

DIANA DAHL
629 Brookstone Drive
Crownsville, Maryland 21032

and

BRIAN O'CONNOR
629 Brookstone Drive
Crownsville, Maryland 21032

Plaintiffs

v.

MERCY MEDICAL CENTER, INC.
301 Saint Paul Place
Baltimore, Maryland 21201

Serve on:
Resident Agent,
Linda H. Jones
Suite 400
218 N. Charles Street
Baltimore, Maryland 21201

and

TERESA HOFFMAN, M.D. &
ASSOCIATES, LLC, A/K/A
HOFFMAN AND ASSOCIATES
6610 Tributary Street
Suite 206
Pasadena, Maryland 21224

Serve on:
Teresa Hoffman, M.D.
6610 Tributary Street
Suite 206
Pasadena, Maryland 21224

and

* IN THE
*
* CIRCUIT COURT
*
* FOR
*
* BALTIMORE CITY
*
* Case No.:



24-CV-001278

Case: 24-CV-001278
CV File New
\$400.00
Appear Fee \$20.00
MLSC \$25.00
TOTAL \$125.00

COMMENT:
DIANA DAHL, ETAL VS
MERCY MEDICAL CENTER, INC,
ETAL

Receipt #20000000324
Cashier: DR CONNER
02/10/25 3:16pm

TERESA ANN HOFFMAN, M.D.
6610 Tributary Street
Suite 206
Baltimore, Maryland 21224

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and

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GRAEME MARIA POTTER, M.D.
137 Medical Park Loop
Sylva, North Carolina 28779

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and

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KOJI MATSUO, M.D.
6903 Bonnie Ridge Drive
Apt. 201
Baltimore, Maryland 21209-5166

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Defendants

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COMPLAINT AND ELECTION FOR JURY TRIAL

COUNT ONE

Medical Negligence/Medical Malpractice

COMES NOW the Plaintiff, Diana Dahl, by her attorneys, Mary Cina Chalawsky, Thomas C. Summers, and the Law Offices of Peter G. Angelos, P.C., and in support of her claim for medical negligence/ medical malpractice, states:

1. Defendant Mercy Medical Center, Inc. is a corporation organized and existing under the laws of Maryland with a principal place of business at 301 Saint Paul Place, Baltimore, Maryland.
2. It is alleged that at all times relevant herein, the medical personnel involved in the

elective induction of labor referenced herein below, as well as the other Defendants, were acting as agents, employees and/or servants of Defendant Mercy Medical Center, Inc.

3. It is alleged that at all times relevant herein, Teresa A. Hoffinan, M.D. and Greame Maria Potter, M.D. were acting as agents, employees and/or servants of Defendant Teresa Hoffinan, M.D. & Associates, LLC, a/k/a/ Hoffman and Associates.

4. Mercy Medical Center, Inc. at 301 Saint Paul Place, Baltimore, Maryland is a health care facility in Baltimore City, duly licensed and accredited, and providing health care services to individuals in need thereof. During the time frames complained of herein, Mercy Medical Center, through its agents, employees, and/or servants, provided care to Plaintiff Diana Dahl. As such, Mercy Medical Center owed to the Plaintiff a duty to conform its conduct to the prevailing standards of care, by itself, and through its agents, servants and/or employees.

5. On or about October 11, 2006, the Plaintiff, Diana Dahl, was admitted by her obstetrician, Defendant Teresa A. Hoffinan, M.D., to Mercy Medical Center, 301 Saint Paul Place, Baltimore, Maryland, for an elective induction of labor at approximately 39 weeks gestation.

6. At the time of admission, Plaintiff was 38 years of age. Her cervix was 1 cm dilated and 50% effaced.

7. On October 11, 2006, at approximately 9:50 p.m., Plaintiff was intravaginally administered Cytotec 25 mcg (misoprostol) as a cervical ripening agent by Defendant Koji Matsuo, M.D.

8. It is alleged that at all times relevant herein Koji Matsuo, M.D. was acting as an agent, employee and/or servant of Defendant Mercy Medical Center, Inc.

9. At approximately 2:10 a.m., on October 12, 2006, Plaintiff was again intravaginally

administered Cytotec 25 mcg by Dr. Matsuo. Plaintiff's cervix was approximately 1.5 cm dilated and 50% effaced.

10. At approximately 6:15 a.m. Dr. Matsuo intravaginally administered a third and final dose of Cytotec 25 mcg to the Plaintiff.

11. The Plaintiff was examined by Defendant Teresa A. Hoffman, M.D. At approximately 8:18 a.m. Dr. Hoffman negligently and carelessly ordered an intravenous infusion of Pitocin medication to be administered to the Plaintiff.

12. At approximately 8:50 a.m. the intravenous Pitocin infusion that had been ordered by Dr. Hoffman was negligently and carelessly started at 2 mu/min. although the Plaintiff's uterine contractions were occurring every one to two minutes and the Plaintiff's last dose of Cytotec medication was at approximately 6:15 a.m.

13. At approximately 9:20 a.m. Plaintiff's cervix was 3.5 cm dilated and 80% effaced. Plaintiff's uterine contractions were occurring every one to two minutes.

14. Defendants, by themselves and through their agents, servants, and/or employees negligently and carelessly increased Plaintiff's Pitocin infusion at approximately 9:55 a.m. although Plaintiff's uterine contractions were occurring every one to two minutes.

15. Plaintiff continued to labor. Her membranes were artificially ruptured and an intrauterine pressure catheter was inserted at approximately 10:20 a.m. A fetal deceleration into the 50's - 60's was noted.

16. At approximately 10:25 a.m. Defendant Graeme Potter, M.D. stopped the Pitocin medication that was being intravenously administered to Plaintiff and an amnio infusion was begun. The fetal heart rate returned to baseline 130s.

17. At approximately 12:10 p.m. Plaintiff's cervix was noted to be 5 cm dilated and 100% effaced, and the vertex was at -3 station. Plaintiff's uterine contractions were noted to be occurring every two minutes.

18. At approximately 12:17 p.m. Defendants, including but not limited to Graeme Maria Potter, M.D., as well as agents, servants, and/or employees of Defendant health care providers negligently and carelessly restarted Plaintiff's Pitocin infusion at 4 mu/min.

19. At approximately 12:39 p.m. Plaintiff's contractions were occurring every one to two minutes. A deep variable deceleration was noted on the fetal heart rate monitor.

20. At 12:40 p.m. the fetal heart rate decelerated into the 60 - 90's , for 20 to 50 seconds. The Pitocin was turned off and the Plaintiff was flipped onto her right and left side. The fetal heart rate returned to baseline 120 -130's then the fetal heart rate prolonged deceleration into the 40 - 60's for four minutes.

21. At approximately 12:46 p.m. the fetal heart rate revealed bradycardia. Defendant Hoffman, M.D. was paged to the operating room.

22. Plaintiff was emergently taken to the operating room at 12:54 p.m. for an emergency caesarian section. An incision was made and the fetal face was noted to be coming through the left side wall of the uterus. The uterus was exteriorized and noted to have a very large rupture from the left sidewall anteriorly all the way around posteriorly. The whole left side of the uterus had been disrupted with the uterine vessels being free. It was determined that the Plaintiff had a catastrophic uterine rupture and the uterus could not be salvaged, as a direct and proximate result of Defendants' negligence and breaches in the standard of care.

23. As a direct and proximate result of Defendants' negligence and breaches in the standard

of care, a caesarian hysterectomy was performed due to the significant damage to the uterus which could not be surgically repaired. Plaintiff's estimated blood loss was 1600ml. She received two units of blood intraoperatively.

24. It is alleged that the Plaintiff was admitted for the purpose of having an elective induction of labor.

25. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently and carelessly admitting Plaintiff for an elective induction of labor when there was no acceptable or logistic indication for the induction at the time of admission.

26. It is further alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently failing to discuss with the Plaintiff, the reason/s for the induction, as well as the risks of the induction, including, but not limited to the increased likelihood of morbidity and mortality for either the Plaintiff, the fetus or both.

27. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently failing to document discussions with the Plaintiff regarding the reason/s for the induction, as well as the risks of the induction, including, but not limited to the increased likelihood of morbidity and mortality for either the Plaintiff, the fetus or both.

28. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently failing to discuss with the Plaintiff the risks associated with Pitocin or Cytotec medication.

29. It is alleged that Defendants, by themselves and through their agents, servants, and/or

employees, breached the standard of care by negligently failing to document discussions with the Plaintiff regarding the risks associated with Pitocin or Cytotec medication.

30. It is further alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently failing to notify the Plaintiff that Cytotec medication is contraindicated for use in pregnancy by the company that manufactures the medication.

31. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently failing to document discussions with the Plaintiff regarding their notifying the Plaintiff that Cytotec medication is contraindicated for use in pregnancy by the company that manufactures the medication.

32. It is further alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by carelessly and negligently failing to appropriately use Pitocin medication for the initiation of labor stimulated by intravaginal Cytotec ripening.

33. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently and carelessly administering/providing to the Plaintiff Pitocin medication within four hours of the last dose of Cytotec medication, causing adverse complications.

34. It is alleged that at the time the Pitocin infusion was negligently and carelessly administered, Plaintiff was undergoing effective and sufficiently frequent uterine contractions.

35. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, breached the standard of care by negligently and carelessly administering/providing to the Plaintiff Pitocin medication for stimulation of labor when adequate uterine contractions were

already occurring at an acceptable rate and intensity.

36. It is alleged that Defendants, by themselves and through their agents, servants, and/or employees, deviated from accepted medical standards causing adverse complications to the Plaintiff.

37. It is alleged that the adverse complications associated with the breaches identified herein caused Plaintiff to have an emergency caesarian section, caesarian hysterectomy, prolonged hospitalization, and permanent injuries including her inability to bear future children.

38. It is alleged that as a result of the Defendants, by themselves and through their agents, servants, and/or employees, negligently and carelessly inducing the Plaintiff's labor, with the use of Cytotec and the inappropriate use of Pitocin, Plaintiff had a catastrophic uterine rupture which necessitated a hysterectomy, rendering the Plaintiff incapable of bearing future children.

39. It is alleged that all of the above stated adverse complications were as a direct and proximate result of the negligent and careless unindicated induction of labor, with the use of Cytotec medication and the inappropriate use of Pitocin medication as described herein above.

40. As a result of Defendants' negligence, including its agents, servants, and/or employees, Plaintiff endured conscious pain and suffering, the need for additional medical treatment, an emergency caesarian section, and a catastrophic uterine rupture which necessitated a caesarian hysterectomy, rendering Plaintiff incapable of bearing future children and was otherwise physically, mentally, and emotionally injured and damaged.

41. As a result of Defendants' negligence, including its agents, servants, and/or employees, the Plaintiff incurred medical bills, expenses and loss of income.

42. Plaintiff alleged that the negligence of the Defendants, including its agents, servants, and/or employees, was a proximate cause of the injuries suffered, with the Plaintiff Diana Dahl in

no way being contributorily negligent.

WHEREFORE, this claim is brought and venue is claimed in Baltimore City. The amount in controversy exceeds the statutory limit for the filing of these claims.

COUNT TWO

Informed Consent

COME NOW the Plaintiff, Diana Dahl, by her attorneys, Mary Cina Chalawsky, Thomas C. Summers, and the Law Offices of Peter G. Angelos, P.C., and in support of her claim for medical negligence and failure to provide informed consent, states:

41. The Plaintiff incorporates herein by reference paragraphs 1 through 42, as if fully set forth herein.

42. It is alleged that the Plaintiff was not provided appropriate informed consent by the Defendant.

43. Specifically, the Plaintiff was not informed before the elective induction of labor on October 11, 2006 of the reason/s for the induction, and the alternatives and risks to the induction, including, but not limited to the increased likelihood of morbidity and mortality for either the Plaintiff, the fetus or both.

44. The Plaintiff was not informed of the risks associated with Pitocin medication or the risks associated with Cytotec medication.

45. The Plaintiff was not informed that Cytotec medication is contraindicated for use in pregnancy by the company that manufactures the medication.

46. Had the Plaintiff been appropriately informed, she would have elected not to have the elective induction of labor and/or the administration of Cytotec medication and/or the administration

of Pitocin medication, and would not be otherwise injured and damaged as described herein above.

47. As a result of the failure to provide appropriate informed consent with respect to the alternatives and risks of the induction of labor and the alternatives and risks associated with Cytotec and Pitocin medications, the Plaintiff has been injured as described herein above and herein below.

WHEREFORE, this claim is brought and venue is claimed in Baltimore City. The amount in controversy exceeds the statutory limit for the filing of these claims.

COUNT THREE

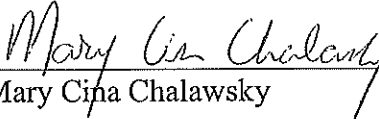
Loss of Consortium

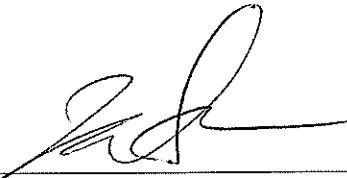
COME NOW the Plaintiffs, Diana Dahl and Brian O'Connor, as husband and wife, by their attorneys, Mary Cina Chalawsky, Thomas C. Summers, and the Law Offices of Peter G. Angelos, P.C., and in support of their claim for medical negligence, failure to provide informed consent, and loss of consortium, state:

48. The Plaintiffs incorporate herein by reference paragraphs 1 through 49, as if fully set forth herein.

49. The Plaintiffs have been married for over five years. As a result of the negligence of the Defendant, by itself and through its agents, servants, and/or employees, including but not limited to nursing and/or pharmacy or other personnel, the Plaintiffs have suffered injury and damage to their marriage, and have otherwise suffered a loss of consortium and claim all available damages under Maryland's loss of consortium law.

WHEREFORE, this claim is brought and venue is claimed in Baltimore City. The amount in controversy exceeds the statutory limit for the filing of these claims.


Mary Cifa Chalawsky


Thomas C. Summers
Law Offices of Peter G. Angelos
A Professional Corporation
One Charles Center, 22nd Floor
100 North Charles Street
Baltimore, Maryland 21201
(410) 649-2000

Attorneys for Plaintiffs

DIANA DAHL
629 Brookstone Drive
Crownsville, Maryland 21032

and

BRIAN O'CONNOR
629 Brookstone Drive
Crownsville, Maryland 21032

Plaintiffs

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TERESA ANN HOFFMAN, M.D.
6610 Tributary Street
Suite 206
Baltimore, Maryland 21224

and

GRAEME MARIA POTTER, M.D.
137 Medical Park Loop
Sylva, North Carolina 28779

and

KOJI MATSUO, M.D.
6903 Bonnie Ridge Drive
Apt. 201
Baltimore, MD 21209-5166

Defendants

* * * * *

ELECTION FOR JURY TRIAL

The Plaintiffs elect to have a trial by a jury.

Mary Cina Chalawsky

Mary Cina Chalawsky
Law Offices of Peter G. Angelos
A Professional Corporation
One Charles Center, 22nd Floor
100 North Charles Street
Baltimore, Maryland 21201
(410) 649-2000

Attorneys for Plaintiffs

Circuit Court for Baltimore City

City or County

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). A copy must be included for each defendant to be served.

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

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER: _____
CASE NAME: Diana Dahl et al. v Mercy Medical Center, Inc. et al. (Click to insert)

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 5-7 days
RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter/communication impairment Which language _____
(Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect _____
 ADA accommodation: _____

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input checked="" type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ <u>TBD</u> <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ <u>TBD</u>	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other

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 Yes No C. Settlement Conference Yes No
B. Arbitration Yes No D. Neutral Evaluation Yes No

TRACK REQUEST
With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.
 1/2 day of trial or less 3 days of trial time
 1 day of trial time More than 3 days of trial time
 2 days of trial time

PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.

Date _____ Signature Mary Ann Chalant

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.

Expedited
Trial within 7 months of
Defendant's response

Standard
Trial - 18 months of
Defendant's response

EMERGENCY RELIEF REQUESTED _____

Signature

Date

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S 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.
- Standard-Short Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments.
- Standard-Medium Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.
- Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- Lead Paint Fill in: Birthdate of youngest plaintiff _____.
- Asbestos Events and deadlines set by individual judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. 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.

CIRCUIT COURT FOR BALTIMORE COUNTY

- Expedited Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, (Trial Date-90 days) District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- Standard Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud (Trial Date-240 days) and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- Extended Standard Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury (Trial Date-345 days) 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 Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product (Trial Date-450 days) Liabilities, Other Complex Cases.