

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

LYNN S. LAZZARO
JOHN LAZZARO, III
1530 Sparks Road
Sparks, Maryland 21152

Plaintiffs

v.

CYRUS HAMIDI, M.D.
913 Ridgebrook Road,
Suite 312
Sparks, Maryland 21152

and

CYRUS HAMIDI, M.D., P.A.
913 Ridgebrook Road
Suite 312
Sparks, Maryland 21152

and

LILLIAN HUNTER, M.D.
6565 N. Charles Street
Suite 406
Baltimore, Maryland 21204

and

PERINATAL ASSOCIATES, L.L.C.
6565 N. Charles Street
Suite 406
Baltimore, Maryland 21204

Serve on Victor Khouzami, M.D.
Resident Agent

Defendants

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Case No. 03-C-17-5068

FILED
2017 MAY 24 PM 2:33
CIRCUIT COURT
BALTIMORE COUNTY

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COMPLAINT AND ELECTION FOR JURY TRIAL

SCANNED

Plaintiffs, Lynn Lazzaro and John Lazzaro, III, by their attorneys, Paul D. Bekman,

1/000

Board of Physicians

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DEPT. OF CORRECTIONS

Case: 09-C-17-00000
Officer: [illegible]
Insurance Fee \$100.00
Risk-Red Cost \$200.00
Total \$300.00
Total \$100.00
Total \$400.00

COMMENTS:
[illegible]
CASHIER: EN CLEMONTE
03/24/11 3:00pm

Wendy L. Shiff, and Bekman, Marder and Adkins, L.L.C., sue the Defendants, Cyrus Hamidi, M.D. ("Dr. Hamidi"), Cyrus Hamidi, M.D., P.A., Lillian Hunter, M.D. ("Dr. Hunter"), and Perinatal Associates, L.L.C., as follows:

1. This case was originally filed in the Health Care Alternative Dispute Resolution Office. Plaintiffs elected to waive arbitration. Copy of Election to Waive Arbitration is attached as Exhibit A.
2. The venue for this claim is proper in Baltimore County, and may be proper elsewhere.
3. At all times herein, the Defendant, Dr. Hamidi held himself out to Plaintiffs, and to the general public as an experienced, competent and able physician and health care provider, possessing and providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine and surgery, and in particular, family and primary care medicine, and as such, owed a duty to the Plaintiffs to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine. At all times, Dr. Hamidi was acting as the agent, servant or employee of Cyrus Hamidi, M.D., P.A.
4. At all times herein, the Defendant, Dr. Hunter held herself out to Plaintiffs, and to the general public as an experienced, competent and able physician and health care provider, possessing and providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of medicine and surgery, and in particular, obstetrics and gynecology, and as such, owed a duty to the Plaintiffs to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine. At all times, Dr. Hunter was acting as the agent,

servant or employee of Perinatal Associates, L.L.C.

5. Plaintiffs, Lynn Lazzaro and John Lazzaro, III, are married.

6. On September 30, 2013, Lynn Lazzaro underwent an abdominal ultrasound, ordered by her family physician, Dr. Hamidi, for complaints of abdominal pain and cramps and other related symptoms. She reported that she had been experiencing these symptoms for 5 months. He also ordered a pelvic sonogram, which she underwent at the same time.

7. Dr. Hamidi received the ultrasound reports on September 30, 2013. The report of the abdominal ultrasound indicated that Mrs. Lazzaro had two small areas of slightly decreased echotexture in the liver. Due to the slightly rounded contours of these areas, the radiologist advised Dr. Hamidi to have Mrs. Lazzaro undergo CT evaluation. The pelvic sonogram showed small uterine fibroids. Dr. Hamidi instructed his staff to contact Mrs. Lazzaro to let her know that the ultrasounds were "ok". No recommendation was made for a CT or any other follow-up tests or evaluations.

8. A copy of the reports were sent to Mrs. Lazzaro's gynecologist, Dr. Hunter. In 2012, Dr. Hunter had expressed concerns to Mrs. Lazzaro about possible gynecologic cancer. Dr. Hunter did not mention the sonograms nor the recommended CT at any follow-up appointments.

9. Mrs. Lazzaro continued to see Dr. Hamidi for general medical complaints. In June 2014, he ordered routine blood studies for her. Her ALT (liver function study) was elevated. No further recommendation was made for a CT or any other follow-up tests or evaluations.

10. On January 22, 2016, Mrs. Lazzaro sees Dr. Hamidi for epigastric complaints. He ordered an ultrasound of the abdomen.

11. Mrs. Lazzaro underwent the sonogram that day. A stat report was made to Dr. Hamidi advising that the mass seen in 2013 which was less than one centimeter now measured 13.4 cm. It was highly suspicious for malignancy.

12. Mrs. Lazzaro sought treatment with Andrew Cameron, M.D., at The Johns Hopkins Hospital. He ordered an MRI which revealed that the tumor was inoperable and with the size and location of the tumor, she is not a candidate for liver transplant surgery.

13. On February 23, 2016, Mrs. Lazzaro began TACE treatment (transarterial chemoembolization) under the direction of Christos Georgiades, M.D., at The Johns Hopkins Hospital. Her prognosis is poor.

Count I-Negligence

14. Plaintiff, Lynn Lazzaro, incorporates paragraphs 1-13.

15. Defendant, Dr. Hamidi, was negligent and careless in his care and treatment of the Plaintiff:

- a. by failing to advise her of the abnormality on the abdominal ultrasound of September 2013;
- b. by failing to recommend that she undergo a CT study of the liver following the recommendation of the radiologist who interpreted the September 30, 2013 ultrasound;
- c. by failing to correlate the abnormal ALT result of June 2014 with the September 30, 2013 ultrasound or ordering further CT studies or testing or evaluations;
- d. and in other ways.

16. Defendant, Dr. Hunter, was negligent and careless in her care and treatment of the

Plaintiff:

- a. by failing to advise her of the abnormality on the abdominal ultrasound of September 2013;
- b. by failing to recommend that she undergo a CT study of the liver following the recommendation of the radiologist who interpreted the September 30, 2013 ultrasound;
- c. and in other ways.

17. As a direct result of the negligence of the Defendants, Plaintiff, Lynn Lazzaro, has suffered painful and permanent injuries, and was and will be caused to sustain severe mental anguish and emotional pain and suffering; whereby she was and in the future will be prevented from engaging in her usual activities; was caused to incur and will in the future incur medical and other expenses and was caused and will incur financial losses and damages and will continue to experience said mental anguish, pain and suffering in the future.

18. All of the losses, damages and injuries sustained by the Plaintiff were caused by the carelessness, recklessness and negligence of the Defendants without any negligence on the part of the Plaintiff thereunto contributing.

WHEREFORE, Plaintiff, Lynn Lazzaro, claims damages to be determined by a jury.

Count II-Loss of Consortium

19. Plaintiffs incorporate by reference paragraphs 1-18.

20. As a result of the negligence of the Defendants, Plaintiffs have suffered injury to their marital relationship.

21. All of the losses, damages and injuries to the marital relationship of the Plaintiffs has been caused by the carelessness, recklessness and negligence of the Defendants, without any

negligence on the part of the Plaintiffs thereunto contributing.

WHEREFORE, Plaintiffs, Lynn Lazzaro and John Lazzaro, III, claim damages to be determined by a jury.

Wendy L. Shiff

PAUL D. BEKMAN

WENDY L. SHIFF

BEKMAN, MARDER & ADKINS, L.L.C.

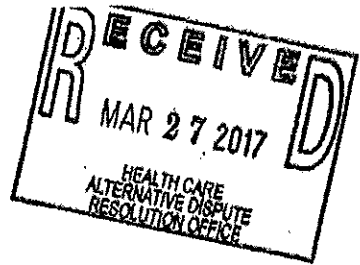
300 W. Pratt Street

Suite 450

Baltimore, Maryland 21201

(410) 539-6633

Attorneys for Plaintiffs



LYNN S. LAZZARO
JOHN LAZZARO, III

Claimants

v.

CYRUS HAMIDI, M.D., et al.

Health Care Providers

- * BEFORE THE
- * HEALTH CARE
- * ALTERNATIVE DISPUTE
- * RESOLUTION OFFICE
- * HCA No. 2016-473

ELECTION TO WAIVE ARBITRATION

Claimants, by their attorneys, Wendy L. Shiff, and Bekman, Marder & Adkins, L.L.C., elect to waive arbitration and proceed directly to a jury trial in the Circuit Court for Baltimore County.

Wendy L. Shiff

WENDY L. SHIFF
BEKMAN, MARDER & ADKINS, L.L.C.
300 West Pratt Street
Suite 450
Baltimore, Maryland 21201
(410) 539-6633

Attorneys for Claimants

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CIRCUIT COURT
BALTIMORE COUNTY

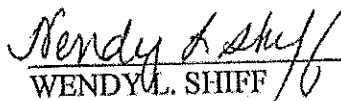
FILED

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 27th day of March, 2017, that copies of Plaintiffs' Certificate of Qualified Expert and Report, and Election to Waive Arbitration, were mailed, postage pre-paid to:

Amy B. Heinrich, Esquire
Goodell, DeVries, Leech & Dann
One South Street, 20th Floor
Baltimore, Maryland 21202

Cyrus Hamidi, M.D.
913 Ridgebrook Road, Suite 312
Sparks, Maryland 21152



WENDYL. SHIFF

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

LYNN S. LAZZARO
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1530 Sparks Road
Sparks, Maryland 21152

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Resident Agent

Defendants

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Case No.

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CIRCUIT COURT
BALTIMORE COUNTY

ELECTION FOR JURY TRIAL

Plaintiffs hereby elect to have their case tried before a jury.

Wendy L. Schiff

PAUL D. BEKMAN
WENDY L. SHIFF
BEKMAN, MARDER & ADKINS, L.L.C.
300 W. Pratt Street
Suite 450
Baltimore, Maryland 21201
(410) 539-6633

Attorneys for Plaintiffs



BEKMAN
MARDER
& ADKINS
A PLAINTIFF'S TRIAL FIRM

WENDY L. SHIFF
SHIFF@BMALAWFIRM.COM

May 23, 2017

Civil Clerk,
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: Lynn S. Lazzaro, et al. v. Cyrus Hamidi, M.D., et al.
Case No.

Dear Clerk:

Enclosed for filing please find an original Complaint and Election for Jury Trial, with reference to the above captioned matter. Kindly return Writs of Summons to the attention of the undersigned for service by private process. Also enclosed is this firm's check in the amount of \$185.00 for filing fee.

Thank you for your time and attention.

Very truly yours,

Wendy L. Shiff

WLS:ll
Enclosure

cc: Amy B. Heinrich, Esquire
Charles I. Joseph, Esquire