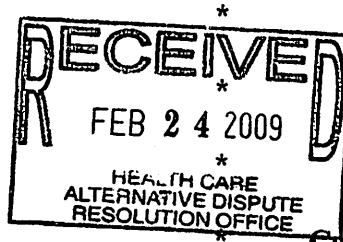


**BEFORE THE HEALTH CLAIMS ARBITRATION BOARD
(HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE)**

**SHELLI D. HARRIS
15410 Beale Hill Road
Accokeek, Maryland 20607**

Plaintiff

vs



2009-084

Case No. _____

**CHRIS NEIBAUER t/a
CHRIS NEIBAUER, DDS & ASSOCIATES
117 St. Patrick's Drive
Waldorf, Maryland 20613**

and

**NEIBAUER DENTAL CARE, PC
117 St. Patrick's Drive
Waldorf, Maryland 20613**

and

**NEIBAUER DENTAL CORPORATION
117 St. Patrick's Drive
Waldorf, Maryland 20613**

and

**K. VENEMANN
117 St. Patrick's Drive
Waldorf, Maryland 20613**

Defendants

STATEMENT OF CLAIM

The Plaintiff, Shelli D. Harris (hereafter 'Harris'), through counsel _____ brings suit against Chris Neibauer t/a Chris Neibauer, D.D.S. and Associates, Neibauer Dental Care, P.C., Neibauer Dental Corporation and K. Venemann (hereafter 'Venemann'), Defendants, and states as follows:

1. The Plaintiff Harris is a resident of Prince Georges County, Maryland.

2. The Defendants Chris Neibauer t/a Chris Neibauer, D.D.S. and Associates, Neibauer Dental Care, P.C. and Neibauer Dental Corporation are a sole proprietor, a professional corporation, and a Maryland corporation engaged in the practice of dentistry in Charles County, Maryland.
3. The amount of the claim exceeds \$30,000.00.
4. The venue for this claim is proper in Charles County, Maryland.
5. On March 1, 2006, the Defendant Venemann or another hygienist was in the employ of the Defendants, or was acting at the direction of or on behalf of the Defendants, performed a scaling and root planing with hand and ultrasonic instrumentation.
6. In the course of performing the scaling and root planing, the Defendant Venemann or another hygienist severely cut the Plaintiff Harris' gums and mouth and particularly in the area above the canine and bicuspid area on the right side of her mouth.
7. The exercise of reasonable dental care in performing a scaling and planing requires taking the requisite care to avoid moderate and/or severe lacerations to the patient's gums and mouth.
8. That the Defendant Venemann or another hygienist failed to control the dental instrumentation so as to avoid moderate and/or severe lacerations to the Plaintiff Harris' gums and mouth.
9. That at all times the Defendant Venemann or another hygienist was employed by and/or acting on behalf of and within the scope of her employment and/or agency for the Defendants.
10. That the Defendant Venemann or another hygienist breached the standard of care of the ordinarily prudent dental hygienist practitioner and/or general dental practitioner.
11. As a direct result of the Defendant's failure to take the requisite care to avoid cutting the Plaintiff Harris' gums and mouth, the Plaintiff Harris suffered painful cuts to her gum and mouth, nerve damage to the right side of her face causing her lip to droop, decreased and altered taste regarding her tongue, an infection in her mouth, a hole in the right side of her mouth, she suffers from mild to moderate deviation of the nasal obstruction and moderate deviation of the nasal septum toward the right, and as a result of the above the Plaintiff Harris has suffered and will continue to suffer painful and permanent physical injury to her mouth, and

has suffered and will continue to suffer emotional and mental pain and suffering.

WHEREFORE, the Plaintiff, Shelli D. Harris requests damages for all injuries and losses, past present and future, which she has sustained or will sustain in the future, all of which are caused by the negligence of the Defendant's employee without any negligence on the part of the Plaintiff.

Respectfully submitted, *SH*

Attorney for the Plaintiff