



**In the Health Claims  
Alternative Dispute Resolution Office  
of Maryland  
6 St. Paul Street, Suite 1501, Baltimore, Maryland, 21202**

Rola Taleb \*  
854 W. Lombard Street, Apt. 2 \*  
Baltimore, Maryland 21201 \*

**2009-528**

Case Number: \_\_\_\_\_

Ramone Cotes \*  
854 W. Lombard Street, Apt. 2 \*  
Baltimore, Maryland 21201 \*

Zainab Taleb \*  
Oxford Street \*  
Osu, Accra \*  
Ghana (West Africa) \*

Hassan Taleb \*  
Oxford Street \*  
Osu, Accra \*  
Ghana (West Africa) \*

Plaintiffs \*

v. \*

Holy Cross Hospital \*  
1500 Forest Glen Road \*  
Silver Spring, Maryland 20910 \*

Holy Cross Hospital OB/GYN Clinic \*  
1500 Forest Glen Road \*  
Silver Spring, Maryland 20910 \*

Paul J. Mackoul, M.D., Individually and \*  
as Agent of Holy Cross Hospital \*  
1500 Forest Glen Road \*  
Silver Spring, Maryland 20910 \*

Carol Williams, Individually and as \*  
Agent of Holy Cross Hospital \*  
Holy Cross Hospital \*  
1500 Forest Glen Road \*  
Silver Spring, Maryland 20910 \*

Imad Mufarrij, Individually and as  
 Agent of Holy Cross Hospital \*  
 Holy Cross Hospital  
 1500 Forest Glen Road \*  
 Silver Spring, Maryland 20910 \*

Nancy Nagel, Individually and as  
 Agent of Holy Cross Hospital \*  
 Holy Cross Hospital  
 1500 Forest Glen Road \*  
 Silver Spring, Maryland 20910 \*

Joel Palmer, Individually and as  
 Agent of Holy Cross Hospital \*  
 1500 Forest Glen Road \*  
 Silver Spring, Maryland 20910 \*

Defendants \*

\* \* \* \* \*

**Complaint**

Come now Plaintiffs, by their attorney, Jason \_\_\_\_\_ and file this complaint against Defendants.

1. Jurisdiction of this court is founded on the Code of Maryland Laws and other public local laws of Maryland, and laws of the United States.
2. The amount sought by this suit exceeds Thirty Thousand Dollars.
3. The venue for this suit is proper in Montgomery County, Maryland.
4. This claim is brought before the Health Care Alternative Dispute Resolution Office of Maryland.
5. During all those times relevant to the Complaint, Plaintiff Rola Taleb (hereinafter "Plaintiff Taleb") was a resident of Montgomery County, Maryland.
6. During all those times relevant to the Complaint, Plaintiff Ramone Cotes (hereinafter "Plaintiff Cotes") was a resident of Montgomery County, Maryland.
7. During all those times relevant to the Complaint, Defendant Holy Cross Hospital was a resident of Montgomery County, Maryland.
8. During all those times relevant to the Complaint, Defendant Holy Cross Hospital OB/GYN Clinic was a resident of Montgomery County, Maryland.

9. During all those times relevant to the Complaint, Defendant Paul J. Mackoul, M.D. was a resident of Montgomery County, Maryland.
10. During all those times relevant to the Complaint, Defendant Carol Williams was a resident of Montgomery County, Maryland.
11. During all those times relevant to the Complaint, Defendant Imad Mufarrij was a resident of Montgomery County, Maryland.
12. During all those times relevant to the Complaint, Defendant Nancy Nagel was a resident of Montgomery County, Maryland.
13. During all those times relevant to the Complaint, Defendant Joel Palmer was a resident of Montgomery County, Maryland.
14. During all those times relevant to the Complaint, Plaintiff Cotes was the domestic partner of Plaintiff Taleb.
15. Plaintiffs Zainab and Hassan Taleb are the natural parents of Plaintiff Taleb.
16. Plaintiff Taleb at all times acted with due care and good faith in selecting her medical care providers.
17. Holy Cross Hospital and Holy Cross Hospital OB/GYN Clinic hold themselves out to the public as specialists in women's care, women's cancer care, and women's cancer surgery.
18. Defendants had a duty, individually and/or collectively, to provide Plaintiff Taleb with medical care that did not fall below the applicable standard for the medical care she sought, namely that degree of care and skill which is expected of a reasonably competent practitioner in the same class to which the defendants belong, acting in the same or similar circumstances.
19. Holy Cross Hospital and Holy Cross Hospital OB/GYN Clinic were required to use that degree of care and skill which is expected of a reasonably competent hospital in the same or similar circumstances.
20. Plaintiff Taleb began as a patient at Holy Cross Hospital OB/GYN Clinic prior to September 2004, in order to seek treatment for apparent infertility, abnormal vaginal discharge, and changes in her menses over the past year. She sought out Holy Cross Hospital OB/GYN Clinic in part because they offered care to uninsured individuals.
21. Over the ensuing months and years, she was examined and "treated" by Defendants, PAP and STD tests were given, and other tests were performed, many of which treatments were re-

peated even though they had previously given negative and/or inconclusive results. During this time Plaintiff Taleb's condition and symptoms did not improve, yet in spite of ineffective treatments and negative or inconclusive test results, Defendants negligently did nothing more than tell Plaintiff Taleb that she would be fine. Until Plaintiff Taleb's condition became emergent, Defendants performed no diagnostic procedures such as imaging, and no tests or procedures that would be diagnostic of her symptoms. In fact, Defendants failed to detect abdominal masses that should easily have been detected by palpation.

22. During this time, Plaintiff Taleb was routinely treated as inferior to the patients who were insured or at the facility for procedures covered by public health insurance.
23. In spring 2005, a transvaginal sonogram was finally performed upon Plaintiff Taleb. When she asked about the findings, of synechia of the uterus, she was negligently told there was nothing to worry about, and further diagnostic procedures that should have been performed were not performed.
24. Contrary to the accepted standards of medical, oncological, gynecological, and/or surgical care, Defendants Holy Cross Hospital, Holy Cross Hospital OB/GYN Clinic, Paul J. Mackoul, Carol Williams, Imad Mufarrij, Nancy Nagel, and Joel Palmer mismanaged Plaintiff Taleb's medical care, thereby breaching their duty to provide her appropriate medical care.
25. Over a period of two years Defendants continued to allow Plaintiff Taleb to be seen only by medical students, failing to order the appropriate diagnostic tests indicated by her symptoms, by failing to discover what should have been readily palpable masses in her abdomen, by "firing" her as a patient at a time when she was facing a possible diagnosis of cancer rather than taking her into the clinic and aggressively diagnosing her symptoms, by dismissing her from Holy Cross Hospital, at Holy Cross Hospital OB/GYN Clinic's direction, on the eve of a procedure that could have had a substantial positive effect on her likely outcome. Yet during this time Plaintiff Taleb was repeatedly reassured that she was doing well and that her treatment was proper and appropriate.
26. As a direct and proximate result of these Defendants' mismanagement of Plaintiff Taleb's medical care, Plaintiff suffered long periods of physical and emotional pain, she was required to endure ongoing symptoms and medical conditions that should have been cured and/or ameliorated, she suffered pregnancy and miscarriage, and she suffered other damages.

27. Contrary to the accepted standards of medical, oncological, gynecological, and/or surgical care. Defendants Holy Cross Hospital, Holy Cross Hospital OB/GYN Clinic, Paul J. Mackoul, Carol Williams, Imad Mufarrij, Nancy Nagel, and Joel Palmer misdiagnosed and/or failed to properly diagnose and/or treat Plaintiff Taleb's medical conditions, thereby breaching their duty to provide her appropriate medical care.
28. Over a period of two years, these Defendants ignored Plaintiff Taleb's persistent symptoms, and instead treating her for common but not diagnostically supported maladies. When Plaintiff Taleb was in dire need of immediate surgery, these Defendants instead denied her treatment, which directly caused the worsening of her condition. Among other wrongful acts, Imad Mufarrij and Nancy Nagel, upon the recommendation of Nancy Nagel, and Joe Palmer, Director of Education at the OB/GYN clinic, pressured Plaintiff Taleb to acquiesce to an inappropriate procedure with the purpose of causing her to seek care elsewhere, to her detriment.
29. As a direct and proximate result of these Defendants' misdiagnosis and/or failure to properly diagnose Plaintiff Taleb's medical conditions, Plaintiff suffered long periods of physical and emotional pain, she was required to endure ongoing symptoms and medical conditions that should have been cured and/or ameliorated, she suffered pregnancy and miscarriage, she suffered the worsening of her condition, and she suffered other damages.
30. Plaintiff Taleb was referred by Holy Cross Hospital and/or Holy Cross Hospital OB/GYN Clinic to Dr. Paul J. Mackoul, who held himself out to the public as a specialist in gynecological surgery and/or gynecological oncology, including related surgery.
31. Contrary to the accepted standards of medical, oncological, gynecological, and/or surgical care, Defendant Paul J. Mackoul immediately prior to surgery at George Washington University Hospital, postponed the surgery for questionable reasons, delayed her important treatment, sent Plaintiff back to the very hospital that had just "fired" her, caused a rectal puncture, during surgery at Holy Cross Hospital failed to properly excise malignant tissues, failed to remove Plaintiff Taleb's entire cervix when such removal was indicated, left in place a mass that was causing rectal and kidney blockage, and by failing to take a cervical mass biopsy, thereby breaching their duty to provide her appropriate medical care
32. As a direct and proximate result of Defendant Mackoul's mishandling of Plaintiff Taleb's surgery, Plaintiff suffered long periods of physical and emotional pain, she was required to

endure ongoing symptoms and medical conditions that should have been cured and/or ameliorated, she suffered pregnancy and miscarriage, she suffered the worsening of her condition, and she suffered other damages.

33. These acts by Defendants caused Plaintiff Taleb direct harm, jeopardized the likelihood of her treatment leading to a successful outcome, and/or foreclosed the possibility of her treatment ending in a successful outcome.
34. These acts by Defendants were motivated, among other reasons, by greed and/or ill-will. were outrageous, and were taken with willful and wanton disregard for human life and safety, and with full knowledge of the probable catastrophic consequences for Plaintiff Taleb.
35. Defendants' conduct of making Plaintiff Taleb's medical care a lower priority to the care of more lucrative patients, and other wrongful conduct as described herein is unacceptable in a civilized society, and an award of punitive damages is necessary to punish Defendants, to teach them not to repeat their wrongful conduct, and to deter others from engaging in the same or similar conduct.
36. Plaintiff Taleb ultimately lost part of her vaginal canal, and Defendants' negligence directly caused what should have been a temporary colostomy to become permanent.
37. At no time was Plaintiff Taleb contributorily negligent, and she relied upon the expertise of her various medical providers, including Defendants.
38. As a result of Defendants' negligence, individually and in aggregate, Plaintiff Taleb has suffered and will continue to suffer severe, painful, and permanent bodily injuries, mental anguish, surgical, medical, and other related expenses, and loss of income.
39. As a result of the negligence of Defendants in failing to recognize Plaintiff Taleb's symptoms as cancer she suffered a much worse outcome than she would have had Defendants not been negligent.

#### Count I – Medical Negligence

40. Plaintiffs incorporate herein by reference all pertinent allegations of the preceding paragraphs.
41. For all of the times herein mentioned the defendants owed a duty or duties to Plaintiffs as detailed in the preceding paragraphs.

42. Individual defendants personally participated in, inspired, ratified, and/or induced the tortious acts or omissions complained of herein.
43. Defendants breached that duty or those duties as detailed in the preceding paragraphs.
44. Plaintiffs sustained injury as the direct and proximate result of Defendants' breach of that duty or those duties.
45. Plaintiffs suffered actual injuries and damages as a result.
46. And Defendants were otherwise negligent.

WHEREFORE, Plaintiffs bring this action and claim damages from each defendant in excess of the jurisdictional limit of the District Court of Maryland.

#### Count II – Loss of Consortium

47. Plaintiffs incorporate herein by reference all pertinent allegations of the preceding paragraphs.
48. Plaintiff Cotes and Plaintiffs Zainab and Hassan Taleb make a claim for damage to their marital and/or familial relationships with Plaintiff Taleb, including loss of society, affection, and assistance.
49. Loss of consortium also includes loss of conjugal fellowship and damage to the sexual relationship. Because of Defendants' negligence, Plaintiff Taleb has lost sexual function which affects her conjugal and sexual relationships with Plaintiff Cotes.

WHEREFORE, Plaintiffs bring this action and claim damages from each defendant in excess of the jurisdictional limit of the District Court of Maryland.

#### Count III – Punitive Damages

50. Plaintiffs incorporate herein by reference all pertinent allegations of the preceding paragraphs.
51. Defendants were at times motivated by greed and/or ill-will, their conduct was outrageous, and done with willful and wanton disregard for human life and safety, and with full knowledge of the probable catastrophic consequences for Plaintiff Taleb.
52. WHEREFORE, Plaintiffs bring this action and claim damages from each defendant in excess of the jurisdictional limit of the District Court of Maryland.

Attorney for Plaintiffs