

**IN THE
HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE**

PATRICIA BONNER *
HAROLD BONNER *
2015 Thistlewood Drive *
Fort Washington, MD 20744 *

v. *

JOEL L. FALIK, M.D. *
7257-B Hanover Parkway *
Greenbelt, MD 20770 *

and *

MARIA TERESA ESCALERA, M.D. *
c/o Dimensions Health Care *
3001 Hospital Drive *
Cheverly, MD 20785 *

and *

ZUBAIR KHAN NIAZI, M.D. *
c/o Prince George's Hospital Center *
3001 Hospital Drive *
Cheverly, MD 20785 *

and *

FALIK & KARIM LIMITED *
LIABILITY PARTNERSHIP *

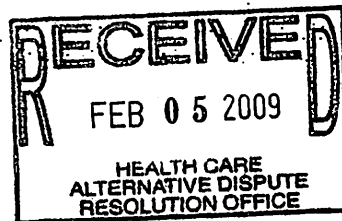
Serve: The Corporation Trust *
Incorporated *
300 E. Lombard Street *
Baltimore, MD 21202 *

and *

DIMENSIONS HEALTH *
CORPORATION d/b/a PRINCE *
GEORGE'S GENERAL HOSPITAL *

2009-055

HCA NO. _____



3001 Hospital Drive *
Cheverly, MD 20785 *
*
Serve: Eslanda Dasher *
Corporate Finance Dept. *
Suite D1000 *
7300 Van Dusen Road *
Laurel, MD 20707 *
*
Health Care Providers *

STATEMENT OF CLAIM

PATRICIA BONNER and HAROLD BONNER, Claimants herein,
hereby file this claim against Health Care Providers JOEL L. FALIK,
M.D., MARIA TERESA ESCALERA, M.D., ZUBAIR KHAN NIAZI, M.D.,
FALIK & KARIM LIMITED LIABILITY PARTNERSHIP, DIMENSIONS
HEALTH CORPORATION d/b/a PRINCE GEORGE'S GENERAL HOSPITAL.

Facts

1. Claimants Patricia Bonner and Harold Bonner are residents of Prince George's County, Maryland, residing at 2015 Thistlewood Drive in Fort Washington.
2. Claimants Patricia Bonner and Harold Bonner were at all relevant times and are presently husband and wife.
3. Health Care Provider ("HCP") Joel L. Falik, M.D. is a physician licensed to practice medicine in the State of Maryland and regularly engages in the practice of medicine in Greenbelt, Maryland.

4. HCP Joel L. Falik, M.D. holds himself out to the public as a neurosurgeon competent to provide such services to persons in the State of Maryland.

5. At all times relevant hereto, HCP Joel L. Falik, M.D. was acting individually and as an agent, employee and/or servant of HCP Falik & Karim Limited Liability Partnership and/or an agent, employee and/or servant of Dimensions Health Corporation d/b/a the Prince George's General Hospital.

6. HCP Maria Teresa Escalera, M.D. is a physician licensed to practice medicine in the State of Maryland and regularly engages in the practice of medicine in Cheverly, Maryland.

7. HCP Maria Teresa Escalera, M.D. holds herself out to the public as an anesthesiologist competent to provide such services to persons in the State of Maryland.

8. At all times relevant hereto, HCP Maria Teresa Escalera, M.D. was acting individually and as an agent, employee and/or servant of HCP Dimensions Health Corporation d/b/a the Prince George's General Hospital.

9. HCP Zubair Khan Niazi, M.D. is a physician licensed to practice medicine in the State of Maryland and regularly engages in the practice of medicine in Cheverly, Maryland.

10. HCP Zubair Khan Niazi, M.D. holds himself out to the public as an anesthesiologist competent to provide such services to persons in the State of Maryland.

11. At all times relevant hereto, HCP Zubair Khan Niazi, M.D. was acting individually and as an agent, employee and/or servant of HCP Dimensions Health Corporation d/b/a the Prince George's General Hospital.

12. HCP Falik & Karim Limited Liability Partnership is a Maryland Corporation with its principle corporate office located at 7257-B Hanover Parkway in Greenbelt, Maryland.

13. At all times relevant hereto, HCP Falik & Karim Limited Liability Partnership held itself out to the public as a duly licensed and accredited physicians' practice competent to provide services in need thereof.

14. HCP Dimensions Health Corporation doing business as the Prince George's General Hospital is a duly licensed health care corporation which held itself out to the public as a hospital competent to provide medical services, including the services of anesthesiologists and nurse-anesthetists, in the State of Maryland.

15. The Maryland Health Care Alternative Dispute Resolution Office has jurisdiction over this cause of action in that the events complained of occurred in the State of Maryland. This claim is filed

with the director of the Health Care Alternative Dispute Resolution Office pursuant to Section 3-2A-04, *et seq.*, of the Annotated Code of Maryland (Maryland Courts and Judicial Proceedings). The amount of the claim exceeds the jurisdictional limit (*i.e.*, \$30,000.00) and the appropriate venue for this claim is Prince George's County, Maryland.

16. On or about March 26, 2004, Claimant Patricia Bonner presented to HCP Joel L. Falik, M.D. with non-specific complaints, including complaints of low back pain.

17. Over the course of time between March 26, 2004 and July 18, 2005, Claimant Patricia Bonner continued to receive care and treatment from HCP Joel L. Falik, M.D.

18. HCP Dr. Falik recommended that Claimant undergo surgery for her condition, which he diagnosed as a Type 1 Chiari malformation.

19. On or about February 1, 2006, Claimant Patricia Bonner returned to HCP Joel L. Falik, M.D.'s office.

20. HCP Dr. Falik strongly recommended that Claimant Patricia Bonner undergo surgical intervention. Given, Dr. Falik's insistence, Claimant Patricia Bonner agreed to the surgery.

21. On February 7, 2006, Claimant Patricia Bonner walked into the Prince George's Hospital Center and underwent surgical procedures performed by HCP Joel L. Falik, M.D.

22. The anesthesiologists who attended Claimant Patricia Bonner during her surgery included HCP Maria Teresa Escalera, M.D. and Zubair Khan Niazi, M.D., who were assisted by their agents, servants and/or employees, including nurse-anesthetists.

23. Following the surgery, claimant Patricia Bonner's physical condition became worse and continued to deteriorate up to the present time and she is currently unable to ambulate and is confined to a wheelchair.

Count I (Negligence – Medical Malpractice)

24. Claimants reallege and incorporate by reference herein paragraphs 1-23, above, as if fully set forth herein.

25. Claimants allege that HCP Joel L. Falik, M.D. deviated from the acceptable standard of medical care and was negligent in his care and treatment of Claimant Patricia Bonner and, specifically, during the surgery he performed on Mrs. Bonner on February 7, 2006 in at least the following respects:

- a. Negligent examination and evaluation;
- b. Negligent decision to perform a suboccipital, C1 and C2 decompression with placement of a dural graft;
- c. Negligent performance of the decompression and placement of the dural graft;

- d. Negligently and traumatically injuring Claimant Patricia Bonner;
- e. Claimants also rely on res ipsa loquitur and lack of informed consent; and
- f. The Health Care Provider was otherwise negligent.

26. Claimants allege that HCP Maria Teresa Escalera, M.D. and Zubair Khan Niazi, M.D., deviated from the acceptable standard of medical care and were negligent in their care and treatment of Claimant Patricia Bonner and, specifically, during the administration of anesthesia to Mrs. Bonner on February 7, 2006, in at least the following respects:

- a. Negligent examination and evaluation;
- b. Negligent administration of anesthesia;
- c. Negligently and traumatically injuring claimant Patricia Bonner;
- d. Claimants also rely on res ipsa loquitur and lack of informed consent; and
- e. The health care providers were otherwise negligent.

27. Claimants allege that HCP Falik & Karim Limited Liability Partnership, individually and through its employee, agent and/or servant, HCP Joel L. Falik, M.D., was negligent in the care and treatment of Claimant Patricia Bonner commencing on or about March

26, 2004 and throughout Claimant Bonner's surgery and subsequent follow-up care by HCP Joel L. Falik, M.D., as stated in ¶ 25, aforesaid.

28. Claimants allege that HCP Dimensions Health Corporation, doing business as the Prince George's General Hospital, individually and through its employees, agents and/or servants, HCP Joel L. Falik, M.D., Maria Teresa Escalera, M.D., Zubair Khan Niazi, M.D. and its nurse-anesthetists, was negligent in its care and treatment of Claimant Patricia Bonner on or about February 7, 2006, as stated in ¶¶ 25 and 26, aforesaid.

29. Claimants allege that the negligence of HCP Joel L. Falik, M.D., HCP Maria Teresa Escalera, M.D., HCP Zubair Khan Niazi, M.D., HCP Falik & Karim Limited Liability Partnership and HCP Dimensions Health Corporation d/b/a the Prince George's General Hospital, as well as these health care providers' agents, employees and/or servants, as set forth herein, was a direct and proximate cause of Claimant Patricia Bonner's severe neurological injuries and damages including, but not limited to; disability, hemiparesis, hemiplegia, pain, suffering, psychological damage, lack of ambulation, embarrassment, humiliation, and complete loss of her work life and work life abilities, as well as the loss of sexual relationships and marital intimacy.

WHEREFORE, Claimant Patricia Bonner demands:

- a. A determination that the Health Care Providers are jointly and severally liable to her; and
- b. An award to compensate her for her injuries and damages, plus costs.

Count II – Consortium Claim of Harold Bonner

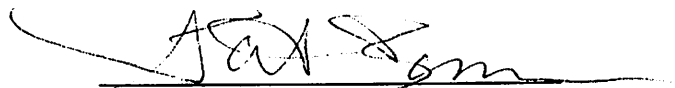
30. Claimants reallege and incorporate by reference herein paragraphs 1-29, above, as if fully set forth herein.

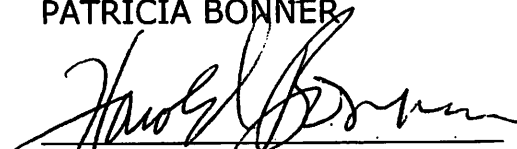
31. As a result of the severe injuries and disability suffered by Claimant Patricia Bonner, her spouse, Harold Bonner, has suffered mental anguish, emotional pain and suffering, the loss of family services, society and companionship, lost income, and all sexual services of his spouse, as well as other related damages.

WHEREFORE, Claimant Harold Bonner demands:

- a. A determination that the Health Care Providers are jointly and severally liable to him; and
- b. An award to compensate him for his injuries and damages, plus costs.

Respectfully submitted,


PATRICIA BONNER


HAROLD BONNER

2015 Thistlewood Drive
Fort Washington, MD 20744
(301) 265-1018

Claimants