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CHARLOTTE LAWRENCE
2229 Knox Avenue
Reisterstown, Maryland 21136

* IN THE
* CIRCUIT COURT

and

* FOR

TIMOTHY DUNK
2229 Knox Avenue
Reisterstown, Maryland 21236

* BALTIMORE COUNTY

Plaintiffs,

*

08-C-10-10643

v.

*

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

*

cc: Dept. of Health and
Mental Hygiene

*

SERVE ON:

*

Patricia A. Pinkerton, Resident Agent
6501 N. Charles Street
Baltimore, Maryland 21204

*

Case No.:

*

Defendant.

* * * * *

JD

COMPLAINT

Plaintiffs, Charlotte Lawrence and Timothy Dunk, by and through their undersigned attorneys, Gregory L. Lockwood and Gregory L. Lockwood, LLC, file this Statement of Claim against Defendant Sheppard Pratt Health System, Inc. ("Sheppard Pratt") in a malpractice action, and in support thereof, state:

RECEIVED AND FILED
12th OCT 18 10 53 AM
CLERK OF CIRCUIT COURT
BALTIMORE COUNTY

PARTIES

1. Charlotte Lawrence, Plaintiff, is a citizen and resident of Reisterstown, Maryland. Timothy Dunk, Plaintiff, is a citizen and resident of Reisterstown, Maryland. At all relevant times, Charlotte Lawrence and Timothy Dunk are and were husband and wife.

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2. Sheppard Pratt Health System, Inc. trading as Sheppard Pratt is and was at all relevant times a Defendant located at 6501 N. Charles Street, Baltimore, Maryland, which by its agents, servants, and employees regularly offers medical and nursing services and renders medical and nursing care to patients and residents in Baltimore County, Maryland.

3. Venue in this case is proper in Baltimore County, Maryland.

4. The amount in controversy in this case exceeds the required jurisdictional amount.

COUNT I – NEGLIGENCE

5. On or about April 29, 2016, Plaintiff Charlotte Lawrence was admitted as an inpatient to Sheppard Pratt suffering in part from dementia.

6. At the time Ms. Lawrence was an inpatient at Sheppard Pratt, she was treated and cared for by agents, servants and employees of Sheppard Pratt.

7. On the afternoon of May 29, 2016, and while under the exclusive supervision, direction and control of agents, servants and employees of Sheppard Pratt, Ms. Lawrence was not properly supervised and fell, striking her head on a pole and landing on the floor, and was transported to Greater Baltimore Medical Center's emergency room. In fact, the care plan dated May 29, 2016 at 7:53 a.m. stated in part that Ms. Lawrence only should "ambulate with assistive device/wheelchair with staff only" to prevent falls. At GBMC, Ms. Lawrence was diagnosed as suffering from a fractured right hip that required surgical repair on May 31, 2016. Ms. Lawrence previously fell while under the exclusive supervision, direction and control of agents, servants and employees of Sheppard Pratt on May 14, 2016, May 16, 2016, May 19, 2016 and May 21, 2016.

8. The personnel of this Defendant owed to the public at large and to the Plaintiff Charlotte Lawrence a duty to use that degree of skill and care typically exercised by health care

practitioners in the same specialty with like training and experience in the same or similar circumstances. The personnel at Sheppard Pratt, including the nursing staff, breached applicable standards of care by failing to accurately assess Ms. Lawrence's fall risk upon her admission to Sheppard Pratt, by failing to appropriately assess Ms. Lawrence's needs, failing to develop and implement an individualized care plan that would minimize the risk of falls, failing to have sufficient caregivers to attend to her activities of daily living, failing to provide adequate and close supervision, by failing to provide appropriate and sufficient assistance to address the health needs of Ms. Lawrence, and otherwise failing to take such action on their own and were otherwise negligent.

9. As a direct and proximate result of the negligence of the agents, servants and employees of Sheppard Pratt as aforesaid, Plaintiff Charlotte Lawrence suffered and was caused to develop a fractured right hip requiring surgery because of the negligence of Sheppard Pratt and its agents, servants and employees, with no negligence on the part of the Plaintiff contributing thereto.

10. From the time of these failures until the present, Plaintiff has endured severe conscious and physical pain and suffering as a direct and proximate result of the negligence of Sheppard Pratt.

WHEREFORE, Plaintiff, Charlotte Lawrence demands judgment against Sheppard Pratt Health System, Inc. for all injuries and damages which Charlotte Lawrence has suffered including, but not limited to, emotional damage, pain and suffering, medical expenses, and other damages as a consequence of the negligence of this Defendant.

COUNT II

(LOSS OF CONSORTIUM)

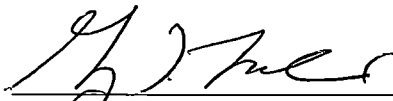
11. The facts and matters alleged in paragraphs 1 through 10 above, are repeated and re-alleged as if fully set forth herein.

12. At all relevant times, Plaintiffs Charlotte Lawrence and Timothy Dunk were husband and wife.

13. The negligent conduct of this Defendant caused injury to the marital relationship of Plaintiffs, including but not limited to, loss of society, affection, assistance, and companionship.

WHEREFORE, Plaintiffs, Charlotte Lawrence and Timothy Dunk, demand judgment against this Defendant for all injuries and damages they have suffered to their marital relationship as a consequence of the negligence of this Defendant as aforesaid.

Respectfully submitted,



Gregory L. Lockwood
Law Offices of Gregory L. Lockwood, LLC
29 West Susquehanna Avenue, Suite 500
Towson, Maryland 21204
(443) 470-9636 (P)
(443) 203-2001 (F)
greg@lockwoodlawfirm.net

Attorneys for Plaintiffs

CERTIFICATE OF MERIT AND REPORT

I, CATHERINE L. SINCLAIR, MSN, ARNP, CWCN, do hereby certify and affirm that:

1. In my professional opinion there were violations of the standard of care by Defendant/Health Care Provider Sheppard Pratt by its agents, servants and/or employees, actual and/or apparent, including the nursing staff, who failed to appropriately assess, monitor and supervise Ms. Charlotte Lawrence on May 29, 2016 and failed to implement appropriate fall precautions, thereby failing to prevent a fall that ultimately caused her to suffer a fractured right hip. As a proximate result of the breach of the standard of care, Ms. Lawrence was injured.

2. I hereby certify that I have had clinical experience, provided consultation relating to clinical practice, and/or taught medicine in the fields of nursing and gerontology, or a related field of health care, within five (5) years of the date of the above-identified acts or omissions giving rise to this claim.

3. I also certify that I do not devote annually more than 20% of my professional activities to activities that directly involve testimony in personal injury claims.

Catherine L. Sinclair

CATHERINE L. SINCLAIR, MSN, ARNP, CWCN

I hereby certify that the above Certificate of Merit and attached Report are true and correct to the best of my knowledge, information and belief.

Catherine L. Sinclair

CATHERINE L. SINCLAIR, MSN, ARNP, CWCN

REPORT

RE: CHARLOTTE LAWRENCE

TO WHOM IT MAY CONCERN:

I have reviewed the medical records regarding care rendered to Ms. Charlotte Lawrence by Sheppard Pratt. Based on my review of these records, I am of the opinion there were violations of the standard of care by Sheppard Pratt and its agents, servants, and/or employees, both actual and/or apparent, including the nursing staff, that were a proximate cause of injuries to Ms. Lawrence.

On or about April 29, 2016, Ms. Charlotte Lawrence was admitted as an inpatient to Sheppard Pratt suffering in part from dementia. Prior to this admission, she was living independently with her husband. At the time Ms. Lawrence was an inpatient at Sheppard Pratt, she was treated and cared for by agents, servants and employees of Sheppard Pratt.

On the afternoon of May 29, 2016, and while under the supervision, direction and control of agents, servants and employees of Sheppard Pratt, Ms. Lawrence was not properly supervised and fell, striking her head on a pole and landing on the floor, and was transported to Greater Baltimore Medical Center's emergency room. The care plan dated May 29, 2016 at 7:53 a.m. stated in part that Ms. Lawrence only should "ambulate with assistive device/wheelchair with staff only" to prevent falls. At GBMC, Ms. Lawrence was diagnosed as suffering from a fractured right hip that required surgical repair on May 31, 2016. Medical records documents Ms. Lawrence previously fell while under the supervision, direction and control of agents, servants and employees of Sheppard Pratt on May 14, 2016, May 16, 2016, May 17, 2016 and May 22, 2016.

Agents, servants, and employees of Sheppard Pratt, including the nursing staff, knew Ms. Lawrence was at a high risk of falls due to several internal factors, including, but not limited to, a lack of agility and coordination, a history of prior falls, diminished mental status, and changes to her psychotropic medications. The standard of care required that agents, servants, and employees of Sheppard Pratt, including the nursing staff, design and implement a fall care plan that would provide a high level of care and fall precautions and interventions to appropriately address Ms. Lawrence's identified gait and balance limitations and lack of safety awareness. Agents, servants, and employees of Sheppard Pratt, including the nursing staff, breached the standard of care by failing to appropriately assess Ms. Lawrence's needs, failing to develop a fall care plan that would minimize the risk of falls, failing to have sufficient caregivers to attend to her activities of daily living, including transfer and ambulation needs, failing to provide adequate and close supervision, and by otherwise failing to provide appropriate and sufficient assistance to address the health needs of Ms. Lawrence. The standard of care required that agents, servants and employees of Sheppard Pratt appropriately assess Ms. Lawrence's needs, including the development and implementation of an individualized fall care plan that would minimize the risk of falls, have sufficient caregivers on staff to attend to her activities of daily living, including transfer and ambulation needs, provide adequate and close supervision, and otherwise provide appropriate and sufficient assistance to

address the total health needs of Ms. Lawrence. As a proximate result of the breaches of the standard of care by agents, servants, and employees of Sheppard Pratt, Ms. Lawrence fell on May 14, 2016, May 16, 2016, May 17, 2016, May 22, 2016 and May 29, 2016, ultimately suffering a fractured right hip and injury to her head.

I reserve the right to modify and/or supplement these opinions if and when more information becomes available.

I further certify that I have had clinical experience, provided consultation relating to clinical practice, and/or taught in the fields of nursing, within five (5) years of the date of the above-identified acts or omissions giving rise to this claim.

Further, I do not devote annually more than 20 percent of my professional activities to activities that directly involve testimony in personal injury claims.

Catherine J. Sinclair

CATHERINE L. SINCLAIR, MSN, ARNP, CWCN

10-12-16

Date

CHARLOTTE LAWRENCE
2229 Knox Avenue
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TIMOTHY DUNK
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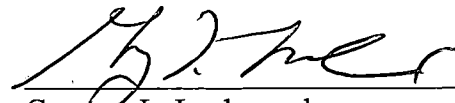
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* FOR
* BALTIMORE COUNTY
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* Case No.:

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DEMAND FOR JURY TRIAL

Plaintiffs, Charlotte Lawrence and Timothy Dunk, by and through their undersigned attorneys, Gregory L. Lockwood and Gregory L. Lockwood, LLC, pursuant to Rule 2-325(a) of the Maryland Rules of Procedure, hereby demand a trial by jury in the above-captioned action.

Respectfully submitted,



Gregory L. Lockwood
Law Offices of Gregory L. Lockwood, LLC
29 West Susquehanna Avenue, Suite 500
Towson, Maryland 21204
(443) 470-9636 (P)
(443) 203-2001 (F)
greg@lockwoodlawfirm.net

Attorneys for Plaintiffs

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