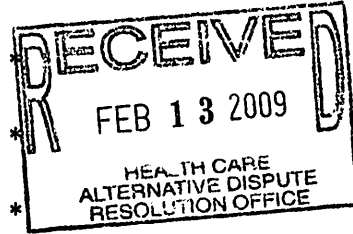


MARYLAND HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

JOVANNIE SAUNDERS, Individually,
and as Personal Representative of the
Estate of Hallet A. Saunders, deceased
10327 Housley Place
White Plains, MD 20695



Claimant

vs.

HCADRON 2009-071'

SOUTHERN MARYLAND HOSPITAL, INC.,
7503 Surratts Road
Clinton, MD 20735

and

CARLOS J. CHIRIBOGA, M.D.
7503 Surratts Road
Clinton, MD 20735

Health Care Providers.

STATEMENT OF CLAIM

JOVANNIE SAUNDERS, Individually and as Personal Representative of the
Estate of HALLETT SAUNDERS, deceased, Claimant, by and through her attorneys,
, files this Health Care Malpractice
Claim against the Health Care Providers SOUTHERN MARYLAND HOSPITAL, INC.,
and CARLOS J. CHIRIBOGA, M.D., and for cause of action states:

1. This claim arises out of medical care provided to Claimant's' decedent Hallet
A. Saunders, on December 22, 2006, and December 23, 2006 at Southern Maryland
Hospital Center in Clinton, Maryland, and venue is proper in Prince George's County,

Maryland. The amount of this claim exceeds Thirty Thousand Dollars (\$30,000.00).

2. Hallett Saunders died on December 7, 2006, and Jovannie Saunders maintains this action individually as his surviving spouse and as Personal Representative of the Estate of Hallet A. Saunders, deceased.

**COUNT ONE
(Medical Negligence; Survival Action)**

Jovannie Saunders, Personal Representative of the Estate of Hallet A. Saunders, deceased, for cause of action states:

3. At all times relevant hereto, the Health Care Provider Southern Maryland Hospital, Inc., was and remains a for-profit corporation which does business as "Southern Maryland Hospital Center" and, upon information and belief, was the actual or apparent employer of the Health Care Provider Carlos J. Chiriboga, M.D., as well as the other physicians and health care providers who provided care to Hallet A. Saunders on December 22-23, 2006. Southern Maryland Hospital, Inc., is vicariously liable for the negligence of its actual or apparent agents servants and employees, including but not limited to Carlos J. Chiriboga, M.D., in their care and treatment of Hallet A. Saunders under the doctrine of *respondeat superior*.

4. At all times relevant hereto, the Health Care Provider Carlos J. Chiriboga, M.D, was a physician licensed to practice medicine in the State of Maryland, practicing the medical specialty of Internal Medicine and Critical Care Medicine in Prince George's County, Maryland.

5. On December 22, 2006, Claimant's decedent Hallet A. Saunders, was

admitted by ambulance through the Emergency Department to the Intensive Care Unit at Southern Maryland Hospital Center and came under the care of the Health Care Provider Carlos J. Chiriboga, M.D. Southern Maryland Hospital, Inc., and Dr. Chiriboga undertook the care of Hallet A. Saunders. At the time of his admission, Mr. Saunders was tachycardic, tachypneic and in respiratory distress. He was in acute heart failure with pulmonary edema. At approximately 5:50 a.m., on December 23, 2006, Mr. Saunders suffered a cardiac arrest. He was resuscitated but was allowed to remain in severe cardiogenic shock and was transferred to the Washington Hospital Center, where he died at 09:14 a.m. The cause of death was acute myocardial infarction.

6. In his care and treatment of Hallet A. Saunders, the Health Care Provider Carlos J. Chiriboga, M.D., had a duty to exercise that degree of care, skill and diligence, which is expected of a reasonably competent practitioner in the same class to which he belongs, acting in the same or similar circumstances.

7. In its care and treatment of Hallet A. Saunders, the Health Care Provider Southern Maryland Hospital, Inc., had an independent duty to exercise that degree of care and skill expected of a reasonably competent hospital, acting in the same or similar circumstances.

8. The Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., were negligent, deviated from the standard of care, and were guilty of medical negligence in their care and treatment of Claimant's decedent Hallet A. Saunders, specifically including, but not limited to, the following:

a. Negligent failure to timely diagnose and treat Hallet A. Saunders' acute ischemic

congestive heart failure and pulmonary edema;

b. Negligent failure to timely intubate and place Mr. Saunders on positive pressure mechanical ventilation;

c. Negligent failure to recognize and treat hypoxemia;

d. Negligent administration of inappropriate medications, including vasodilating drugs and diuretics in the context of hypotensive heart failure;

e. Negligent failure to place a pulmonary artery catheter and aortic balloon pump;

f. Negligent failure to timely transfer Hallet A. Saunders for cardiac catheterization and possible cardiac surgery;

g. Negligent failure to recognize severe cardiogenic shock following Hallet Saunders' cardiac arrest on December 23, 2006;

h.. the Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., were otherwise negligent in their care and treatment of Claimant's decedent Hallet A. Saunders.

9. The Health Care Provider Southern Maryland Hospital, Inc., as the employer of the Health Care Provider Carlos J. Chiriboga, M.D., is responsible for his medical negligence under the doctrine of *respondeat superior*.

10. As a direct and proximate result of the aforesaid negligence of the Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., Claimant's decedent Hallet A. Saunders, suffered severe personal injuries, both physical and emotional, and died on December 23, 2006.

11. As a direct and proximate result of the aforesaid negligence of the Health Care

Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., Claimant's decedent Hallet A. Saunders, endured great conscious pain and suffering, both physical and emotional, all without any negligence on his part contributing thereunto.

12. As a direct and proximate result of the aforesaid negligence of the Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D. Claimant's decedent Hallet A. Saunders died on December 23, 2006, and he and his Estate incurred the expense of his final hospitalizations and funeral and burial expenses.

**COUNT TWO
(Wrongful Death)**

Jovannie Saunders, Claimant, incorporates by reference the facts and allegations of Paragraphs 1-12 hereof, and for further cause of action states:

13. As a direct and proximate result of the aforesaid negligence of the Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., and the resultant death of Hallet A. Saunders, Claimant Jovannie Saunders has suffered those damages provided in the Maryland "Wrongful Death" statute, including but not limited to mental anguish, emotional pain and suffering, loss of society, companionship, comfort, protection, advice and counsel from her husband Hallet A. Saunders.

WHEREFORE, Jovannie Saunders, Individually and as Personal Representative of the Estate of Hallet A. Saunders, deceased, Claimant, prays that an award be entered in her favor against the Health Care Providers Southern Maryland Hospital, Inc., and Carlos J. Chiriboga, M.D., as compensation for the for the injuries and damages alleged herein.

Attorney for Claimant