



JEANETTE HINTON
211 Glenwood Road
Bel Air, Maryland 21014

* BEFORE THE
* HEALTH CARE

and

* ALTERNATIVE DISPUTE
* RESOLUTION OFFICE

CARROLL HINTON
211 Glenwood Road
Bel Air, Maryland 21014

*

Claimants

*

v.

*

2009-002

ALBERT DUDLEY, III, M.D.
2201 Pine Hill Farms Lane
Cockeysville, Maryland 21030

* HCA No.:
*

Health Care Provider

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* * * * *

STATEMENT OF CLAIM

Claimants, Jeanette Hinton, individually and Jeanette Hinton and Carroll Hinton, as wife and husband, by their attorneys,

, sue the Health Care Provider, Albert Dudley, III, M.D., and state as follows:

COUNT I

1. The venue for this claim is proper in Baltimore County, Maryland.
2. The amount of this claim exceeds Thirty Thousand Dollars (\$30,000.00).
3. That at all times hereinafter set forth, the Health Care Provider Albert Dudley, III, M.D. held himself out to the Claimants and to the general public as an experienced, competent and able physician and health care provider possessing or providing that degree that skill and knowledge which is ordinarily possessed by those who devote special study and intention to the practice of medicine, and in particular, orthopedic surgery, and as such had a duty to the

Claimant, Jeanette Hinton, to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly orthopedic surgery.

4. On September 8, 2006, the Claimant, Jeanette Hinton, who had a history of cervical and lumbar surgery, reported to the Health Care Provider Dudley's office with complaints of neck pain, right arm numbness and back and leg pain.

5. Doctor Dudley subsequently ordered a CT myelogram, performed on October 9, 2006, which showed cervical spondylosis of C6-C7 and mild compression fractures at T8 and T9

6. On December 6, 2006, the Claimant, after undergoing a carpal tunnel release, returned to the Health Care Provider Dudley's office with complaints of back and leg pain. After reviewing a lumbar MRI, Dr. Dudley recommended that the Claimant undergo lumbar laminectomies (surgery that involves removing a small portion of bone or disc material around nerve roots to allow more space) at L2, L3, L4, L5 and S1 and fusions at L4-5 and L5-S1.

7. The Claimant was admitted to St. Joseph Medical Center on January 26, 2007, to undergo the laminectomies and fusion by the Health Care Provider Dudley. During the three hour procedure, Dr. Dudley placed pedicle screws in the pedicles of L4, L5 and S1.

8. Post operatively, the Claimant continued to experience low back pain. In physical therapy she reported numbness in her left leg; she could not feel her left foot on the floor; and her left leg was dragging.

9. On January 29, 2007, the Claimant was transferred to the transitional care unit at St. Joseph Medical Center for physical therapy and rehabilitation. While the Claimant was there, increased drainage from her surgical wound was noted, and by February 7, 2007, she had

developed a large collection of fluid underneath her surgical scar. As a result, the Health Care Provider Dudley ordered an MRI of the lumbar spine.

10. On February 8, 2007, the Claimant underwent an MRI which showed a pedicle screw in the spinal canal, a fluid collection in the surgical bed from L4 to S1 that appeared to be arising from a dural tear at the L4 level, and a large fluid collection in the subcutaneous tissues.

11. On February 9, 2007, the Claimant was readmitted to at St. Joseph Medical Center from the transitional unit and was taken back to operating suite where the Health Care Provider Dudley during an exploratory procedure evacuated the cerebrospinal fluid, examined and repaired the dural tear, and removed the pedicle screws on the left side.

12. The Claimant remained at the hospital until she was discharge on February 12, 2007.

13. After being discharged, the Claimant continued to experience left leg pain. At her post operative visits on April 26, 2007 and May 24, 2007, the Health Care Provider Dudley treated her with steroid injections for the pain.

14. On May 30, 2007, the Claimant was seen by Amiel Bethel, M.D. for a second opinion. At that time she had numbness in her left foot with edema to the foot. Her left toes were clawing. She reported tingling in her left lateral shin and calf with low back pain, and left leg pain from the left lateral thigh to the calf. The pain was exacerbated by standing, walking, sitting and lying down. After performing a physical examination and reviewing the February 8, 2007 MRI, Dr. Bethel referred Claimant on for a repeat MRI and an EMG study.

15. After the repeat MRI and EMG study were performed, Dr. Bethel recommended re-decompression spinal surgery. As a result, on July 26, 2007, the Claimant was admitted to

GBMC where she underwent a four hour operative procedure in which Dr. Bethel removed the old graft and performed a revision lumbar fusion.

16. The Claimant was discharged from GBMC on July 30, 2007.

17. The Health Care Provider Dudley was negligent in that he:

- (a) placed a screw into the spinal canal during the surgery on January 26, 2007, causing a dural tear and leakage of cerebrospinal fluid;
- (b) and was otherwise negligent, careless and reckless.

18. As a direct result of the negligence of the Health Care Provider Dudley, the Claimant Jeanette Hinton was caused and will be caused to undergo additional surgeries and treatment, and was caused to sustain severe mental anguish and emotional pain and suffering; whereby she was and in the future will be prevented in engaging in her usual duties and activities; was caused to incur and will in the future incur hospital and medical expenses and was caused to incur and will incur financial losses and damages and will continue to experience said mental anguish, pain and suffering in the future.

19. All the losses, damages and injuries sustained by the Claimant Jeanette Hinton were caused by the carelessness, recklessness, and negligence of the Health Care Provider without any negligence on the part of the Claimant thereunto contributing.

WHEREFORE, the Claimant Jeanette Hinton claims damages against the Health Care Provider, Albert Dudley, III, M.D., in an amount to be determined by the Health Claims Arbitration Panel.

COUNT II

20. Claimants, Jeanette Hinton and Carroll Hinton incorporate paragraphs 1 through

19 of Statement of Claim as if they were set forth at length herein.

21. At all relevant times the Claimants, Jeanette Hinton and Carroll Hinton, were and still are wife and husband.

22. As a result of the negligence described above, the Claimants suffered a loss of services and consortium and interference and energy to their marital relationship.

23. The Claimants say that all the damages, losses and injuries resulted directly from the negligence described above, without any negligence on part of the Claimants thereunto contributing.

WHEREFORE, the Claimants, Jeanette Hinton and Carroll Hinton, as wife and husband, claim damages against the Health Care Provider, Albert Dudley, III, M.D., jointly and severely in an amount to be determined by the Health Claims Arbitration Panel.