

KEVIN MARK, Personal Representative : IN THE
of the Estate of the Late :
KEYONA ALEXIS MARK, Deceased : CIRCUIT COURT
4636 York Road :
Baltimore, Maryland 21212 : FOR

and : BALTIMORE COUNTY
Case No.: C-03-CV-20-000892

KEVIN MARK :
4636 York Road :
Baltimore, Maryland 21212 :

and :

MARQUITA ASHLEY RICHARDSON, :
Parent and Next Friend of :
JOSIAH RICHARDS, Minor :
9310 Silver Charm Drive :
Randallstown, Maryland 21133 :

and :

PATRICK NOEL, :
Parent and Next Friend of :
SINCERE NOEL, Minor :
1100 Bolton Street, Apartment 218 :
Baltimore, Maryland 21201 :

Plaintiffs, :

v. :

EUGENE L. WU, M.D. :
1447 York Road, Suite 100 :
Lutherville, Maryland 21093 :

and :

JENNIFER THEODORA PAUL, M.D. :
7141 Security Boulevard :
Baltimore, Maryland 21244 :

and :

MID-ATLANTIC PERMANENTE :
MEDICAL GROUP, P.C. d/b/a KAISER :
PERMANENTE WOODLAWN :
2101 East Jefferson Street :
Rockville, Maryland 20852 :

Serve on Resident Agent: :
Prentice-Hall Corporation System :
7 St. Paul Street, Suite 820 :
Baltimore, Maryland 21202 :

and :

LILLIAN MIHM HUNTER, M.D. :
6565 North Charles Street, Suite 406 :
Baltimore, Maryland 21204 :

and :

GREATER BALTIMORE MEDICAL :
CENTER, INC. d/b/a PERINATAL :
ASSOCIATES AT GBMC & :
d/b/a GREATER BALTIMORE :
MEDICAL CENTER :
6701 North Charles Street :
Towson, Maryland 21204 :

Serve on Resident Agent: :
John B. Chessare :
6701 North Charles Street :
Towson, Maryland 20878 :

Defendants :

: : : : : : : : : :

COMPLAINT

COUNT I

COMES NOW the Plaintiff, Kevin Mark, Personal Representative of the Estate of the Late Keyona Alexis Mark, Deceased, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Eugene L. Wu, M.D., Jennifer Theodora Paul, M.D., Mid-Atlantic Permanente Medical Group, P.C. d/b/a Kaiser Permanente Woodlawn, P.C.,

Lillian Mihm Hunter, M.D., and Greater Baltimore Medical Center, Inc. d/b/a Perinatal Associates at GBMC & d/b/a Greater Baltimore Medical Center, Defendants:

1. The Plaintiffs conducted a good faith and reasonably diligent effort to identify, locate, and name as use plaintiffs all individuals who might qualify as use plaintiffs.

2. At all times of which the Plaintiff complains, the Defendants, Eugene L. Wu, M.D. (hereinafter referred to as "Wu"), Jennifer Theodora Paul, M.D. (hereinafter referred to as "Paul"), and Lillian Mihm Hunter, M.D. (hereinafter referred to as "Hunter") represented to the Plaintiff's Decedent and the public that they possessed the degree of skill, knowledge and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff's Decedent.

3. The Plaintiff alleges that the Defendants Wu, Paul, and Hunter herein, including duly authorized agents and/or employees of the Defendant Professional Corporation and/or Hospital, owed to the Plaintiff's Decedent the duty to exercise the degree of care, skill and judgment expected of a competent medical practitioner acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Plaintiff's Decedent, continuous evaluation of the Plaintiff's Decedent's condition and the effects of such treatment, and adjustment of the course of treatment in response to such ongoing surveillance and evaluation -- all of which the Defendants failed to do.

4. The Defendants Wu, Paul, and Hunter were negligent in that they failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate

the Plaintiff's Decedent's condition, failed to properly and appropriately diagnose the Plaintiff's Decedent's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's Decedent's condition, and were otherwise negligent.

5. The Plaintiff alleges that the Defendant Mid-Atlantic Permanente Medical Group, P.C., through its agents, servants and employees, owed to the Plaintiff's Decedent a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury upon the Plaintiff's Decedent, continuous evaluation of the Plaintiff's Decedent's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

6. The Defendant Mid-Atlantic Permanente Medical Group, P.C., through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's Decedent's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiff's Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's

Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's Decedent's condition, failed to diagnose the Plaintiff's Decedent's condition and was otherwise negligent.

7. The Plaintiff alleges that the Defendant Greater Baltimore Medical Center, Inc. d/b/a Perinatal Associates at GBMC & d/b/a Greater Baltimore Medical Center (hereinafter referred to as "Hospital"), through its agents, servants and employees, owed to the Plaintiff's Decedent a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's Decedent's condition, careful diagnosis of such condition, employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury upon the Plaintiff's Decedent, continuous evaluation of the Plaintiff's Decedent's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

8. The Defendant Hospital, through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's Decedent's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiff's Decedent's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's Decedent's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's Decedent's condition, failed to diagnose the Plaintiff's Decedent's condition and was otherwise negligent.

9. At all times referred to herein, the Defendants Wu, Pal and Hunter acted for themselves and as duly authorized agents and/or employees of the Defendant Mid-Atlantic Permanente Medical Group, P.C. and/or the Defendant Hospital, acting within the scope of their respective authority.

10. As a direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff's Decedent suffered unending physical pain, emotional anguish, fear and anxiety ultimately culminating in her tragic and untimely demise on March 1, 2018 as is more fully described, hereinbelow.

11. On August 31, 2017, the Plaintiff's Decedent, Keyona Alexis Mark, was a 27-year-old, G5P11031 female who presented to the Defendant Kaiser for a confirmation of pregnancy visit. At that time, she was 5'7" tall and weighed 310 pounds. On September 11, 2017, the Plaintiff's Decedent underwent a transabdominal ultrasound that confirmed her gestational age of 10 weeks and 5 days gestation, and an estimated date of delivery of April 4, 2018.

12. In October of 2017, due to her history of preeclampsia with a prior pregnancy, the Plaintiff's Decedent received instructions on the use and care of a blood pressure monitor due to her gestational hypertension. That same month, she enrolled in the Kaiser Permanente Comprehensive Perinatal Service Center gestational hypertension/preeclampsia management program. She was instructed to take and record twice daily blood pressures, to rest on her left side, to hydrate with approximately 2 liters of fluid daily, to monitor fetal movement, and to contact providers for any signs or symptoms of headache, visual changes, epigastric pain, nausea, vomiting, swelling, and malaise.

13. On February 26, 2018, the Plaintiff's Decedent presented to the Defendant Hospital at approximately 35 weeks and 3 days gestation, with complaints of lower abdominal pain, chest

pressure, and vomiting. She was found to have markedly elevated blood pressures, proteinuria, urine ketones, tachycardia and a markedly elevated serum glucose.

14. At approximately 6:38 p.m., a pelvic exam determined that the Plaintiff's Decedent's cervix was closed, 0% effaced, and the vertex was at -3 station. Fetal monitor tracings were interpreted as Category II. At that time, the Plaintiff's Decedent was diagnosed with diabetic ketoacidosis, severe preeclampsia, and morbid obesity. She was admitted to the hospital, placed on bedrest, and begun on a diabetic ketoacidosis insulin drip with a plan to clear her of the ketoacidosis prior to delivery unless the fetal heart tracings devolved into a Category III.

15. On February 27, 2018, at approximately 12:54 a.m., the fetal heart rate monitoring strips demonstrated periods of minimal variability alternating with periods of moderate variability, without any accelerations or decelerations. As well, laboratory evaluation revealed improving blood sugars. At approximately 5:40 a.m., the fetal heart rate tracings continued to be interpreted as Category II and sequential compression devices were in place for DVT prophylaxis.

16. By approximately 1:46 p.m., the Plaintiff's Decedent was exhibiting worsening urine output and a rising creatinine concerning for worsening preeclampsia. As a result, the decision was made to intervene with a cesarean section delivery. Accordingly, at approximately 4:02 p.m., the Defendant Wu performed a low transverse cesarean section delivery of the Infant Plaintiff, Sincere Noel. It is alleged that at all relevant times, the Defendant Wu held himself out as an expert in the field of obstetrics and gynecology. Intraoperatively, a brief uterine atony was noted that responded to Pitocin and uterine massage.

17. Postoperatively, the Plaintiff's Decedent's care was managed by the Defendant Paul and the Defendant Hunter who, at all relevant times held themselves out as experts in obstetrics and gynecology. The Plaintiff's Decedent became oliguric with an acute kidney injury,

so they placed her on oral bicarbonate with some improvement in her urine output. As well, sequential compression devices for deep vein thrombosis prophylaxis were placed. No pharmacologic DVT prophylaxis was offered or administered. According to the orders, the “reason for no pharmacological prophylaxis” given was “OB uncomplicated.”

18. The Plaintiff alleges that the Defendant obstetricians breached the applicable standards of care in their failure to utilize pharmacological prophylaxis such as Heparin in addition to sequential compression devices. Given the Plaintiff’s Decedent’s body habitus, size and weight, as well as her recent cesarean section surgery and anticipated mobility, the standards of care required the use of pharmacologic thrombosis prophylaxis to appropriately prevent the development of blood clots. It is alleged that the Defendant Wu failed to order appropriate prophylaxis during his care and treatment of the Plaintiff’s Decedent, and that the Defendants Paul and Hunter likewise failed in the same regard, thereby falling below applicable standards of care.

19. By the morning of March 1, 2018, the Plaintiff’s Decedent exhibited improvement in her diabetes, renal function, and urine output. Accordingly, the Foley catheter was removed and the plan was to move her to postpartum care. At approximately 12:52 p.m., the Plaintiff’s Decedent was allowed out of bed for the first time since delivery and, with nursing assistance, ambulated to the restroom. On her way back to the bed, the Plaintiff’s Decedent had a sudden loss of consciousness. The nurse was able to lower her to the ground without head trauma. The Plaintiff’s Decedent was gasping without chest thrust before becoming unresponsive. A rapid response was called and physicians from the ICU, anesthesia, and obstetrics responded as a code team.

20. According to the records, the Plaintiff’s Decedent was intubated. However, healthcare providers were unable to detect a pulse. Indeed, the Plaintiff’s Decedent was in PEA

arrest throughout the code. Despite performance of cardiopulmonary resuscitation for one hour, with bagging and compressions, healthcare providers were never able to reestablish a pulse and the Plaintiff's Decedent expired at 1:46 p.m. An autopsy was performed which confirmed the cause of death to be acute, bilateral pulmonary artery emboli with the likely source being the superficial myometrial and paracervical vessels. Contributory factors included the Plaintiff's Decedent's morbid obesity, vascular injury due to recent surgery, postpartum status, and immobility.

21. The Plaintiff alleges that these Defendants negligently failed to administer pharmacologic thrombotic prophylaxis as was required by the standards of care. Given the Decedent's body habitus, recent surgery, and anticipated immobility, these Defendants knew or, by the exercise of due care, should have known, that sequential compression dressings were inadequate to appropriately prevent the development of deep vein thrombosis. Rather, pharmacologic DVT prophylaxis was required in addition to appropriately treat the Plaintiff's Decedent.

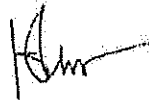
22. It is alleged that had these Defendants complied with the standards of care, the Plaintiff's Decedent would have received timely and appropriate pharmacologic therapy, would not have developed blood clots which became fatal pulmonary emboli, would not have suffered a painful and premature death, and would have recovered from her cesarean section delivery to return home to her family and newborn to resume her normal activities and enjoy her motherhood. Tragically, however, the Defendants failed to comply with the applicable standards of care and, as a result, the Plaintiff's Decedent suffered acute bilateral pulmonary emboli resulting in her demise.

23. It is alleged that the Plaintiff's Decedent suffered unending physical pain, emotional anguish, as well as fear and anxiety over her condition prior to her death. Additionally,

it is alleged that the Plaintiff's Decedent incurred hospital, medical, surgical, nursing, custodial, funeral, burial, and other losses and expenses for which claim is made.

24. The Plaintiff refers to the negligence of these Defendants and each of them as the sole and proximate cause of all of the injuries, damages and death -- with the Plaintiff and Plaintiff's Decedent being in no way contributorily negligent.

25. The negligence complained of occurred in Baltimore County. Venue is claimed in Baltimore County. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).



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Attorneys for the Plaintiffs

COUNT II

COMES NOW the Plaintiff, Kevin Mark, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Eugene L. Wu, M.D., Jennifer Theodora Paul, M.D., Mid-Atlantic Permanente Medical Group, P.C.d/b/a Kaiser Permanente Woodlawn, Lillian Mihm Hunter, M.D., and Greater Baltimore Medical Center, Inc. d/b/a Perinatal Associates at GBMC & d/b/a Greater Baltimore Medical Center, Defendants:

1. The Plaintiff incorporates in this Count those facts set forth in Count I hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.

2. The Plaintiff alleges that he is the surviving father of the Plaintiff's Decedent, Keyona Alexis Mark. As a result of the negligence of these Defendants, the Plaintiff asserts that the relationship he enjoyed with the Plaintiff's Decedent was destroyed.

3. The Plaintiff alleges that he has lost the love, support, guidance, advice and comfort furnished by his beloved daughter as the result of the negligence of these Defendants. The death of his daughter represents a tragedy from which he will never recover.

4. The negligence complained of occurred in Baltimore County. Venue is claimed in Baltimore County. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).



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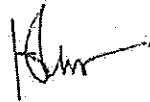
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Attorneys for the Plaintiffs

COUNT III

COMES NOW the Plaintiff, Marquita Ashley Richardson, Parent and Next Friend of Josiah Richards, Minor, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Eugene L. Wu, M.D., Jennifer Theodora Paul, M.D., Mid-Atlantic Permanente Medical Group, P.C. d/b/a Kaiser Permanente Woodlawn, Lillian Mihm Hunter, M.D., and Greater Baltimore Medical Center, Inc. d/b/a Perinatal Associates at GBMC & d/b/a Greater Baltimore Medical Center, Defendants:

1. The Plaintiff incorporates in this Count those facts set forth in Counts I and II hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.
2. The Plaintiff alleges that Josiah Richards is the surviving minor son of the Plaintiff's Decedent, Keyona Alexis Mark. As a result of the negligence of these Defendants, the Plaintiff asserts that the relationship he enjoyed with the Plaintiff's Decedent was destroyed.
3. The Plaintiff alleges that he has lost the love, support, guidance, advice and comfort furnished by his beloved mother as the result of the negligence of these Defendants. The death of his mother represents a tragedy from which he will never recover.
4. The negligence complained of occurred in Baltimore County. Venue is claimed in Baltimore County. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).



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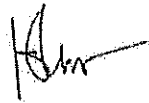
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Attorneys for the Plaintiffs

COUNT IV

COMES NOW the Plaintiff, Patrick Noel, Parent and Next Friend of Sincere Noel, Minor, by his attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, Eugene L. Wu, M.D., Jennifer Theodora Paul, M.D., Mid-Atlantic Permanente Medical Group, P.C. d/b/a Kaiser Permanente Woodlawn, Lillian Mihm Hunter, M.D., and Greater Baltimore Medical Center, Inc. d/b/a Perinatal Associates at GBMC & d/b/a Greater Baltimore Medical Center, Defendants:

1. The Plaintiff incorporates in this Count those facts set forth in Counts I, II, and III hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.
2. The Plaintiff alleges that Sincere Noel is the surviving minor son of the Plaintiff's Decedent, Keyona Alexis Mark. As a result of the negligence of these Defendants, the Plaintiff asserts that the relationship he enjoyed with the Plaintiff's Decedent was destroyed.
3. The Plaintiff alleges that he has lost the love, support, guidance, advice and comfort furnished by his beloved mother as the result of the negligence of these Defendants. The death of his mother represents a tragedy from which he will never recover.

4. The negligence complained of occurred in Baltimore County. Venue is claimed in Baltimore County. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).



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