2009-058

STATEMENT OF CLAIM

D'Ettra Marks f/k/a D'Etrra Purdie, Claimant, by her attorneys,

sue Health Care Providers, Harbor Hospital, Inc., Neurosurgery Associates, Inc., and Charles Chan-Kyu Park, M.D.

FACTUAL ALLEGATIONS

1. The venue is Baltimore County, Maryland.

2. The value of this claim is in excess of Thirty Thousand Dollars ($30,000.00).

3. On February 14, 2006, Dr. Charles Chan-Kyu Park, M.D., Health Care Provider performed an Anterior Cervical Diskectomy and Fusion at C4-C5 and C6-C7 Claimant had a previous surgery at the levels above and below her previous fusion of C5-C6.

4. The surgery involved the removal of the previous plate at C5-C6 and exploration of the fusion at C5-C6. After removal of the plate, Dr. Park indicated the C5-C6 fusion was stable.

5. Almost immediately after surgery, D'Ettra Marks, Claimant had difficulty with swallowing and on the day following surgery, choked on pills and vomited. She became hypoxic and suffered shortness of breath.

6. Additionally, a CT Scan was performed indicating D'Ettra Marks, Claimant, had airway obstruction.

7. On or about, September 21, 2006, Dr. Ammlung ordered an MRI. The radiologist compared it with an MRI of August 17, 2005, and he described a "large heterogenous mass seen in the thyroid gland on the right" and noted that it was larger than on the previous study and that thyroid gland could not be excluded. D'Ettra Marks,

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Claimant continued to have difficulty with swallowing throughout 2006 and into 2007 and pain in her anterior thigh, calf and foot.

8. As a result of, improper insertion of the plate, Claimant, D'Ettra Marks , suffered is unable to drive a car, requires assistance to perform activities of daily living, must relearn how to write with her left hand (her non-dominant hand) because of the daily spasms and pain in her right (dominant) hand and arm, has muscle droop on the right side causing disfigurement, and is unable to raise her voice to a louder tone to achieve attention in a room of people.

9. Health Care Providers, Harbor Hospital, Inc., Neurosurgery Associates, Inc., and Charles Chan-Kyu Park, M.D. owing a duty of care to the Claimant, negligently deviated from the appropriate standard of medical care by:

A. Failure to have a preoperative consultation with an otolaryngologist and intraoperative assistance in the exposure of surgery due to pre-existing surgery;

B. Failing to properly perform the surgery;

C. Causing damage to the vagus nerve by Dr. Park during the operative procedure;

C. In other ways negligently deviated from the appropriate standard of medical care.

10. The above negligence proximately caused Claimant, D'Ettra Marks, to suffer and to continue to suffer serious, painful and permanent injuries to her body physical and mental pain and suffering, unnecessary medical treatment, hospitalizations, past and future medical and hospital expenses, loss of past and future wages and loss of enjoyment of life.

14. Claimant exercised due care and was in no way contributory negligent.

WHEREFORE, Claimant, D'Etria Marks, claims more than Thirty Thousand Dollars ($30,000.00) in compensatory damages against Health Care Providers, Harbor Hospital, Inc., Neurosurgery Associates, Inc., and Charles Chan-Kyu Park, M.D. among other things, conscious pain and suffering, the medical expenses for the period of her hospitalization, future medical expenses, plus interest and costs of this action.