

IN THE CIRCUIT COURT FOR BALTIMORE CITY

KAMRYN GRIMES, Minor \*  
by Her Parents and Next Friends \*  
SHAUNA GRIMES and MICHAEL GRIMES \*  
7050 Marshall Corner Road \*  
Pomfret, Maryland 20675 \*

Plaintiffs \*

vs. \* Case Number: 24-C-17-003316

Toni Sylvester, M.D. \*  
Effingham Health System \*  
110 Goshen Road \*  
Rincon, GA 31326 \*

And \*

University of Maryland Medical System Corporation  
d/b/a University of Maryland Medical Center \*  
22 South Greene Street \*  
Baltimore, MD 21201 \*

**Serve On: Resident Agent** \*  
Megan M. Arthur, Esquire \*  
24th Floor \*  
250 West Pratt Street \*  
Baltimore, MD 21202 \*

Defendants

\*\*\*\*\*

COMPLAINT

COMES NOW the Plaintiffs, KAMRYN GRIMES, Minor by and through her  
Parents and Next Friends, SHAUNA GRIMES, Mother, and MICHAEL GRIMES, Father, by and

through their attorney, Michael H. Bereston, Esquire and hereby sue the Defendants for cause of action state as follows:

1. The amount in controversy is in excess of Thirty Thousand Dollars \$30,000.00.
2. Venue for this action is proper in Baltimore City, Maryland.
3. At the time of the incident, Plaintiffs resided in Pomfret, Maryland.
4. At the time of the incident, Plaintiffs were treated individually and/or by the agents, servants and/or employees of Defendant University of Maryland Medical System Corporation (hereinafter known as Defendant Hospital), a Maryland limited liability corporation doing business in Baltimore City, Maryland.

#### FACTS

5. SHAUNA GRIMES was admitted to Defendant Hospital on March 5, 2012 at 30 weeks and 6 days pregnant, preterm premature rupture of membranes (PPROM), 4 cm dilated, 50% effaced, -2 station and breech presentation. In addition to PPRM, she had complications of gestational diabetes, polycystic ovary syndrome and obesity. This was her third pregnancy and she was 32 years old.

6. Upon arrival to Defendant Hospital she experienced contractions every 4 minutes. She was given Magnesium Sulfate to stop her contractions, Betamethasone to promote fetal lung maturity, and Ampicillin to prevent infection. Ms. Grimes remained at Defendant Hospital for 5 days prior to delivery. She continued to leak amniotic fluid each day. Ms. Grimes received electronic fetal monitoring on a periodic basis, a few hours some days, to determine fetal well-being.

7. On March 10, 2012, Ms. Grimes complained of painful contractions. The fetal monitor was placed on Ms. Grimes and found that baby was tachycardic, experiencing variable decelerations, minimal variability and remained in breech position. She was taken to the labor and delivery operative suite for a caesarean section delivery. She was delivered by c-section secondary to breech presentation and non-reassuring fetal heart rate.

8. The Minor Plaintiff Kamryn Grimes was born at 2:55pm with APGARS of 6 and 9, and a cord pH of 7.10. Baby Kamryn was resuscitated and taken to the NICU and remained there for 57 days. Seven days after birth, a head ultrasound showed periventricular white matter echogenicity consist with ischemic changes. The Minor Plaintiff KAMRYN GRIMES subsequently was diagnosed with extensive periventricular leukomalacia (PVL) bilaterally. She has since been diagnosed with cerebral palsy, PVL, cortical visual impairment (CVI), seizures, and spastic quadriplegia. The Minor Plaintiff KAMRYN GRIMES suffers severe permanent physical and mental injuries restricting her for life.

9. As a direct and proximate result of the Defendants' negligence, the Minor Plaintiff, KAMRYN GRIMES, is severely and permanently damaged.

11. The Defendants entered into a patient relationship with the Plaintiffs. Consequently, the Defendants acting individually and/or through their agents, servants and/or employees were duty bound to conform their conduct as it pertained to the medical treatment of the Plaintiffs to the prevailing standard of care expected and required of reasonably prudent and reasonably competent health care providers acting under the same or similar circumstances. Unfortunately, they did not.

12. On the contrary, the Defendants acting individually and/or through its agents, servants and/or employees breached the applicable standard of care expected and required

of reasonably prudent and reasonably competent health care providers with respect to their medical care and treatment of the Plaintiffs, in the following particulars, among others:

- a. Failure to properly monitor and treat;
- b. Failure to timely identify and respond to patients' life threatening condition;
- c. Failure to prevent harm to the baby;
- d. Failure to timely perform a cesarean section; and,
- e. The Defendants were otherwise negligent.

13. There is no such thing as a standard of care that allows these Defendants or any other healthcare providers to needlessly endanger their patients. To achieve a desired benefit, these Defendants or any other healthcare provider should expose the patients to no more danger than necessary. If there is a safer treatment plan available, these Defendants or any other healthcare provider must choose it. All things being equal, these Defendants or any other healthcare provider must select the available choice of treatment plan that puts the patient in the least danger.

## COUNT I

### **Medical Negligence**

COMES NOW the Minor Plaintiff, KAMRYN GRIMES, by her Parents and Next Friends, SHAUNA GRIMES, Mother, and MICHAEL GRIMES, Father, by and through their attorney, Michael H. Bereston, Esquire and respectfully represent in support of their claim, state as follows:

14. The Plaintiffs incorporate by reference paragraphs 1 through 13.

15. Contrary to accepted standards of medical care as practiced by reasonably prudent and competent physicians acting under the same or similar circumstances in 2012, Defendant SYLVESTER failed to provide proper care and treatment to SHAUNA GRIMES and KAMRYN GRIMES during pregnancy and delivery. As a result, Minor Plaintiff KAMRYN GRIMES suffers from severe permanent damages.

16. Contrary to accepted standards of medical care as practiced by a reasonably prudent and competent Hospital, acting through their agents, servants and/or employees, including but not limited to nurse Jessica Wilson, nurse Carrie Matheson, nurse Suzanne Atkes, nurse J. Haylett, nurse Lynda Bradley, nurse B. Jones, nurse G. Bond and the other nurses who were also responsible for the care provided on the attached medical record exhibit whose names/initials are highlighted but are not legible and whose identities are unknown, acting under the same or similar circumstances then existing in 2012, the Defendant UNIVERSITY OF MARYLAND MEDICAL SYSTEM failed to properly care and treat for SHAUNA GRIMES and KAMRYN GRIMES during pregnancy and delivery. As a result, Minor Plaintiff KAMRYN GRIMES suffers from severe permanent damages.

17. Contrary to accepted standards of hospital administration as practiced by reasonably prudent and competent Hospitals, acting through their agents, servants and employees, acting under the same or similar circumstances in 2012, Defendant Hospital failed to properly develop, implement and enforce appropriate policies and procedures for its healthcare personnel involved in labor and delivery, and failed to properly instruct, train, and supervise its healthcare personnel involved in labor and delivery. As a result, Minor Plaintiff KAMRYN GRIMES suffers from severe permanent damages.

18. The Plaintiffs were not in any way contributorily negligent and relied upon the judgment and expertise of the Defendants and/or their servants, agents and employees.

19. The Plaintiffs did not assume the risk of the Defendants' failure to properly care and treat them during pregnancy and delivery.

20. The violations of the standard of care by Defendants directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

21. Venue is proper in Baltimore City, Maryland. The claim is in excess of \$30,000.00.

## COUNT II

### **Damages of KAMRYN GRIMES, Minor**

COMES NOW the Minor Plaintiff, KAMRYN GRIMES, by her Parents and Next Friends, and through his attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

22. The Minor Plaintiff herein incorporates paragraphs 1 - 21.

23. The Minor Plaintiff is permanently damaged, both physically and mentally as a result of the negligence of Defendants.

24. KAMRYN GRIMES will be unable to enjoy a normal childhood and adulthood. The Minor Plaintiff will need special attention, continuous medical care, and special accommodations. It is most likely her injuries will impact future earnings. Additionally, the Minor Plaintiff will need medical care and treatment for the rest of her life.

25. The Plaintiffs did not assume the risk of the Defendants' failure to properly care and treat them during pregnancy and delivery.

26. The violations of the standard of care by Defendants' directly and proximately caused the Plaintiffs' injuries, disabilities and damages.

27. Venue is proper in Baltimore City, Maryland. The claim is in excess of \$30,000.00.

### COUNT III

#### **Lack of Informed Consent**

COMES NOW the Minor Plaintiff, KAMRYN GRIMES, by her Parents and next Friends, and by and through their attorney, Michael H. Bereston, Esquire and respectfully represents in support of claim as follows:

28. The Plaintiffs herein incorporate paragraphs 1 - 27.

29. At no time during the course of SHAUNA GRIMES admission and up until the decision to deliver did the Defendants acting individually and/or through their agents, servants and/or employees inform the Plaintiffs of the potential harm to the unborn baby by having only periodic fetal monitoring (a few hours per day) and not having continuous fetal monitoring.

30. By failing to inform Plaintiffs of the material risks involved and the benefits of continuous fetal monitoring the Defendants breached their duty to secure a fully informed consent of the Plaintiffs prior to commencing treatment. Had the Plaintiffs or any other reasonably prudent patient under the same or similar circumstances been fully informed of the material risks of inadequate fetal monitoring, Plaintiffs and any other reasonably prudent patient under the same or similar circumstances then existing would have chosen the safest course for their baby, including continuous fetal monitoring.

31. The Plaintiffs did not assume the risk of the Defendants' failure to care and treat for KAMRYN GRIMES and SHAUNA GRIMES during her pregnancy and delivery.

32. The violations of the standard of care by Defendants directly and proximately caused the Minor Plaintiff injuries, disabilities and damages.

33. Venue is proper in Baltimore City, Maryland. The claim is in excess of \$30,000.00.

WHEREFORE, Plaintiffs claim any and all damages as a proximate result of Defendants' negligence, demand damages as compensation for all injuries and losses, past, present and future, which they have sustained, are sustaining and will sustain in the future, all of which were caused by the negligence of the Defendants, without any negligence on the part of the Plaintiffs.

Respectfully submitted by:

**Michael H. Bereston, Inc.**

---

Michael H. Bereston, Esquire  
138 Main Street, Suite 200  
P.O. Box 2990  
Annapolis, Maryland 21404-2990  
bereston@berestonlaw.com  
410-269-5011

Attorney for the Plaintiffs



KAMRYN GRIMES, a Minor, et al.

Claimants

vs.

UNIVERSITY OF MARYLAND MEDICAL SYSTEM, et al.

Health Care Providers

BEFORE THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

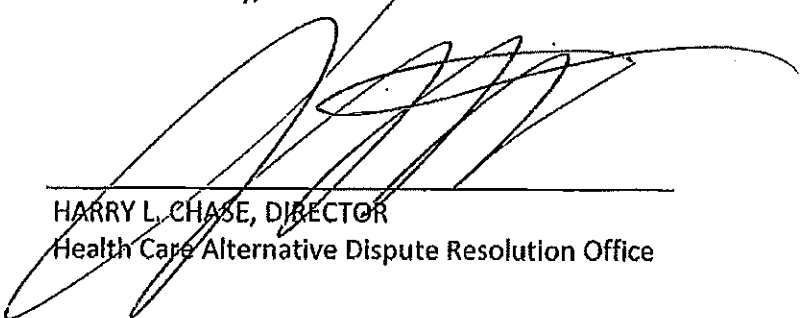
HCA No.: 2017-198

\*\*\*\*\*

ORDER OF TRANSFER

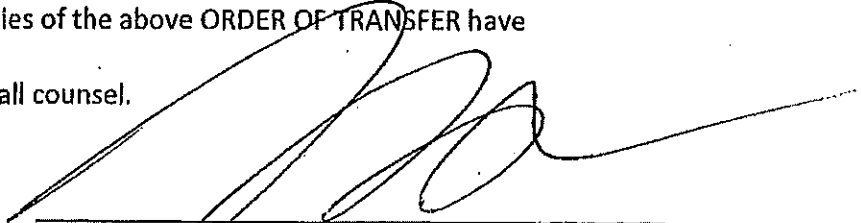
The Claimants, by and through counsel, having elected a Waiver of Arbitration under the provisions of Annotated Code of Maryland, Courts and Judicial Proceedings Art., § 3-2A-06B, it is this 30 day of May 2017, by the Health Care Alternative Dispute Resolution Office,

ORDERED, that this case shall be and is hereby, transferred to the Circuit Court for Baltimore City, Maryland.

  
\_\_\_\_\_  
HARRY L. CHASE, DIRECTOR  
Health Care Alternative Dispute Resolution Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel.

  
\_\_\_\_\_  
HARRY L. CHASE, DIRECTOR

IN THE CIRCUIT COURT FOR BALTIMORE CITY

KAMRYN GRIMES, Minor, et al.

Plaintiffs

v.

UNIVERSITY OF MARYLAND MEDICAL CENTER, et al.

Defendants

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Case No.: 24-C-17-003316

REQUEST FOR JURY

Plaintiffs request a jury trial in this matter.

Respectfully Submitted,  
**Law Offices Of Michael H. Bereston, Inc.**

By: \_\_\_\_\_

Michael H. Bereston  
138 Main Street, P.O. Box 2990  
Annapolis, Maryland 21404-2990  
410-269-5011

Attorney for the Plaintiffs

IN THE CIRCUIT COURT FOR BALTIMORE CITY

KAMRYN GRIMES, Minor, et al. :

Plaintiffs

v.

UMMC, et al.

Defendants

:  
:  
:  
: Case No.: 24-C-17-003316  
:  
:  
:  
:  
:

NOTICE OF SERVICE

THIS IS TO CERTIFY that on 13 day of June, 2017 Notice of Service of Plaintiffs' Interrogatories to Defendants, Request for Production of Documents to Defendants and Notice to Take Depositions of Defendants and their Corporate Designees, were filed with the Court to be served on the Defendants by private process server.

Respectfully Submitted,  
**Law Offices Of Michael H. Bereston, Inc.**

By: \_\_\_\_\_  
Michael H. Bereston  
138 Main Street, Suite 200  
P.O. Box 2990  
Annapolis, Maryland 21404-2990  
410-269-5011

Attorney for the Plaintiffs