

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE OF
MARYLAND

JO-ANN JOHNSON
3535 Regency Parkway
Forestville, Maryland 20747

Claimant,

v.

MCLAREN ANESTHESIA &
ASSOCIATES, P.C.
d/b/a PAIN MANAGEMENT CENTER
6323 Georgia Avenue, NW
Suite 201
Washington, DC 20011

Serve: Martin McLaren
8521 Thornden Terrace
Bethesda, MD 20817

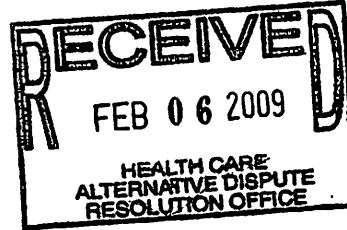
-and-

MARTIN MCLAREN, M.D.
8521 Thornden Terrace
Bethesda, MD 20817

- and -

JAMES UY, M.D.
3555 Leonardtown Road, Suite #1
Waldorf, MD 20602

Health Care Providers.



2009-060

HCA No.

STATEMENT OF CLAIM

COMES NOW the Claimant, Jo-Ann Johnson, who hereby complains and sues Martin McLaren, M.D., James Uy, M.D., and McLaren Anesthesia and Associates, P.C., pursuant to Maryland Courts and Judicial Proceedings Code Ann. 3-2A-01 et seq., and for causes of action states as follows:

PARTIES

1. Claimant Jo-Ann Johnson was at all relevant times a resident of Prince George's County, Maryland.
2. Martin McLaren, M.D. ("Dr. McLaren") is a licensed practitioner of medicine in the State of Maryland who resides at 8521 Thornden Terrace, Bethesda, MD 20817.
3. James Uy, M.D. ("Dr. Uy") is a licensed practitioner of medicine in the State of Maryland who resides at 14832 Carona Drive, Silver Spring, MD 20905.
4. McLaren Anesthesia & Associates, P.C. d/b/a Pain Management Center ("McLaren Anesthesia") is a medical facility with a principal office at 6323 Georgia Avenue, NW, Suite 201, Washington, DC 20011

JURISDICTION AND VENUE

5. Jurisdiction is proper in this office because this claim is instituted to recover damages in excess thirty thousand dollars (\$30,000.00).
6. Venue is proper in Charles County, Maryland because the acts or omissions occurred there.

BACKGROUND FACTS

7. On or about February 27, 2006, Claimant was a patient of Dr. McLaren, and/or Dr. Uy.
8. At all material times, Dr. Uy and Dr. McLaren were employees and/or agents of McLaren Anesthesia & Associates acting within the scope of their employment and/or agency.

9. On or about February 27, 2006, Claimant underwent an operative procedure which included cervical facet blocks, a cervical epidurogram, cervical epidural steroid injection, and fluoroscopic guidance and interpretation (hereinafter “the procedure” or “operative procedure”) from Dr. McLaren and/or Dr. Uy at Civista Surgery Center, 3510 Old Washington Rd, Waldorf, MD 20602.

10. At all material times, Dr. McLaren was either performing or supervising the aforementioned operative procedure.

11. On February 27, 2006, Dr. McLaren and/or Dr. Uy negligently injured Claimant during the subject operative procedure.

12. As a result of Dr. McLaren and/or Dr. Uy’s negligence, Claimant suffered damage to her spine and her nervous system, resulting in chronic and debilitating pain that is permanent in nature. Claimant has incurred medical bills, lost wages, and suffered mental anguish and pain and suffering.

COUNT I – Medical Malpractice by Dr. McLaren and McLaren Anesthesia

13. Claimant incorporates by reference all facts and allegations contained above and elsewhere in this claim and further states that:

14. At all times relevant to this case, Dr. McLaren was licensed to practice medicine in the State of Maryland.

15. Dr. McLaren had a duty to provide care and treatment to Claimant in accordance with the standard 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 acts or omissions giving rise to this cause of action. Dr. McLaren also

owed a duty to act with reasonable prudence and to observe the standard of care in the profession.

16. Dr. McLaren further owed a duty to conduct the aforementioned operative procedure in a proper manner. In this case, Dr. McLaren had the duty to, among other things, to conduct and supervise the aforementioned operative procedure in a safe manner to prohibit injury to Claimant

17. Notwithstanding the aforesaid standards and duties, Dr. McLaren breached the standards and duties owed to Claimant. Such breaches were breaches of the standard of care and standard of practice expected 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. These breaches include, but are not limited to (1) failing to properly conduct the aforementioned operative procedure; (2) using improper means of anesthesia in conducting the procedure; (3) failing to recognize he and/or Dr. Uy had progressed too far during the course of the procedure; (4) continuing or allowing the procedure to continue after it had progressed too far; (5) failing to properly supervise the procedure and Dr. Uy's actions enumerated in Count II, and (6) failing to conduct the operative procedure in a safe manner to prohibit injury. As a direct and proximate result of the aforementioned breaches of the standard of care, standard of practice and negligence by Dr. McLaren, Claimant suffered serious physical injuries and pain and had to incur additional medical bills and care.

18. McLaren Anesthesia is responsible for the enumerated acts or omissions of its agent and/or employee Dr. McLaren.

19. Claimant's injuries were proximately caused by the negligence of Dr. McLaren and McLaren Anesthesia who treated Claimant without any contributory negligence on the part of Claimant.

COUNT II – Medical Malpractice by Dr. Uy and McLaren Anesthesia

20. Claimant incorporates by reference all facts and allegations contained above and elsewhere in this claim and further states that in addition or in the alternative.

21. At all times relevant to this case, Dr. Uy was licensed to practice medicine in the State of Maryland.

22. Dr. Uy had a duty to provide care and treatment to Claimant in accordance with the standard 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 acts or omissions giving rise to this cause of action. Dr. Uy also owed a duty to act with reasonable prudence and to observe the standard of care in the profession.

23. Dr. Uy further owed a duty to conduct the aforementioned operative procedure properly. In this case, Dr. Uy had the duty to, among other things, conduct the operative procedure in a safe manner to prohibit injury to Claimant.

24. Notwithstanding the aforesaid standards and duties, Dr. Uy breached the standards and duties owed to Claimant. Such breaches were breaches of the standard of care and standard of practice expected 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. These breaches include, but are not limited to (1) failing to conduct the operative procedure in a proper manner; (2) using improper means of anesthesia in conducting the procedure; (3) failing to recog-

nize he had progressed too far during the course of the procedure; (4) continuing the procedure after having progressed too far; and (5) failing to conduct the operative procedure in a safe manner to prohibit injury. As a direct and proximate result of the aforementioned breaches of the standard of care, standard of practice and negligence by Dr. Uy, Claimant suffered serious physical injuries and pain and had to incur additional medical bills and care.

25. McLaren Anesthesia is responsible for the enumerated acts or omissions of its agent and/or employee Dr. Uy.

26. Claimant's injuries were proximately caused by the negligence of Dr. Uy who treated Claimant without any contributory negligence on the part of Claimant.

Count III – Lack of Informed Consent

27. Claimant incorporates by reference all facts and allegations contained above and elsewhere in this claim and further states that in addition or in the alternative.

28. At all material times, Dr. Uy and/or Dr. McLaren had a duty to inform Claimant of any material risks or dangers of treatment so that Claimant could make an intelligent and informed decision.

29. In violation of that duty, Dr. Uy and/or Dr. McLaren failed to provide Claimant with a full disclosure of the nature of the proposed treatment, the probability of success of the proposed treatment and any alternatives, and the material risks of unfortunate outcomes associated with such treatment.

30. Dr. Uy and/or Dr. McLaren have provided Claimant with the necessary information in order for her to give informed consent to the procedure she and any other reasonable person would have chosen to proceed otherwise.

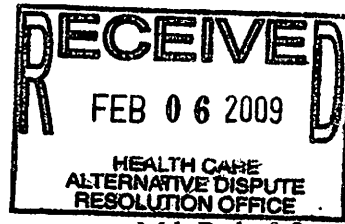
31. McLaren Anesthesia is responsible for the acts and omissions of Dr. Uy and/or Dr. McLaren in this matter.

32. Claimant's injuries were proximately caused by failures of Dr. McLaren and/or Dr. Uy and McLaren Anesthesia to properly seek informed consent from Claimant without any contributory negligence on the part of Claimant.

WHEREFORE, Claimant JO-ANN JOHNSON, demands judgment against each of MARTIN MCLAREN, M.D. for Counts I and Counts III, JAMES UY, M.D. for Counts II and III, and MCLAREN ANESTHESIA & ASSOCIATES, P.C. for all Counts in an amount in excess of the required jurisdictional amount plus attorney's fees, costs and interest.

Dated: February 5, 2009

RESPECTFULLY SUBMITTED,



Jury Demand

Plaintiffs, by and through the undersigned counsel and pursuant to Md. Rule § 2-325, hereby demand trial by jury of all issues in this matter.

Dated: February 5, 2009

RESPECTFULLY SUBMITTED,