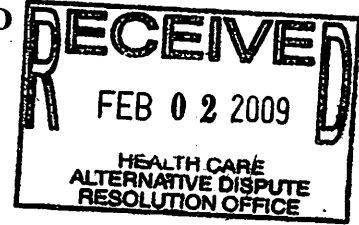


IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION
OFFICE OF MARYLAND



LESLIE MURPHY, Individually and as
Personal Representative of the Estate of
GRACE P. STEWART, Deceased
143 Haverhill Road
Joppa, Maryland 21085

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and

HCADRO NO. 2009-050

FRANK D. SYDNOR
3122 Gwynns Falls Parkway
Baltimore, MD 21216

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Claimants,

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v.

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UNIVERSITY OF MARYLAND MEDICAL
SYSTEM CORPORATION
22 S. Greene Street
Baltimore, Maryland 21201
Serve On: Megan M. Arthur, Resident Agent
250 W. Pratt Street, 24th Floor
Baltimore, Maryland 21201

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and

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UNIVERSITY OF MARYLAND MEDICAL
CENTER
22 S. Greene Street
Baltimore, Maryland 21201
Serve On: Megan M. Arthur, Resident Agent
250 W. Pratt Street, 24th Floor
Baltimore, Maryland 21201

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Health Care Providers.

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STATEMENT OF CLAIM

Claimants, Leslie Murphy, Individually and as Personal Representative of the Estate
of Grace P. Stewart, deceased, and Frank D. Sydnor sue the above-named University of

Maryland Medical System Corporation and University of Maryland Medical Center (hereafter jointly referred to as “Defendants”), stating as follows:

COUNT I
(Wrongful Death)

1. Jurisdiction of this tribunal is invoked pursuant to Md. Cts. & Jud. Proc. Code Anno. § 3-2A-01 *et seq.*

2. Leslie Murphy and Frank D. Sydnor are the surviving children of Grace P. Stewart (hereinafter “Decedent”). Accordingly, both are the proper beneficiaries and necessary parties to this Wrongful Death Claim in accordance with Md. Cts. & Jud. Proc. Code Ann. §3-902 and §3-904 (a).

3. The medical treatment at issue in this case occurred in Baltimore City, Maryland. The Defendants currently conduct regular business in Baltimore City, Maryland. Thus, the appropriate venue is Baltimore City, Maryland.

4. Defendant University of Maryland Medical System Corporation is a business entity organized under the laws of the State of Maryland, duly licensed and accredited, providing medical and health care services to the public, and in conjunction with the other Defendant, owed to the Decedent a duty to conform its conduct to prevailing standards of care, by itself, and through its agents, servants and/or employees.

5. Defendant University of Maryland Medical Center is a health care facility located in Baltimore City, Maryland, duly licensed and accredited, and providing health care services to individuals in need thereof. As such, Defendant University of Maryland Medical Center, in conjunction with the other Defendant, owed to the Decedent a duty to conform its conduct to the prevailing standards of care, by itself, and through its agents, servants and/or employees.

6. At all times of which Claimants complain, the Defendants represented to the Claimants' Decedent and the general public that they possessed the degree of knowledge, ability and skill possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Claimants' Decedent, Grace P. Stewart.

7. The Claimants allege that the Defendants, by themselves and through their agents, servants and employees, owed a duty to exercise that degree of skill, judgment and care expected of reasonably competent medical practitioners, practicing under the same or similar circumstances, which duty included the performance of appropriate diagnostic tests and procedures to determine the Decedent's condition, appropriate diagnosis of such condition, the employment of appropriate treatment, procedures, and/or surgery to correct such condition without injury upon the Decedent, continuous evaluation of the Decedent'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 the Defendants failed to do.

8. The Defendants, by themselves and through their agents, servants and employees, were negligent in that they failed to employ appropriate diagnostic tests and procedures to evaluate and diagnose Decedent's condition, failed to employ appropriate treatment, procedures and/or surgery to correct such condition, failed to appropriately monitor and evaluate Decedent's condition, failed to adjust Decedent's treatment in response to appropriate evaluation of the effects of treatment, and were otherwise negligent.

9. At all times relevant herein, Defendants University of Maryland Medical System Corporation and University of Maryland Medical Center, by themselves, and through

their agents or apparent agents, servants and employees provided the medical care and treatment at issue in this case to the Claimants' Decedent, Grace P. Stewart. At all times relevant herein, all health care providers at University Maryland Medical Center were acting as agents or apparent agents, servants and employees of Defendants University of Maryland Medical System Corporation and University of Maryland Medical Center.

10. In April 2006, Grace P. Stewart was admitted to Defendant University of Maryland Medical Center. Thereafter, Ms. Stewart underwent placement of a tracheostomy tube for ventilator dependency.

11. On April 25, 2006, Ms. Stewart was taken to the interventional radiology suite for placement of a gastrostomy tube. At the time, she was still dependent upon a tracheostomy tube for oxygenation requirements.

12. At the end of the procedure, Ms. Stewart's tracheostomy tube was negligently dislodged. The Defendants negligently failed to ensure that Ms. Stewart's tracheostomy tube remained in place, negligently dislodged the tube, and negligently failed to timely detect the dislodgement of the tube.

13. Eventually, when the transport team came to the interventional radiology suite to transport Ms. Stewart after the procedure was completed, it was noticed that her oxygen saturation rate had significantly decreased. At that point, measures were taken to attempt to determine the cause of the decrease in oxygenation. Ultimately, the Defendants belatedly determined that the tracheostomy tube had been dislodged and that the distal end of the tube was no longer in the airway.

14. Unfortunately, however, the Defendants' negligence deprived Ms. Stewart of necessary oxygenation to the point that it caused her death.

15. The Defendants, by themselves and through their agents, servants and employees, including the health care providers at University of Maryland Medical Center who were responsible for securing and maintaining the placement of the Decedent's tracheostomy tube, breached the standard of care by, inter alia, negligently and carelessly:

- (a) failing to ensure that the tracheostomy tube remained in place;
- (b) negligently dislodging the tracheostomy tube;
- (c) failing to take adequate precautions to ensure that the tracheostomy tube was secured in place and remained in place;
- (d) failing to timely recognize that the tracheostomy tube had been dislodged;
- (e) failing to appropriately monitor the placement of the tracheostomy tube;
- (f) failing to keep close observation over the tracheostomy tube and its placement;
- (g) failing to timely and appropriately perform diagnostic tests, evaluations, and procedures to verify the correct placement of the tracheostomy tube;
- (h) failing to have personnel sufficiently trained to maintain and assess the correct placement of the tracheostomy tube;
- (i) failing to appreciate the seriousness of the Decedent's life-threatening condition;
- (j) failing to timely and properly suspect, diagnose and treat the Decedent's life-threatening condition;
- (k) failing to timely order, perform and/or appropriately interpret the proper tests, procedures and work up necessary to timely diagnose and treat the Decedent's life-threatening condition;
- (l) failing to obtain the Decedent's or her designee's informed consent;
- (m) failing to inform the Decedent or her designee that more experienced and qualified physicians were available to treat her condition;

(n) failing to inform the Decedent or her designee of past experience of failing to timely and appropriately diagnose and treat patients who suffered from a similar condition; and

(o) failing to otherwise comply with accepted standards of care.

16. As a result of the Defendants' negligence, Ms. Stewart died on April 25, 2006.

Had the Defendants complied with the standard of care, Ms. Stewart would have been successfully treated, and she would today be alive and well.

17. The negligence of the Defendants was the proximate cause of Ms. Stewart's serious and irreversible injuries, permanent damages, disability, economic damages and ultimately, her death. Accordingly, the negligence of the Defendants is the proximate cause of the Claimants' harm.

18. The Claimants and the Decedent were not contributorily negligent, nor did they voluntarily assume any known risk.

19. As a direct and proximate result of the Defendants' negligence, the Claimants have in the past and will in the future sustain severe and irreversible injury, including, but not limited to, mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, filial care, attention, advice, counsel, training, guidance, education and other non-economic damages for which claim is made. In addition, the Claimants have in the past and will in the future suffer economic harm as a result of the Defendants' negligence including, but not limited to, medical expenses, lost wages, future loss of earnings and earning capacity, household services and other economic damages recoverable by law.

20. Venue is claimed in Baltimore City, Maryland. The amount in controversy exceeds \$30,000.00.

COUNT II
(Survival Action)

21. Claimants hereby incorporate paragraphs 1-20 as stated above.

22. Leslie Murphy is an adult Maryland resident and the Personal Representative of the Estate of Grace P. Stewart.

23. As a direct and proximate result of the Defendants' negligence, Grace P. Stewart, during her life, sustained severe and irreversible injuries, suffered excruciating physical pain, mental anguish and anxiety, underwent otherwise unnecessary medical and surgical interventions, incurred exorbitant expenses for medical and nursing care, loss of earnings and earning capacity, and other expenses, damages and losses for which this claim is made. Claim is also made for all other items of damage recoverable under Maryland law including, but not limited to, funeral expenses.

24. The negligence of the Defendants was the proximate cause of Grace P. Stewart's serious and irreversible injuries, permanent damages, disability, economic damages and ultimately, her death.

25. The Decedent was not contributorily negligent, nor did he voluntarily assume any known risk.

26. Venue is claimed in Baltimore City, Maryland. The amount in controversy exceeds \$30,000.00.

