

JULIAN IORDACHITA, Individually and as
Legal Guardian of ANCA IORDACHITA
14 Gorsuch Road
Timonium, Maryland 21093

Plaintiffs,

v.

SHEPPARD PRATT HEALTH SYSTEMS, INC.
6501 N. Charles Street
Baltimore, Maryland 21204

Serve on:
Ray R. Dzisinski
6501 N. Charles Street
Baltimore, Maryland 21204

and

SHEPPARD PRATT PHYSICIANS, P.A.
6501 N. Charles Street
Baltimore, Maryland 21204

Serve on:
Ray R. Dzisinski
6501 N. Charles Street
Baltimore, Maryland 21204

and

SARAH HERTS, D.O.
6501 N. Charles Street
Baltimore, Maryland 21204

and

JOO LEE CHOE, RN
6501 N. Charles Street
Baltimore, Maryland 21204

and

WENDY GARSON, LCSW-C
6501 N. Charles Street
Baltimore, Maryland 21204

Health Care Providers.

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY

Case No.

03-C-18-5685

FILED
2019 JUN -7 PM 3:40
BALTIMORE COUNTY

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Iulian Iordachita, Individually, and as Legal Guardian of Anca Iordachita, by and through their attorneys H. Briggs Bedigian and Dustin C. Furman of Gilman & Bedigian, LLC, hereby sues Sheppard Pratt Health Systems, Inc., Sheppard Pratt Physicians, P.A., Sarah Herts, D.O., Joo Lee Choe, RN, and Wendy Garson, LCSW-C, and for grounds state as follows:

JURISDICTION AND VENUE

1. This medical negligence claim is instituted pursuant to Md. Code Ann., Cts. & Jud. Proc. § 3-2A-01 - §3-2A-10, for the recovery of damages in excess of all judiciary and/or legislative jurisdictional amounts. Plaintiffs have previously filed a Statement of Claim, Certificate of Qualified Expert and Report, and a Notice of Waiver with the Health Care Alternative Dispute Resolution Office. Plaintiffs have also received an Order of Transfer from the Health Care alternative Dispute Resolution Office.

2. Plaintiffs, Iulian and Anca Iordachita, are residents of Baltimore County, Maryland.

3. Plaintiff hereby attaches and incorporates by reference the Certificate of Merit and Expert Report of Fred R. Moss, M.D.

4. Defendant, Sheppard Pratt Health Systems, Inc. (hereinafter "Sheppard Pratt"), is and at all relevant times hereto was a Maryland corporation and a health care provider engaged in the administration, staffing, operation, and supervision of health care providers in Baltimore County, Maryland, providing medical care and other services, acting individually and/or through its actual and/or apparent agents, servants and/or employees.

5. Defendant, Sheppard Pratt Physicians, P.A. (hereinafter “Sheppard Pratt Physicians”), is and at all relevant times hereto was a Maryland corporation and a health care provider engaged in the administration, staffing, operation, and supervision of health care providers in Baltimore County, Maryland, providing medical care and other services, acting individually and/or through its actual and/or apparent agents, servants and/or employees.

6. Defendant, Sarah Herts, D.O., (hereinafter “Dr. Herts”), is and at all times relevant hereto was a physician licensed to practice medicine in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees. Dr. Herts was at all relevant times an actual and/or apparent agent, servant and/or employee of Sheppard Pratt acting within the scope of the agency or employment with Sheppard Pratt.

7. Defendant, Joo Lee Choe, RN, (hereinafter “Nurse Choe”), is and at all times relevant hereto was a nurse licensed to practice medicine in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees. Nurse Choe was at all relevant times an actual and/or apparent agent, servant and/or employee of Sheppard Pratt acting within the scope of the agency or employment with Sheppard Pratt.

8. Defendant, Wendy Garson, LCSW-C, (hereinafter “Ms. Garson”), is and at all times relevant hereto was a social worker licensed to practice in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees. Ms. Garson was at all relevant times an actual and/or apparent agent, servant and/or employee of Sheppard Pratt acting within the scope of the agency or employment with Sheppard Pratt.

9. The medical care that forms the basis of the Plaintiff’s Complaint occurred at a Sheppard Pratt facility in Baltimore County. Accordingly, Baltimore County is the appropriate venue.

STATEMENT OF FACTS

10. Plaintiff, Anca Iordachita (hereinafter “Anca”), had a lengthy history of significant psychiatric conditions including but not limited to, bipolar disorder, depression, and psychosis.

11. As a result of the profound nature and severity of Anca’s psychiatric conditions, she had significant psychiatric interventions including multiple psychiatric hospitalizations dating back to the age of 16, utilization of multiple psychotropic medications, and utilization of electroconvulsive therapy. There is a significant family history of psychiatric symptomatology demonstrated in the medical records as well.

12. On September 26, 2015, Anca engaged in substantial harm of self, resulting in both medical and psychiatric inpatient hospitalization. This self-harm occurred in the form of a suicide attempt in which Anca stabbed herself in the stomach using a total of four kitchen knives and a pair of scissors.

13. Anca was discharged on November 3, 2015 from the Sinai Hospital with documentation reflecting a relatively stable presentation and a plan to participate in psychiatric aftercare services at the Sheppard Pratt Day Hospital Partial Hospitalization Program.

14. Anca was admitted to the Sheppard Pratt Program on November 11, 2015, and over the course of three days of participation in the Day Treatment Program, documentation reflects a substantial decline and deterioration of behaviors.

15. It was noted that Anca superficially scratched her hands with an X-Acto knife, was described as having blank staring with odd expressions, having a disheveled appearance, preoccupied attention and concentration, and was described as having a degree of psychosis and disorganization that caused her to be currently inappropriate for the Program.

16. According to the records, a social work progress note from November 13 indicates that a psychosocial evaluation was discontinued and not complete as the patient was noted to be a poor historian and unclear if she understands the questions being asked.

17. Nevertheless, the staff at the Sheppard Pratt discharged Anca on November 13, 2015, and referred her to the Sullivan Day Hospital Program beginning on November 17, 2015. The patient was thereafter discharged from the safety of the hospital.

18. Subsequent documentation reflects that Anca, just after this negligent discharge from the Sheppard Pratt Day Hospital Program, walked to the nearby hospital parking deck and fell from a high elevation. Anca was subsequently admitted for fractures, internal organ injuries, and other life threatening trauma.

19. The Defendants deviations from the applicable standards of care were the direct and proximate cause of the injuries and complications outlined above with no negligence on the part of the Plaintiff.

COUNT I (NEGLIGENCE)

Plaintiff, Iulian Iordachita as Legal Guardian of Anca Iordachita, hereby sues the Defendants and states:

20. Plaintiff hereby incorporates by reference each and every allegation contained in above paragraphs of this Complaint.

21. In their care and treatment of Ms. Iordachita, Defendants, acting individually and/or by and/or through its actual and/or apparent agents, servants, and/or employees, owed Ms. Iordachita the duty to exercise that degree of care and skill which a reasonably competent physician, nurse practitioner, and/or similar healthcare provider is required to provide under the same or similar circumstances. Specifically, the named Defendants, acting by and through their

actual and/or apparent agents, had a duty to render medical care to Ms. Iordachita that was in accordance with the standards of practice among members of the same health care profession with similar training and experience situated in the same or similar communities at the time of the alleged acts giving rise to this cause of action.

22. The standard of care required the named Defendants, acting by and through their actual and/or apparent agents, to conduct appropriate and careful examinations of Ms. Iordachita; to properly and timely diagnose and appreciate her condition, including recognizing that Ms. Iordachita was a risk to herself; to timely perform necessary tests, studies and assessments; to timely diagnose, manage and treat her condition; and, to arrange for a timely hospital or facility admission so she could receive proper care and not leave the care of the hospital given her condition.

23. Defendants, acting individually and/or by and through their respective actual and/or apparent agents, servants, and/or employees, breached the applicable standards of care in their treatment of Ms. Iordachita by, *inter alia*:

- a. Failing to appreciate the nature of Ms. Iordachita's mental illness;
- b. Failing to perform necessary assessments, and evaluations in order to define the extent and severity of Ms. Iordachita's mental illness;
- c. Failing to intervene in order to keep Ms. Iordachita from self-harm;
- d. Failing to seek timely consultations and the assistance of other hospitals and/or facilities to immediately manage Ms. Iordachita's condition;
- e. Failing to timely manage Mr. Iordachita's condition;
- f. Failing to admit Ms. Iordachita;
- g. Failing to properly communicate with other providers;

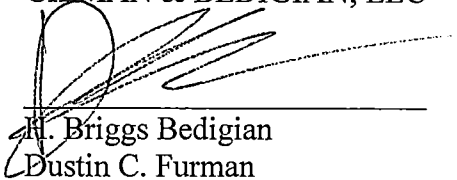
- h. Failing to complete an evaluation;
- i. Failing to accurately document Ms. Iordachita's condition;
- j. Failing to have adequate systems, policies and procedures in place,
- k. Failing to provide adequate training and supervision regarding systems, policies and procedures;
- l. These Health Care Providers were otherwise negligent.

24. As a direct and proximate result of the negligence of the Defendants, acting by and through their actual and/or apparent agents, Ms. Iordachita has suffered and will continue to suffer from traumatic brain injuries, which require and will require medical care, medical assistance, attendant care, support, therapy, and other interventions. As a further direct and proximate result, Ms. Iordachita sustained vocational and earning losses. As a further direct and proximate result of the alleged negligence, Ms. Iordachita suffered and will continue to suffer mental and emotional pain and suffering, fear, anxiety, embarrassment, anguish and loss of quality of life.

WHEREFORE, Plaintiff, Iulian Iordachita as Legal Guardian of Anca Iordachita, brings this action against all of the Defendants and seeks damages that will adequately and fairly compensate her, plus costs and such other further relief as may be deemed appropriate. The damages sought are in excess of all judiciary and/or legislative jurisdictional amounts.

Respectfully submitted,

GILMAN & BEDIGIAN, LLC



H. Briggs Bedigian

Dustin C. Furman

1954 Greenspring Drive, Suite 250

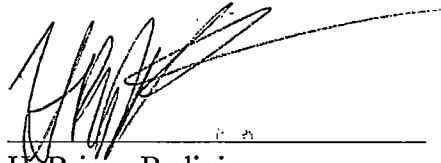
Timonium, Maryland 2093

410-560-4999

Counsel for Plaintiff

JURY TRIAL DEMAND

The Plaintiffs hereby demand a trial by jury on all of the issues raised in Plaintiff's
Complaint.



H. Briggs Bedigian

FILED
2018 JUN -7 PM 3:40
CLERK OF COURT
BALTIMORE COUNTY



GILMAN & BEDIGIAN, LLC
Trial Attorneys

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June 5, 2018

Clerk of the Circuit Court
Baltimore County, Maryland
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

RE: *Julian Iordachita v. Sheppard Pratt Health Systems, Inc., et al.*
Initial Filing

Dear Clerk:

Enclosed please find a Complaint, Case Information Report, and check in the amount of \$175.00 to cover the cost of filing same.

Please return all summons to this office so that I may serve the Defendant by private process. Thank you for your attention to this matter.

Very truly yours,

H. Briggs Bedigian

HBB/jmg
Enclosures