

ALYSSA B. EHRSAM  
 2 Milton Avenue  
 Fallston, Maryland 21047

\* IN THE

14 AUG 28 PM 1:34

and

\*

CIRCUIT COURT

CIVIL DIVISION

FREDERICK F. EHRSAM  
 2 Milton Avenue  
 Fallston, Maryland 21047

\*

FOR

Plaintiffs

\*

v.

\*

BALTIMORE CITY

WEN SHEN, M.D.  
 Johns Hopkins Medicine  
 2360 W. Joppa Road  
 Lutherville, Maryland 21093

\*

Case No.:

\*

and

\*

THE JOHNS HOPKINS HOSPITAL  
 a Maryland corporation  
 600 N. Wolfe Street  
 Baltimore, Maryland 21287

\*

\*

\*

SERVE ON: Resident Agent  
 Joanne Pollak, Esquire  
 Administration 414  
 600 N. Wolfe Street  
 Baltimore, Maryland 21205

\*

\*

\*

Defendants

\*

\* \* \* \* \*

COMPLAINT AND ELECTION OF JURY TRIAL

ALYSSA B. EHRSAM and her husband FREDERICK F. EHRSAM, Plaintiffs, by their undersigned counsel, sue Wen Shen, M.D. and The Johns Hopkins Hospital and state as follows.

On May 21, 2014, the Plaintiffs filed a Claim Form and Statement of Claim with the Health Care Alternative Dispute Resolution Office. On August 26, 2014, Plaintiffs by their counsel, filed an Election to Waive Arbitration, a copy of which is attached as Exhibit A.

### FACTS COMMON TO ALL COUNTS

1. Plaintiff Alyssa B. Ehram is a resident of Harford County, Maryland.
2. Plaintiff Frederick F. Ehram is a resident of Harford County, Maryland and at all times pertinent to this claim was the husband of Alyssa B. Ehram.
3. Wen Shen, M.D. ("Dr. Shen") is a gynecologist who at all times pertinent to this cause of action maintained privileges and performed surgery at The Johns Hopkins Hospital in Baltimore, Maryland.
4. The Johns Hopkins Hospital ("Johns Hopkins") is a Maryland corporation formed to provide medical care locally, nationally and internationally. Johns Hopkins operates a full service hospital in Baltimore City, Maryland that employs personnel to provide patient care including surgical care.
5. Dr. Shen and Johns Hopkins are Health Care Providers as that term is defined in § 3-2A-01 (f), Courts and Judicial Proceedings Article, Annotated Code of Maryland.

### COUNT ONE

6. Plaintiff Alyssa B. Ehram incorporates by reference Paragraphs 1 through 5, inclusive, as if fully set forth herein.
7. On May 24, 2011, Alyssa B. Ehram underwent a total abdominal hysterectomy bi-lateral salpingo-oophorectomy performed by Wen Shen, M.D. at Johns Hopkins Hospital in Baltimore City, Maryland due to diagnosis of adenomyosis and endometriosis. Dr. Shen was

assisted during the surgery by employees of Johns Hopkins Hospital including Amir Mohamed Monir Madkour, M.D. ("Dr. Madkour")

8. During the course of the surgery, her distal sigmoid colon was perforated causing the contents of her colon to leak feculent material throughout her lower abdomen and pelvis. Dr. Shen and the other Johns Hopkins Hospital employees, including Dr. Madkour, failed to detect the perforation of the distal sigmoid colon during the surgery. The operative report does not indicate that the sigmoid colon was inspected for any signs of injury or leakage prior to closure of the incision.

9. In the days following the surgery, Plaintiff developed pain, high fever and felt very ill. Despite conducting multiple scans, Dr. Shen could not identify the reason for Plaintiff's condition. Finally, a consult was obtained with a surgeon and Plaintiff was taken to the operating room for an exploratory surgery on May 29, 2011. The operative findings revealed an irregularly shaped hole (perforation) approximately 1 cm in length in the distal sigmoid colon.

10. The surgeon repaired the perforation but due to the gross contamination, Plaintiff required a diverting loop ileostomy.

11. Plaintiff has undergone several subsequent surgeries since the repair of the bowel perforation including ostomy takedown and fistula repair and she continues to experience pain, mental anguish and other symptoms as a result of the perforation of her bowel and the subsequent surgeries to repair the perforation.

12. At all times pertinent to this cause of action, Wen Shen, M.D. represented to the Plaintiffs and the public that she possessed the degree of skill, knowledge and ability possessed by reasonably competent medical practitioners practicing under the same or similar circumstances as those involving Alyssa B. Ehram.

13. The Plaintiffs allege that Dr. Shen owed to Alyssa B. Ehram 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 performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of Alyssa B. Ehram's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon Alyssa B. Ehram, continuous evaluation of Alyssa B. Ehram'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 Dr. Shen failed to do.

14. Dr. Shen was negligent in that she failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate Alyssa B. Ehram's condition, failed to properly and appropriately diagnose Alyssa B. Ehram'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 Alyssa B. Ehram's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of Alyssa B. Ehram's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of Alyssa B. Ehram's condition, and was otherwise negligent.

15. The perforation of Plaintiff's distal sigmoid colon during the total abdominal hysterectomy performed by Dr. Shen constituted a deviation from the applicable standard of care.

16. The failure of Dr. Shen to discover the Plaintiff's distal sigmoid colon had been perforated during the total abdominal hysterectomy prior to closure of the incisions constituted a deviation from the applicable standard of care.

17. The failure of Dr. Shen to promptly and adequately evaluate Plaintiff's condition post operatively and determine that she likely had suffered a bowel perforation that required immediate surgical intervention constituted a deviation from the applicable standard of care.

18. Plaintiffs allege that Johns Hopkins Hospital, through its agents, servants and employees, owed to Alyssa B. Ehram a duty to exercise a degree of care, skill and judgment expected of a competent medical and/or technical 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 Alyssa B. Ehram's condition, careful diagnosis of such condition, employment of appropriate procedures, protocol, tests, and/or treatment to correct such conditions without inflicting injury upon Alyssa B. Ehram, continuous evaluation of Alyssa B. Ehram'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 it failed to do.

19. Johns Hopkins, through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, protocol and/or procedures, failed to carefully and thoroughly evaluate Alyssa B. Ehram's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust Alyssa B. Ehram's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of Alyssa B. Ehram's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of

Alyssa B. Ehram's condition, failed to diagnose the Plaintiff's condition and was otherwise negligent.

20. The perforation of Plaintiff's distal sigmoid colon during the total abdominal hysterectomy performed by Dr. Shen and employees of Johns Hopkins Hospital, including Dr. Madkour, constituted a deviation from the applicable standard of care.

21. The failure of Dr. Shen and employees of Johns Hopkins Hospital, including Dr. Madkour, to discover that Plaintiff's distal sigmoid colon had been perforated during the total abdominal hysterectomy prior to closure of the incisions constituted a deviation from the applicable standard of care.

22. The failure of Dr. Shen and employees of Johns Hopkins Hospital, including Dr. Madkour, to promptly and adequately evaluate Plaintiff's condition post operatively and determine that she likely had suffered a bowel perforation that required immediate surgical intervention constituted a deviation from the applicable standard of care.

23. Plaintiff has in the past, is presently and will in the future suffer physical pain, as well as emotional anguish, fear, anxiety and permanent disability. Because of the injury to her sigmoid colon, she has lost her former state of emotional and physical well-being and will not be able to participate in activities she previously enjoyed. She remains under the care of specialists who have prescribed surgery and other procedures to ameliorate her condition.

24. As a direct and proximate result of the negligence of Wen Shen, M.D. and Johns Hopkins Hospital, including its agents, servants and employees, Alyssa B. Ehram has suffered and will continue to suffer severe, painful and permanent bodily injuries, mental anguish, surgical, medical and other related expenses.

25. All of the injuries, damages and losses, past, present and future, that the Plaintiff Alyssa B. Ehram has sustained and will in future sustain, are solely due to the negligent acts, failures and omissions of Dr. Shen and Johns Hopkins Hospital, including its agents, servants and employees without any lack of due care on the part of Alyssa B. Ehram.

WHEREFORE, Plaintiff Alyssa B. Ehram demands damages as compensation for all injuries and losses, past, present and future that she has sustained and will sustain in the future, all of which were caused by the negligence of Wen Shen, M.D. and Johns Hopkins Hospital, its agents, servants and employees, and the Plaintiff refers to the negligence of the Health Care Providers as the sole and proximate cause of all injuries, damages and the disability from which she suffers with the Plaintiff being in no way contributorily negligent.

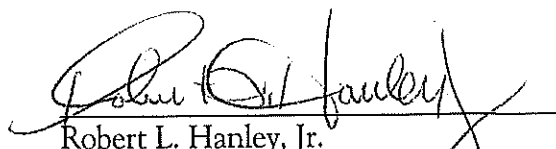
**COUNT TWO**  
*Loss of Consortium*

26. Alyssa B. Ehram and Frederick F. Ehram incorporate by reference Paragraphs 1 through 25, inclusive, as if fully set forth herein.

27. As a direct and proximate result of the negligence of Wen Shen, M.D. and Johns Hopkins Hospital including its agents, servants and employees, the Plaintiffs have suffered severe and traumatic injury to their marital relationship, including a loss of society, affection, assistance, companionship, services and sexual relations.

WHEREFORE, Plaintiffs Alyssa B. Ehram and Frederick F. Ehram demand damages as compensation for all injuries and losses, past, present and future that they have sustained and will sustain in the future, all of which were caused by the negligence of Wen Shen, M.D. and Johns Hopkins Hospital, its agents, servants and employees, and the Plaintiffs refer to the

negligence of the Health Care Providers as the sole and proximate cause of all injuries, damages and losses.



Robert L. Hanley, Jr.  
Nolan, Plumhoff & Williams, Chtd.  
502 Washington Avenue  
Suite 700  
Towson, Maryland 21204  
410-823-7800  
*Attorneys for Plaintiffs*



ALYSSA B. EHRSAM  
2 Milton Avenue  
Fallston, Maryland 21047

and

FREDERICK F. EHRSAM  
2 Milton Avenue  
Fallston, Maryland 21047

Plaintiffs

v.

WEN SHEN, M.D.  
Johns Hopkins Medicine  
2360 W. Joppa Road  
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THE JOHNS HOPKINS HOSPITAL  
a Maryland corporation  
600 N. Wolfe Street  
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Joanne Pollak, Esquire  
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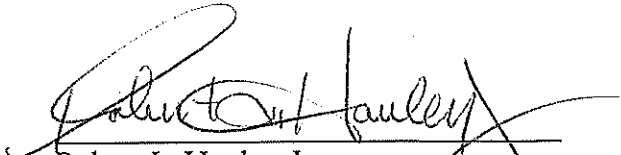
\* IN THE  
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\* CIRCUIT COURT, AUG 28 PM 1:34  
\* CIVIL DIVISION  
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\* FOR  
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\*  
\* BALTIMORE CITY

Case No.:

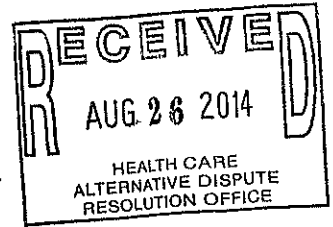
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ELECTION OF JURY TRIAL

Plaintiffs, Alyssa B. Ehram and her husband Frederick F. Ehram, elect to have this case tried before a jury.

  
Robert L. Hanley, Jr.  
Nolan, Plumhoff & Williams, Chtd.  
502 Washington Avenue  
Suite 700  
Towson, Maryland 21204  
410-823-7800  
Attorneys for Plaintiffs

LAW OFFICES  
NOLAN, PLUMHOFF  
& WILLIAMS,  
CHARTERED



ALYSSA B. EHRSAM \* IN THE  
 and \* HEALTH CARE  
 FREDERICK F. EHRSAM \* ALTERNATIVE DISPUTE  
 Claimants \* RESOLUTION OFFICE  
 v. \*  
 WEN SHEN, M.D. \*  
 and \* HCA No.: 2014-236  
 \*  
 THE JOHNS HOPKINS HOSPITAL \*  
 \*  
 Health Care Providers \*  
 \* \* \* \* \*

ELECTION TO WAIVE ARBITRATION

Claimants, Alyssa B. Ehram and Frederick F. Ehram, by their attorneys, Robert L. Hanley, Jr. and Nolan, Plumhoff & Williams, Chtd. pursuant to Section 3-2A-06 B of the Courts and Judicial Proceedings Article, Annotated Code of Maryland, elect to waive arbitration of this claim.

Robert L. Hanley, Jr.  
 Nolan, Plumhoff & Williams, Chtd.  
 502 Washington Avenue  
 Suite 700  
 Towson, Maryland 21204  
 410-823-7800  
 Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 25<sup>th</sup> day of August, 2014, a copy of the foregoing Election to Waive Arbitration was mailed via first class mail, postage prepaid to:

Marianne DePaulo Plant, Esquire  
 Meghan Hatfield Yanacek, Esquire  
 Goodell, Devries, Leech & Dann, LLP  
 One South Street, 20<sup>th</sup> Floor  
 Baltimore, Maryland 21202-3201



Robert L. Hanley, Jr.

Law Offices

**NOLAN, PLUMHOFF & WILLIAMS  
CHARTERED**

ROBERT L. HANLEY, JR.  
direct dial: (410) 823-7962  
e-mail: rhanley@nolanplumhoff.com

Suite 700, Nottingham Centre  
502 Washington Avenue  
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Telefax: (410) 296-2765

J. EARLE PLUMHOFF  
(1940-1988)

RALPH E. DEITZ  
(1918-1990)

NEWTON A. WILLIAMS  
(retired 2000)

August 27, 2014

Clerk  
Circuit Court for Baltimore City  
Courthouse East  
111 N. Calvert Street  
Baltimore, Maryland 21202

Re: Alyssa B. Ehram, et al. v. Wen Shen, M.D., et al.

Dear Clerk:

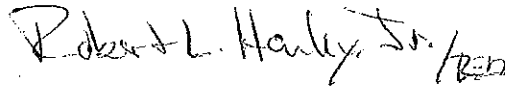
Enclosed are the following:

1. Complaint and Election of Jury Trial;
2. Civil - Non-Domestic Case Information Report; and
3. My office check in the amount of \$155.00.

Please return a date stamped copy of the Complaint in the enclosed, stamped, self-addressed envelope.

Thank you for your assistance.

Very truly yours,



Robert L. Hanley, Jr.

RLHjr/kh  
Enclosures

14 AUG 28 PM 4:35  
CIVIL DIVISION

14 AUG 28 PM 1:34  
CIVIL DIVISION

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 \_\_\_\_\_ (Clerk to insert)

CASE NAME: Alyssa B. Ehrsam, et al. vs. Wen Shen, M.D., et al.  
Plaintiff Defendant

JURY DEMAND:  Yes  No Anticipated length of trial: \_\_\_\_\_ hours or 4 days

RELATED CASE PENDING?  Yes  No If yes, Case #(s), if known: \_\_\_\_\_

Special Requirements?  Interpreter (Please attach Form CC-DC 41)  
 ADA accommodation (Please attach Form CC-DC 49)

**NATURE OF ACTION  
(CHECK ONE BOX)**

**DAMAGES/RELIEF**

<p><b>TORTS</b></p> <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 _____	<p><b>LABOR</b></p> <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____	<p><b>A. TORTS</b></p> <p>Actual Damages</p> <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 \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____
<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____	<p><b>CONTRACTS</b></p> <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____	<p><b>B. CONTRACTS</b></p> <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000	<p><b>C. NONMONETARY</b></p> <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____
<p><b>OTHER</b></p> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <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  
 B. Arbitration  Yes  No  
 C. Settlement Conference  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  
 1 day of trial time  
 2 days of trial time  
 3 days of trial time  
 More than 3 days of trial time

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

Date August 25, 2014

Signature [Handwritten Signature]

**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 Filing

**Standard**  
Trial within 18 months  
of Filing

EMERGENCY RELIEF REQUESTED \_\_\_\_\_

Signature

Date

**COMPLEX SCIENCE AND/OR MEDICAL CASE  
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.  
Please check the applicable box below and attach a duplicate copy of your complaint.*

Expedited - Trial within 7 months of Filing

Standard - Trial within 18 months of Filing

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE 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 210 days.

Standard Trial 360 days.

Lead Paint Fill in: Birth Date 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**

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