

NOLAN C. BARLEY, a minor,
by and through his Parents and Next Friends,
DAVID BARLEY and **KELLY L. BARLEY**
7850 Eastdale Road
Baltimore, MD 21224

and

DAVID BARLEY, Individually
7850 Eastdale Road
Baltimore, MD 21224

and

KELLY L. BARLEY, Individually
7850 Eastdale Road
Baltimore, MD 21224

Plaintiffs

v.

GREATER BALTIMORE MEDICAL CENTER, INC.
6701 North Charles Street
Towson, MD 21204

SERVE ON RESIDENT AGENT:
John B. Chessare
6701 North Charles Street
Towson, MD 21204

and

KIMBERLY M. KESLER, M.D.
6565 North Charles Street
Pavilion East, Suite 405
Towson, MD 21204

and

PERINATAL ASSOCIATES, LLC
6565 North Charles Street
Pavilion East, Suite 405
Towson, MD 21204

SERVE ON RESIDENT AGENT:

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

Case No.: C-12-13064

w/ky

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12 DEC 21 PM 3:00
[Signature]

HC

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Victor A. Khouzami, M.D.
6565 North Charles Street
Pavilion East, Suite 405
Towson, MD 21204

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*
*

and

*

GIA FIRTH, CNM
6701 North Charles Street
Towson, MD 21204

*
*

Defendants

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* * * * *

COMPLAINT

COME NOW Plaintiffs, Nolan C. Barley, a minor by and through his Parents and Next Friends, David Barley and Kelly L. Barley, and David Barley and Kelly L. Barley, Individually, by and through their attorneys, Howard Janet, Giles H. Manley, Jason B. Penn, and Janet, Jenner & Suggs, LLC, and hereby file this Complaint against Defendants, Greater Baltimore Medical Center, Inc., Kimberly Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM, and for cause and in support of their claim respectfully state as follows:

INTRODUCTION

1. This is a medical negligence action arising from the negligent care rendered to Kelly Barley during her labor and delivery and the resuscitation of her newborn son, Nolan Barley, at Greater Baltimore Medical Center, Inc. On October 1, 2011, Kelly Barley was admitted to Greater Baltimore Medical Center for induction of labor. Pitocin induction began at around 0925 and over the ensuing hours, despite increasing doses of Pitocin, her cervix failed to dilate. During the course of the labor, negligent attempts were made to rotate the baby. Repeated decelerations and obvious signs of fetal intolerance to labor continued until the fetus became bradycardic, evidencing hypoxia, and remained so until he was finally delivered via

emergent Cesarean section at 1628 on October 1, 2011. At delivery he was severely depressed, requiring intensive resuscitation, which, unfortunately, was too little too late. Nolan suffered severe hypoxia which caused him to suffer, among others, brain injury, tremendous pain, suffering and disfigurement. Additionally, he will continue to suffer in the future from these injuries as they are permanent and will also suffer a loss of earnings and diminished enjoyment of life, and will require medical care and services and educational services. Additionally, his parents have suffered, and/or will suffer, mental anguish, loss of services, extensive medical, therapeutic, and educational expenses.

JURISDICTION AND VENUE

2. Venue as to all claims is invoked in Baltimore County pursuant to MD. CODE ANN., CTS. & JUD. PROC. § 6-201, *et seq.*, inasmuch as (a) all Defendants reside, carry on a regular business, are employed and/or habitually engage in a vocation in Baltimore County; and/or (b) the cause of action arose in Baltimore County, in that the injuries proximately caused by the alleged negligence of the Defendants occurred at Greater Baltimore Medical Center, located in Baltimore County, Maryland.

3. Jurisdiction is proper in Baltimore County Circuit Court in that all conditions precedent to filing this suit have been met. This case was initially filed in the Health Care Alternative Dispute Resolution Office of Maryland as *Nolan C. Barley, a minor, et al. v. Greater Baltimore Medical Center, Inc., et al.*, HCA No.: 2012-513, along with an Election to Waive Arbitration, Certificate of Qualified Expert and Report of Sharon Patrick, M.D., and Order of Transfer to the Circuit Court for Baltimore County.

4. Damages are in excess of the required jurisdictional amount under MD. CODE, CTS. & JUD. PROC. § 3-2A-02.

THE PARTIES

5. At all times relevant, Plaintiff Nolan C. Barley, a minor (hereinafter referred to as "Nolan"), was born at or about 1628 hours on October 1, 2011, at Greater Baltimore Medical Center, located in Baltimore County, Maryland.

6. At all times relevant, Plaintiff Kelly L. Barley (hereinafter referred to as "Mrs. Barley") was and is a resident and citizen of the State of Maryland, residing in Baltimore County. She is the natural parent of Nolan Barley, a disabled minor, who resides with her in Baltimore County, State of Maryland.

7. At all times relevant, Plaintiff David Barley (hereinafter referred to as "Mr. Barley") was and is a resident and citizen of the State of Maryland, residing in Baltimore County. He is the natural parent of Nolan Barley, a disabled minor, who resides with him in Baltimore County, State of Maryland.

8. Nolan appears in this action by and through his Parents and Next Friends, David and Kelly Barley who have the capacity and authority to bring to this action on Nolan's behalf.

9. At all times pertinent hereto, Defendant Greater Baltimore Medical Center, Inc. (hereinafter referred to as "GBMC"), a professional services corporation organized under the laws of the State of Maryland, with its principle place of business in Baltimore County, Maryland, held itself out to the public as competent to provide medical, surgical, and nursing services, including but not limited to obstetrical and neonatal services, and indeed did provide such care and services to Mrs. Barley and her son Nolan, directly and by and through its principles, and/or actual and/or apparent agents, servants and/or employees, who at all times acted within the scope of their authority in providing care to Plaintiff.

10. At all times pertinent hereto, Defendant Perinatal Associates LLC (hereinafter referred to as "Perinatal Associates"), a professional services company organized under the laws of the State of Maryland, with its principle place of business in Baltimore County, Maryland, held itself out to the public as competent to provide medical, surgical, and nursing services, including but not limited to obstetrical, and indeed did provide such care and services to Mrs. Barley and her son Nolan, directly and by and through its principles, and/or actual and/or apparent agents, servants and/or employees, who at all times acted within the scope of their authority in providing care to Plaintiff.

11. At all times pertinent hereto, Defendant Kimberly Kelsler, M.D. (hereafter "Dr. Kesler"), was licensed to practice medicine in the state of Maryland, and held herself out to the public as a competent practitioner of obstetrical medicine. At all times relevant in rendering care to Mrs. Barley and Nolan, Dr. Kesler was employed in, and habitually carried on a vocation in Baltimore County, Maryland, at Defendants GBMC and Perinatal Associates, while employed by these health care providers.

12. At all times pertinent hereto, Dr. Kesler acted individually, and as the actual agent, servant and/or employee of GBMC and Perinatal Associates, acting within the scope of her employment.

13. At all times pertinent hereto, Defendant Gia Firth, CNM (hereinafter referred to as "Ms. Firth") was licensed to practice midwifery in the state of Maryland, and held herself out to the public as a competent practitioner of midwifery. At all times relevant in rendering care to Mrs. Barley and Nolan, Ms. Firth was employed in, and habitually carried on a vocation in Baltimore County, Maryland at Defendants GBMC while employed by this health care provider.

14. At all times pertinent hereto, Ms. Firth acted individually, and as the actual agent, servant and/or employee of GBMC, acting within the scope of her employment.

15. At all times relevant hereto, each of the health care providers, including their actual and/or apparent agents, servants and/or employees, acted as the actual and/or apparent agents, servants and/or employees of each other.

16. At all times pertinent hereto, Mrs. Barley was a patient of Defendants, GBMC, Kimberly Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM for the purpose of receiving medical care and treatment.

FACTUAL BACKGROUND

17. Plaintiff incorporates by reference the factual allegations of the foregoing paragraphs of this Complaint as if fully set forth here.

18. On October 1, 2011, at around 0800 hours, Ms. Barley was admitted to GBMC for an induction of labor secondary to favorable cervix. Her initial examination revealed her cervix to be dilated 3-4 centimeters. The fetus was still at -2 station. Mrs. Barley was connected to the external fetal monitor which recorded a normal fetal heart rate in the 150s – 160s. Rupture of membranes was performed.

19. At around 0925 the induction of labor process began when Pitocin was administered intravenously.

20. At around 0945 a deceleration of the heart rate down to the 90s was noted. The Pitocin was continued, however, and incrementally increased throughout the morning. At 1145 further decelerations of the heart rate were noted.

21. At around 1218, the nurses were having difficulty obtaining a fetal heart rate. The Pitocin was discontinued, and Mrs. Barley was turned on her left side. Dr. Kesler ordered that

oxygen not be administered to the patient. A fetal heart rate deceleration down to the 80s was noted with a slow return back to baseline over a period of approximately 5 minutes.

22. At around 1240, Mrs. Barley's position was readjusted and a Foley catheter was placed. Within the next hour, at around 1306, the Pitocin was restarted and incrementally increased throughout the afternoon.

23. At around 1324, the fetal heart rate demonstrated minimal variability, a sign of fetal intolerance of labor. At around 1356, there was a late deceleration another sign of fetal intolerance of labor. Signs of fetal intolerance and compromise continued to occur. Specifically, at 1415, there was continued minimal variability.

24. Beginning at 1428, the fetal heart rate was not recorded by the fetal heart monitor. Nonetheless, the Pitocin was continued. A fetal heart rate was not detected until 1440. At 1507, the fetal heart rate showed further worrisome decelerations.

25. At 1515, despite obvious signs of fetal distress, Defendants Firth and Kesler placed Mrs. Barley on all fours, attempting to assist in baby rotation and descent. The fetal heart monitor began having difficulty tracing again.

26. At 1524, despite difficulty tracing the fetal heart rate, Dr. Kesler assessed the patient's ability to push. At 1535, Dr. Kessler instructed Mrs. Barley to begin pushing. The fetal heart monitor continued to have difficulty tracing the fetal heart rate.

27. At 1548, after continued expulsion efforts, a fetal scalp electrode was placed in an effort to better monitor the baby's heart rate. The fetal heart tracing appeared on the monitor in the 50s.

28. Despite clear signs of fetal distress, Defendant, Dr. Kesler removed the fetal scalp monitor and, returned back to external fetal heart monitoring. Once again, the fetal heart rate

was difficult to trace with the external monitoring. Nonetheless, Mrs. Barley was encouraged to continue to push. Pushing continued, even in Dr. Kesler's absence.

29. At around 1605 Dr. Kesler returned to the bedside. Obtaining an accurate fetal heart tracing remained difficult. Dr. Kesler attempted to place a fetal scalp electrode again. At around 1615, utilizing a new fetal scalp electrode cable, the fetal heart rate was detected. Again, the fetal heart rate was in the 50s.

30. At around 1617, Dr. Kesler called for a sonogram to verify the accuracy of the fetal scalp electrode. Indeed it was accurate, confirming yet again fetal distress.

31. At around 1621, the Pitocin was discontinued for the fourth and final time. Dr. Kesler called for a stat cesarean section. Unfortunately, by this time the fetus had become bradycardic with a heart rate in the 50s indicative of severe fetal hypoxia.

32. At about 1628 on October 1, 2011, Nathan Barley was delivered by C-section. At delivery, he was cyanotic and not breathing. At birth, his heart rate was 0. Neopuff was utilized immediately, however his heart rate remained under 100 so compressions were started. He had a stat umbilical venous catheter placed and normal saline infusion. His first blood gas had a pH of 6.9. His Apgar scores at one and five minutes of life were 1 and 1 respectively out of a possible 10.

33. Nolan Barley was delivered in a severely depressed condition and he exhibited signs of birth asphyxia, hypoxic-ischemic encephalopathy, neurological injury and other complications.

34. Shortly after delivery, Nolan was transferred to the neonatal intensive care unit (NICU).

35. Neonatal CPR was instituted. Nolan required chest compressions, oxygen and intubation. The NICU staff attempted to intubate Nolan. After 16 minutes and two unsuccessful attempts, Nolan was eventually intubated. While in the NICU, Nolan demonstrated seizure activity with twitching of his upper extremities, lower extremities, and lips. Nolan was placed on the ventilator and total body cooling was instituted. He was transferred to Johns Hopkins Hospital (JHH) NICU to continue body cooling under the cooling protocol.

36. At JHH NICU initial EEG was markedly abnormal with extremely severe diffuse cerebral disturbance indicative of encephalopathy. Nolan completed 72 hours of whole body cooling. During the rewarming process, again he exhibited seizure activity including tongue flickering, lip smacking, pupillary dilation and upper extremity and lower extremity bicycling.

37. Nolan Barley has been diagnosed with severe and permanent injuries including, but not limited to, cerebral palsy, developmental delays, permanent neurological, cognitive, respiratory, feeding and other physical injuries and deficits.

38. That as a direct and proximate cause of the delay in delivering the minor Plaintiff, Nolan Barley suffered irreversible brain damage and other neurological, cognitive and related deficits and disorders.

39. Had the Defendants adhered to the applicable standards of care, the above-described injuries suffered by Nolan would have been avoided and he would be a normal, healthy child today. The negligent care rendered by Defendants, individually and by and through their agents, servants and/or employees was the direct and proximate cause of the Plaintiffs' injuries.

COUNT I: MEDICAL NEGLIGENCE

40. The Plaintiff, Nolan Barley, adopts by reference the factual allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

41. That at all times relevant Defendants GBMC, Kimberly Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM, and their actual and/or apparent agents, servants and/or employees, owed Plaintiffs the duty to exercise that degree of care and skill which like health care providers would have exercised in meeting the standard of care applicable to each under the same or similar circumstances.

42. Defendants, individually and jointly, acting by and through their actual and/or apparent agents, servants, and/or employees, breached their duties under the applicable standard of care by failing to act as reasonably competent like health care providers would have acted under the same or similar circumstances.

43. Defendants, individually and jointly, acting by and through their actual and/or apparent agents, servants, and/or employees, all of whom were acting within the course and scope of their employment, failed to follow the standards of medical and nursing practice, exercise reasonable care and skill and were otherwise negligent and careless in their care and treatment of Kelly Barley and her unborn child in the following ways, among others:

- (i) they failed to properly conduct in a timely manner necessary or adequate tests, studies or procedures to confirm the well-being of the fetus;
- (ii) they failed to properly and timely monitor the fetus and detect non-reassuring signs of fetal well-being;
- (iii) they subjected the fetus to a substantially increased risk of harm;
- (iv) they unreasonably delayed the delivery of the fetus;

- (v) they failed to perform a timely cesarean section, even after the obvious risk of brain damage to the fetus was known or should have been known;
- (vi) they gave inadequate and dangerous orders;
- (vii) they failed to make an operating room available and to otherwise provide all necessary obstetrical and other emergency services in a timely manner;
- (viii) they failed to properly communicate among one another;
- (ix) performed risky obstetrical maneuvers without adequate fetal monitoring, and despite the presence of impending fetal compromise;
- (x) failed to adequately monitor and administer Pitocin during Mrs. Barley's induction;
- (xi) failed to adequately perform intra-uterine resuscitative measures in the face of signs of fetal compromise;
- (xii) failed to initiate the chain of command; and
- (xiii) performance of other negligent acts or omissions in the care of Mrs. Barley and her unborn baby.

44. GBMC was further negligent and did not follow accepted standards of practice by failing to establish and/or promulgate proper and/or required rules, regulations, guidelines, policies, and procedures for the treatment and medical care of expectant mothers and their fetuses in the same or similar circumstances as Kelly Barley, and, to the extent that such policies existed at the time that Kelly Barley was admitted to the labor and delivery unit, GBMC negligently and carelessly failed to properly educate and train its nurses and midwives and to otherwise enforce those rules, regulations, policies and procedures for treatment and were careless and negligent in other ways.

45. Perinatal Associates was further negligent and did not follow accepted standards of practice by failing to establish and/or promulgate proper and/or required rules, regulations, guidelines, policies, and procedures for the treatment and medical care of expectant mothers and their fetuses in the same or similar circumstances as Kelly Barley, and, to the extent that such policies existed at the time that Kelly Barley was admitted to the labor and delivery unit, Perinatal Associates negligently and carelessly failed to properly educate and train its physicians and to otherwise enforce those rules, regulations, policies and procedures for treatment and were careless and negligent in other ways.

46. Dr. Kesler, who was acting within the course and scope of her employment, failed to follow the standards of medical practice, exercise reasonable care and skill and was otherwise negligent and careless in her care and treatment of Kelly Barley and her unborn child in the following acts or omissions:

- (i) Dr. Kesler, after being informed that a fetal bradycardia with a heart rate in the 50's existed, delayed the delivery of the baby by failing to direct the nursing staff to immediately take the patient to the operating room and begin preparations for an expedited delivery;
- (ii) Dr. Kesler ordered, instituted and oversaw risky obstetrical maneuvers despite having no and/or inadequate training in same; and
- (iii) Dr. Kesler, after coming to the labor room and seeing that a fetal bradycardia with a hear rate in the 50's existed wasted precious minutes and delayed the delivery of the baby by failing to direct the nurses to immediately take the patient to the operating room and begin preparations for an expedited delivery.

47. Gia Firth, who was acting within the course and scope of her employment, failed to follow the standards of medical practice, exercise reasonable care and skill and was otherwise negligent and careless in her care and treatment of Kelly Barley and her unborn child in the following acts or omissions:

- (i) Gia Firth, after being informed that a fetal bradycardia with a heart rate in the 50's existed delayed the delivery of the baby by failing to direct the nursing staff to immediately take the patient to the operating room and begin preparations for an expedited delivery;
- (ii) Gia Firth performed risky obstetrical maneuvers despite the presence of imminent fetal compromise;
- (iii) Gia Firth failed to advise Defendants of the inadvisability of trying to perform obstetrical maneuvers designed to change fetal presentation; and
- (iv) Gia Firth, after coming to the labor room and seeing that a fetal bradycardia with a hear rate in the 50's existed wasted precious minutes and delayed the delivery of the baby by failing to direct the nurses to immediately take the patient to the operating room and begin preparations for an expedited delivery.

48. As a direct and proximate cause of the foregoing negligent acts and omissions Nolan Barley suffered irreversible brain injuries, severe pain and mental anguish, was compelled to seek medical care and attention, incurred expenses for such treatment and will continue to incur such expenses in the future, suffered and will continue to suffer a loss of enjoyment of life, will suffer a loss of future earnings and other economic losses, and is otherwise permanently injured and disabled.

49. Defendants are liable for their negligent acts and omissions, and their liability also extends to any apparent agents whom they represent as, or hold out as, their employees.

50. As a direct and proximate result of the individual, joint, concurrent, and consecutive negligent acts and/or omissions of the agents, all of whom were acting within the course and scope of their employment, Nolan Barley suffered permanent injuries, physical pain, emotional anguish, and other economic and non-economic damages, including, but not limited to past, present and future medical care, loss of earnings, and loss of enjoyment of life.

WHEREFORE, the Plaintiff Nolan C. Barley, a minor, by and through his Parents and Next Friends, David Barley and Kelly L. Barley, prays for an award of damages against Defendants Greater Baltimore Medical Center, Inc., Kimberly M. Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM in an amount in excess of Thirty Thousand Dollars (\$30,000.00), plus the costs of maintaining this action, and such other and further relief as may be just and proper.

COUNT II: MEDICAL NEGLIGENCE

51. Plaintiffs, David Barley and Kelly Barley, incorporate by reference the allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

52. Plaintiffs, David Barley and Kelly Barley individually, for their cause of action against the Defendants, and each of them, states and alleges that as a further result of the negligence of the Defendants, and each of them, and the resulting damages to their son, Plaintiff Nolan Barley, Plaintiffs David Barley and Kelly Barley have incurred and will incur in the future expenses for the medical, surgical, nursing, hospital, pharmaceutical, physical and occupational therapy, for their son, Nolan, as well as specialized services and/or equipment and other needs to accommodate his medical condition.

53. As a further and proximate result of the negligence of the Defendants, and each of them, and the resulting damages to their son, Nolan Barley, Plaintiffs David Barley and Kelly Barley have in the past and will in the future suffer mental pain and anguish over their son Nolan's physical disability, as well as a loss of their son's services.

WHEREFORE, Plaintiffs David Barley and Kelly Barley, pray for an award of damages against Defendants Greater Baltimore Medical Center, Inc., Kimberly M. Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM in an amount in excess of Thirty Thousand Dollars (\$30,000.00), plus the costs of maintaining this action, and such other and further relief as may be just and proper.

COUNT III: Lack of Informed Consent

54. Plaintiffs, David Barley and Kelly Barley, incorporate by reference the factual allegations of the foregoing paragraphs of this Complaint as if fully set forth herein.

55. Defendants GBMC, Kimberly Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM, directly and through their actual and/or apparent agents, servants and/or employees, had a duty to Kelly Barley and her unborn fetus to fully inform Kelly Barley of information that would be deemed material by a reasonable patient when deciding whether or not to undergo a particular treatment or procedure. This duty required Defendants to inform Kelly Barley of the nature of the medical problem, the nature of the proposed procedure or treatment, the probability of success of the proposed procedure or treatment, alternative procedures or treatments, the risks of the proposed procedure or treatment and other factors that a reasonable patient would consider material in making a decision as to a particular procedure or treatment.

56. In this particular case, the Defendants had a duty to inform Kelly Barley that her fetus was not enduring labor well, was not descending and was experiencing periods of a

decreased heart rate indicating lack of oxygen. The Defendants also had a duty to inform Kelly Barley that although trying obstetrical maneuvers to change the baby's rotation and continuing with a trial of labor was an option, her age, her parity, the station of the baby and signs of fetal distress, made it unwise, and potentially dangerous, to continue with an attempted vaginal delivery as this would likely harm the baby and that in her particular situation, an immediate cesarean section was the best alternative procedure to minimize any harm to her unborn child.

57. In violation of the duty owed to Kelly Barley and her fetus, the Defendants negligently failed to obtain appropriate informed consent from Kelly Barley prior to continuing with labor and attempted vaginal delivery of Nolan in that they failed to disclose to her the information that would have led a reasonable patient to make an informed decision concerning vaginal delivery under circumstances that were the same or similar to those she faced.

58. In addition, the Defendants GBMC and Perinatal Associates had an independent duty to have policies and protocols in place to ensure that their physicians gave appropriate informed consent to their patients. Defendants GBMC and Perinatal Associates failed to have such policies and protocols in place and failed to ensure that appropriate consent was obtained from Kelly Barley.

59. Had a reasonable person been informed by her physician of the information material to the decision concerning whether to continue with labor and attempted vaginal delivery under circumstances the same or similar to those facing Kelly Barley, consent would have been refused and timely cesarean delivery would have been elected.

60. Indeed, had Kelly Barley been informed by Defendants of the information material to her decision concerning whether to consent to attempted rotation and vaginal delivery, she would have refused to consent to that plan, and rather, chosen to have a timely

cesarean delivery. Had cesarean delivery been timely performed instead of prolonged labor, attempted obstetrical rotation and vaginal delivery, Nolan would have been born a normal child without the injuries he ultimately suffered.

61. As a direct and proximate result of the Defendants' negligent failure to obtain appropriate informed consent from Kelly Barley and/or ensure that it was obtained by their agents, servants and/or employees, prolonged labor and attempted vaginal delivery was allowed, causing Nolan's severe and permanent injuries, including, but not limited to, cerebral palsy. As a further direct and proximate result of the failure to obtain appropriate informed consent and/or to ensure that it was properly obtained, Nolan Barley has experienced, and will continue to experience, conscious pain and suffering, humiliation and disfigurement, and will incur future medical expenses and loss of income. David Barley and Kelly Barley have incurred, and will continue to incur, medical expenses and loss of services, and have experienced, and will continue to experience, mental anguish, emotional pain and suffering, loss of society, companionship, comfort and other damages.

62. The Defendants are vicariously liable for the actions of their agents, servants and/or employees who at all times were acting as their actual and/or apparent agents, servants and/or employees, acting within the scope of his or her agency and/or authority.

WHEREFORE, Plaintiffs Nolan C. Barley, a minor by and through his Parents and Next Friends, David Barley and Kelly L. Barley, and David Barley and Kelly L. Barley, Individually, pray for an award of damages against Defendants Greater Baltimore Medical Center, Inc., Kimberly M. Kesler, M.D., Perinatal Associates, LLC, and Gia Firth, CNM in an amount in excess of Thirty Thousand Dollars (\$30,000.00), plus the costs of maintaining this action, and such other and further relief as may be just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason Penn", written over a horizontal line.

Howard A. Janet, Esquire
Giles H. Manley, M.D., J.D.
Jason B. Penn, Esquire
Janet, Jenner & Suggs, LLC
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Baltimore, MD 21208
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Attorneys for Plaintiffs

Case: 63-C-12-013864
CF-Civil Fili \$80.00
Appearance Fee \$10.00
NLSC \$55.00
TOTAL \$145.00

COMMENT:
Nolan C. Barles et al
vs
Greater Baltimore
Medical Center et al

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NOLAN C. BARLEY, a minor,
by and through his Parents and Next Friends,
DAVID BARLEY and **KELLY L. BARLEY**, et al.

Plaintiffs

v.

**GREATER BALTIMORE MEDICAL
CENTER, INC.**, et al.

Defendants

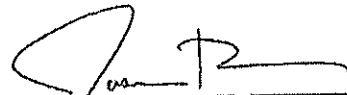
* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* Case No.: _____
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ELECTION FOR JURY TRIAL

Plaintiffs, Nolan C. Barley, a minor by and through his Parents and Next Friends, David Barley and Kelly L. Barley, and David Barley and Kelly L. Barley, Individually, by and through her attorneys Howard A. Janet, Giles H. Manley, Jason B. Penn, and Janet, Jenner & Suggs, LLC, hereby elect to have this case tried by a jury.

Respectfully Submitted,



Howard Janet, Esquire
Giles H. Manley, M.D., J.D.
Jason B. Penn, Esquire
JANET, JENNER & SUGGS, LLC
Commerce Centre, Suite 165
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Attorneys for Plaintiffs



Janet, Jenner & Suggs, LLC
ATTORNEYS AT LAW

Howard A. Janet, P.C.* | Kenneth M. Suggs* | Robert K. Jenner, P.C.*± | Dov Apfel*± | Stephen C. Offutt*± | Giles H. Manley, M.D., J.D.*

Gerald D. Jowers, Jr.* | Sharon R. Guzejko* | Brian D. KettererΔ | Francis M. Hinson, IV* | Hal J. KleinmanΔ† | Tara J. Posner*±† | Elisha N. Hawk*
Justin A. Browne* | Joyce E. Jones* | Ace McBride* | Jessica H. Meeder*± | Leah K. Barron* | Lindsey M. Craig* | Jason B. Penn*± | Seth L. Cardeli\$±

OF COUNSEL

John C. Hensley, Jr.* | Steven J. German\$± | Joel M. Rubenstein\$± | Thomas G. Wilson*†±

BAR MEMBERSHIPS

*Maryland | •South Carolina | ±District of Columbia | =Minnesota | ΔPennsylvania
‡Illinois | †Florida | °North Carolina | \$New York | =New Jersey | =West Virginia | •California

December 21, 2012

VIA MESSENGER SERVICE

Clerk of the Court – Civil Division
Circuit Court for Baltimore County
401 Bosley Avenue
Towson, MD 21204

**RE: Nolan C. Barley, a minor, et al. v. Greater Baltimore Medical
Center, Inc., et al.
NEW CASE**

Dear Clerk:

Enclosed please find the following for filing in connection with the above-referenced matter:

1. Civil Case Information Report;
2. Complaint;
3. Election for Jury Trial; and
4. This firm's check in the amount of \$145.00 representing the filing fee.

Please date stamp the extra copy of this filing and return it to me via the messenger who delivered this package.

Please issue the Writs of Summons and return them to this office for service by private process server.

MARYLAND OFFICE

Commerce Centre East | 1777 Roisterstown Road, Suite 165 | Baltimore, Maryland 21208
410-653-3200 | Fax 410-653-9030 | 1-877-692-3862 | 1-877-MY-ADVOCATES
info@MyAdvocates.com | MyAdvocates.com

Maryland | South Carolina | New York | North Carolina | Washington, D.C.

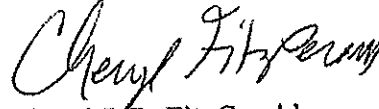
Janet, Jenner & Suggs, LLC

ATTORNEYS AT LAW

Clerk of the Court – Civil Division
December 21, 2012
Page 2

If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this matter.

Very truly yours,



Cheryl J. R. FitzGerald
Paralegal

/cjr
Enclosures