoffman, M.D., held herself out to the Claimants and to the general public as an experienced, competent, and able physician 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, 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.
4. At all times hereinafter set forth, the Health Care Provider, Carol Phillips,

M.D., held herself out to the Claimants and to the general public as an experienced, competent, and able physician 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, 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.

5. At all times hereinafter set forth, the Health Care Provider, Samuel Hsu, M.D., held himself out to the Claimants and to the general public as an experienced, competent, and able physician 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 emergency medicine, 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 emergency medicine.

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and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine, emergency medicine, hospital and nursing, and to supervise and provide its patients with diagnostic, medical, and administrative services and treatment commensurate with the condition from which the patient suffers and for which patient entered said hospital.

7. At all times hereinafter set forth, the Health Care Provider, Teresa Hoffman, M.D., (hereinafter "Dr. Hoffman") was an agent and/or apparent agent, servant, or employee of the Health Care Provider, Teresa Hoffman M.D. & Associates.

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the following respects:

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- b. failure to order an abdominal/pelvic ultrasound;
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- g. was otherwise careless and negligent.

21. As a direct result of the negligence of the Health Care Providers, the Claimant was caused to suffer painful and permanent injuries to his body; 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 damage.

WHEREFORE, the Claimant, Cherie Marvel, claims damages in an amount exceeding thirty thousand dollars (\$30,000), with all costs to be paid by the Health Care Providers.

  
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*Attorneys for Claimants*