

LISA HADLEY, Mother and Next
Friend of ADIA HADLEY, Infant
4801 Lorelly Avenue, Apt. 1B
Baltimore, Maryland 21206

and

LISA HADLEY, Individually
4801 Lorelly Avenue, Apt. 1B
Baltimore, Maryland 21206

Plaintiffs

v.

FAWN T. MANNING, M.D.
301 St. Paul Place, Suite 501
Baltimore, Maryland 21202

and

EMILY R. McCARTY, M.D.
Mercy Medical Center
301 St. Paul Place
Baltimore, Maryland 21202

and

MERCY MEDICAL CENTER, INC.
301 St. Paul Place
Baltimore, Maryland 21202
Serve on Resident Agent:
Linda H. Jones
218 N. Charles Street, #400
Baltimore, Maryland 21201

Defendants

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

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GENERAL DIVISION

21-015-001701

COMPLAINT

COUNT I

TRUE COPY
TEST

Marilyn Bentley

MARILYN BENTLEY, CLERK



COMES NOW the Plaintiff, Lisa Hadley, Mother and Next Friend of Adia Hadley, Infant, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Fawn T. Manning, M.D., Emily R. McCarty, M.D. and Mercy Medical Center, Inc., Defendants:

1. At all times of which the Plaintiff complains, the Defendants Manning and McCarty represented to the Plaintiff, Infant Plaintiff 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 and Infant Plaintiff.

2. The Plaintiff alleges that the Defendants Manning and McCarty herein, including duly authorized agents and/or employees of the Defendant Hospital, owed to the Plaintiffs and Infant Plaintiff 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 and Infant Plaintiff's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Plaintiff or Infant Plaintiff, continuous evaluation of the Plaintiff's and Infant Plaintiff'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 these Defendants failed to do.

3. The Defendants Manning and McCarty were negligent in that they failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's and Infant Plaintiff's condition, failed to properly and appropriately

diagnose the Plaintiff's and Infant Plaintiff'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 and Infant Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's and Infant Plaintiff'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 and Infant Plaintiff's condition, and were otherwise negligent.

4. The Plaintiff alleges that the Defendant Mercy Medical Center, Inc. (hereinafter referred to as "Hospital"), through its agents, servants and employees, owed to the Plaintiffs and Infant Plaintiff 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 and Infant Plaintiff'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 and Infant Plaintiff, continuous evaluation of the Plaintiff's and Infant Plaintiff'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.

5. 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 and Infant Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiff's and Infant Plaintiff's treatment in response to appropriate

evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's and Infant Plaintiff'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 and Infant Plaintiff's condition, failed to diagnose the Plaintiff's and Infant Plaintiff's condition and was otherwise negligent. At all times referred to herein, the Defendants Manning and McCarty acted for themselves and as duly authorized agents and/or employees of the Defendant Hospital.

6. As the direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff and Infant Plaintiff suffered unending physical pain, emotional anguish as well as serious and permanent disability, as is more fully described, hereinbelow.

7. On May 3, 2003, the Plaintiff presented to the Defendant Hospital with complaints of contractions. A pelvic examination revealed her to be 4 centimeters dilated, 60% effaced and at -2/-3 station. She was admitted to the Defendant Hospital's labor and delivery suite under the care of the Defendant Manning. At all times referred to herein, it is alleged that the Defendant Manning acted as her obstetrician.

8. Subsequently, Pitocin was begun and at approximately 11:15 p.m., the Plaintiff's membranes spontaneously ruptured. It is alleged that Pitocin is a drug utilized to augment labor and strengthen the force of the contractions during labor. By approximately 3:40 a.m., the Plaintiff was completely dilated and her unborn baby was descending in the bony birth canal.

9. Thereafter, it is alleged that these Defendants encountered shoulder dystocia -- when the Infant Plaintiff's shoulder became entrapped in her mother's birth canal. It is alleged that the standards of care required these Defendants to recognize the shoulder dystocia and utilize appropriate and recognized techniques to relieve the dystocia and birth the child. However, in direct contravention of the standards of care, it is alleged that these Defendants

utilized excessive traction on the baby's head -- thereby causing severe damage to the baby's brachial plexus -- finally resulting in a severe and permanent Erb's Palsy.

10. It is alleged that had these Defendants and each of them conformed with the applicable standards of care and utilized appropriate techniques to relieve the shoulder dystocia, no excessive traction would have been utilized, and the baby would have been born in a normal and healthy condition. However, as the direct and proximate result of the negligence of these Defendants, the Infant Plaintiff was born with a severe brachial plexus injury as referenced hereinabove.

11. It is alleged that the injury to the Infant Plaintiff was subsequently documented in the medical records in addition to positive findings including, but not limited to encephaloma on the left side of the baby's head with facial bruising as well as decreased movement of the left arm which reflected the Erb's Palsy.

12. On May 6, 2003, the Infant Plaintiff was discharged home with a diagnosis of brachial plexus injury. Subsequently, she has required ongoing care by specialists, and will require surgery in the near future in an attempt to reduce the severe disability from which she suffers.

13. As a direct and proximate result of the negligence of these Defendants, the Infant Plaintiff will not enjoy a normal childhood; will not enjoy a normal adolescence; and will not enjoy normal adulthood. In essence, she will be required to go through her entire lifespan as a one-armed person in a two-armed world.

14. It is alleged that as the direct and proximate result of the negligence referred to herein, the Infant Plaintiff will never be able to use her left arm in any semblance of a normal fashion. She will not be able to engage in normal activities of a youngster or adult, will not be

able to participate normally in sporting activities or any activities which require the utilization of a normal left arm.


15. It is alleged that the Infant Plaintiff has in the past, is presently and will in the future continue to suffer excruciating physical pain, emotional anguish as well as fear, anxiety, humiliation and embarrassment over her condition -- all due to the negligence of these Defendants.


16. Additionally, it is alleged that the Infant Plaintiff has lost her state of emotional and physical well-being and will be severely compromised in her ability to hold gainful employment as the result of the negligence of these Defendants.

17. The Plaintiff and Infant Plaintiff refer to the negligence of these Defendants and each of them as the sole and proximate cause of all of the injuries, damages and permanent disability sustained by the Infant Plaintiff -- with the Plaintiff and Infant Plaintiff being in no way contributorily negligent.

18. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Twenty Five Thousand Dollars (\$25,000.00).


Jonathan Schochor


Kerry D. Staton


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Attorneys for the Plaintiffs


COUNT II

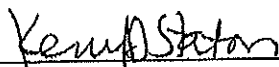
COME NOW the Plaintiff, Lisa Hadley, Mother and Next Friend of Adia Hadley, Infant, by her attorneys, Jonathan Schochor, Kerry D. Staton, and Schochor, Federico and Staton, P.A. and sues, Fawn T. Manning, M.D., Emily R. McCarty, M.D. and Mercy Medical Center, Inc., Defendants:


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. As a direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff has in the past, are presently and will in the future continue to incur hospital, surgical, pharmacological, physiotherapeutic, nursing, custodial and other losses and expenses for which claim is made.

3. The negligence complained of occurred in Baltimore City. Venue is claimed in Baltimore City. The amount in controversy exceeds Twenty Five Thousand Dollars (\$25,000.00).


Jonathan Schochor


Kerry D. Staton


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Attorneys for the Plaintiffs

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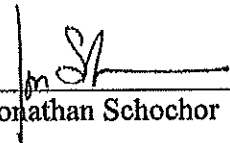
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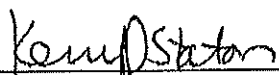
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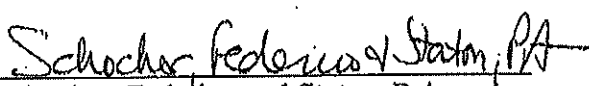
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ELECTION FOR JURY TRIAL

The Plaintiff in this case elects to try this case before a Jury.


Jonathan Schochor


Kerry D. Staton


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IN THE

CIRCUIT COURT

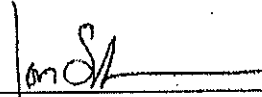
FOR

BALTIMORE CITY

Case No.:

CERTIFICATE OF DISCOVERY

I HEREBY CERTIFY that Interrogatories, Request for Production of Documents, and Notice to Take Deposition will be served along with the Complaint, and that I will retain the original of this document in my possession, without alteration, until the case is concluded in this Court, the time for noting an appeal has expired, and any appeal noted has been decided.



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Attorneys for the Plaintiffs

Mark B Landon

Mark Landon, M.D.