



J. RAMSEY FARAH  
103 The Terrace  
Hagerstown, Maryland 21742

and

ELIZABETH FARAH  
103 The Terrace  
Hagerstown, Maryland 21742

Claimants

v.

ST. JOSEPH MEDICAL CENTER, INC.  
7601 Osler Drive  
Towson, Maryland 21204

Serve On:  
Resident Agent  
The Corporation Trust, Inc.  
300 East Lombard Street  
Baltimore, Maryland 21202

and

MARK G. MIDEI, M.D.  
15505 Carroll Road  
Monkton, Maryland 21111

Health Care Providers

\* \* \* \* \*

\* IN THE  
\* HEALTH CARE  
\* ALTERNATIVE DISPUTE  
\* RESOLUTION OFFICE  
\* OF MARYLAND  
\* HCA No.: \_\_\_\_\_

2010-502  
2010-502

**STATEMENT OF CLAIM**

The Claimants, J. Ramsey Farah, and Elizabeth Farah, by their attorneys,

hereby sue the Health Care Providers, St. Joseph Medical Center, Inc., and Mark G. Midei, M.D.  
(the "Health Care Providers"), and for their cause of action state as follows:

### **PARTIES AND JURISDICTION**

1. At all times material to this case, the Claimant, J. Ramsey Farah, M.D. ("Dr. Farah"), has been a citizen and resident of Washington County, Maryland.

2. At all times material to this case, the Claimant, Elizabeth Farah ("Mrs. Farah"), has been a citizen and resident of Washington County, Maryland.

3. At all times material to this case, Mr. and Mrs. Farah were husband and wife.

4. At all times material to this case, the Health Care Provider, St. Joseph Medical Center, Inc. ("St. Joseph"), has been a Maryland corporation engaged in the administration, staffing, supervision, and operation of a medical center in Baltimore County, Maryland, acting through its actual and/or apparent agents, servants, and/or employees including, but not limited to, Mark G. Midei, M.D.

5. At all times material to this case, the Health Care Provider, Mark G. Midei, M.D. ("Dr. Midei"), was a physician engaged in the practice of medicine, with a Board Certification in General Cardiology, licensed in the State of Maryland, practicing in Baltimore County, Maryland. Dr. Midei's address, as listed with the Maryland Board of Physicians, is in Baltimore County. Further, at all time material to this case, Dr. Midei was an actual employee of St. Joseph, acting within the scope of his employment.

6. The amount of this claim for damages due to medical malpractice is in excess of Thirty Thousand Dollars (\$30,000.00).

7. Venue is proper in Baltimore County, Maryland.

### **FACTS COMMON TO ALL COUNTS**

8. Dr. Farah is a practicing Maryland physician, Board Certified in Pediatrics and Addiction Medicine. Much of Dr. Farah's post-graduate training took place at Johns

Hopkins University and the University of Maryland. Dr. Farah was also a long-time Member of the Maryland Board of Physicians.

9. Following stent placements in 2002, Dr. Farah had regular follow-up visits with various doctors at Hagerstown Heart. For six years Dr. Farah's work up was completely normal with exercise tests echocardiograms showing no signs of serious cardiac problems.

10. On November 4, 2008, during a nuclear stress test performed by Dr. Christopher S. Vaccari, Dr. Farah had a normal sinus rhythm and no chest discomfort. Furthermore, there was "no definitive evidence of new myocardial ischemia or infarction." As a precautionary measure, Dr. Farah was advised, "to undergo left heart catheterization to rule out any progression of his underlying coronary atherosclerosis."

11. On November 11, 2008, Dr. Farah presented to Dr. Midei for left heart catheterization and coronary arteriography. The indication for the study was "unstable angina" and a "recurrence of symptoms," even though Dr. Farah had experienced no chest discomfort before or during the nuclear stress test a week earlier. Prior to the catheterization, the Health Care Providers explained to Dr. Farah that the purpose of the procedure was to determine the presence of arterial blockage. Further, if any arterial blockage were discovered, any intervention such as stent placement would only be undertaken if the blockage was significant and such intervention was medically necessary. With that explanation, Dr. Farah agreed to undergo this procedure.

12. During the catheterization and coronary angiography, Dr. Midei recorded a small number of diagnostic images to identify and gauge the significance of any arterial blockage. Regardless, Dr. Midei reported an "80% obstruction at [the] origin" and a "90%

obstruction in [the] mid-portion” of the right coronary artery. Further, Dr. Midei reported an “80% obstruction” in the mid-portion of the left anterior descending coronary artery. Dr. Midei placed 3.0 x 15 mm and 3.0 x 12 mm Xience stents in the origin and mid portion of the right coronary artery. Dr. Midei then placed a 2.5 x 23 mm Xience in the left anterior descending coronary artery.

13. Shortly following the stent placement procedure, which began at 7:46 a.m., Dr. Farah began complaining of chest pain. At 9:21 a.m., Dr. Farah complained of moderate chest pain, rated a 4 out of 10. At 10:03 a.m., the pain persisted and Dr. Farah was given 2 mg of IV morphine. At 10:33 a.m, Dr. Farah was given an additional 2 mg of IV morphine. At 11:55 a.m., Dr. Farah’s chest pain continued and he was given Percocet. Dr. Midei, aware of Dr. Farah’s condition, reviewed his EKG, which was “abnormal.” Dr. Farah continued to experience chest pressure and pain into the afternoon. At 3:41 p.m. Dr. Farah’s abnormal EKG indicated “septal infarct” and a November 12, 2008 EKG noted that an “incomplete right bundle branch block is now present.”

14. On December 11, 2008, during a visit with Scott Hamilton, M.D. of Hagerstown Heart, Dr. Farah reported a “slow improvement” in exercise tolerance following angioplasty. As Dr. Hamilton noted, Dr. Farah’s stent placement was “complicated by post-angioplasty MI [myocardial infarction] attributed to branch vessel occlusion with minimal cardiac enzyme elevation.”

15. On December 4, 2009, Dr. Farah received a letter from Richard Boehler, M.D., Chief Medical Officer at St. Joseph Medical Center. The letter stated, “...a subsequent clinical review of your cardiac catheterization report was different than the original report and may be relevant to your ongoing care and treatment.” The letter indicated that the

information was forwarded to Dr. Hamilton and encouraged Dr. Farah to schedule an appointment with Dr. Hamilton to discuss this information.

16. Simultaneously, Dr. Boehler sent a different letter to Dr. Hamilton regarding Dr. Farah's cardiac catheterization. This letter stated, "...a subsequent clinical review of this patient's catheterization report and images were at variance with the previously reported finding. In the opinion of the reviewer, the amount of stenosis in 2 of 2 vessels was insignificant." Additionally, clinical guidelines for determining the significance of coronary artery stenosis was attached to the letter that defined "insignificant" stenosis lesions as 0-50% and that they "do not require intervention except in extraordinary circumstances that must be documented."

17. As a result of the conduct of the Health Care Providers, Dr. Farah suffered physical and emotional injuries, including, but not limited to, undergoing unnecessary, permanent, and dangerous stent procedures, experiencing serious post-procedure pain and complications, continuous risk of early and late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries, bleeding risk of prolonged dual antiplatelet therapy and mental and emotional pain and suffering.

COUNT I  
(Fraud by Intentional Misrepresentation)

The Claimant, Dr. Farah, hereby sues the Health Care Providers and for his cause of action states:

18. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

19. Before Dr. Midei began the cardiac catheterization procedure on Dr. Farah on November 11, 2008, he knew that he would not adhere to the clinical guidelines for determining the significance of coronary artery stenosis. Nevertheless, Dr. Midei and/or Dr. Midei by and through his delegated representative(s) falsely and fraudulently represented to Dr. Farah that Dr. Midei would only perform an interventional procedure such as stent placement in the presence of significant stenosis, when medically necessary.

20. When Dr. Midei and/or Dr. Midei by and through his delegated representative(s) made the representation to Dr. Farah that Dr. Midei would only perform an interventional procedure such as stent placement in the presence of significant stenosis and when medically necessary, Dr. Midei did so knowing this statement was false, or with a reckless indifference to its truth, with the intent that Dr. Farah would act in reliance on such statements.

21. The representations of Dr. Midei and/or Dr. Midei by and through his delegated representative(s) were material to Dr. Farah's consent to undergo coronary angiography and the placement of any stents. Dr. Farah justifiably and reasonably relied on the doctor-patient relationship of trust and confidence, on Dr. Midei's apparent expertise, and on the convincing representations in deciding to consent to coronary angiography and the placement of any stents at all. But for the false and fraudulent statements of Dr. Midei and/or Dr. Midei by and through his delegated representative(s), Dr. Farah would not have consented to the cardiac catheterization, coronary angiography, or the placement of any stents.

22. Dr. Midei compounded these material misrepresentations with the willful falsification of Dr. Farah's medical records, which compromised Dr. Farah's medical history and his future medical care.

23. As a direct and proximate result of intentional misrepresentations and fraud of Dr. Midei and/or Dr. Midei by and through his delegated representative(s), Dr. Farah has suffered damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and
- d. Economic losses, including but not limited to lost wages and medical expenses.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Providers for compensatory damages in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and punitive damages in the amount of Ten Million Dollars (\$10,000,000.00).

**COUNT II**  
**(Battery)**

The Claimant, Dr. Farah, hereby sues the Health Care Providers and for his cause of action states:

24. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

25. Dr. Midei intentionally and without consent inserted stents into Dr. Farah's left anterior descending and right coronary arteries, a touching that was harmful and offensive, as it caused permanent injury to Dr. Farah.

26. Dr. Midei's intentional placement of stents into Dr. Farah's left anterior descending and right coronary arteries, without medical indication or evidence, was an independent procedure to which Dr. Farah did not consent.

27. As a result of Dr. Midei's intentional, harmful, and unconsented touching, Dr. Farah suffered damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and
- d. Economic losses, including but not limited to lost wages and medical expenses.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Providers for compensatory damages in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and punitive damages in the amount of Ten Million Dollars (\$10,000,000.00).



COUNT III  
(Informed Consent)

The Claimant, Dr. Farah, hereby sues the Health Care Providers and for his cause of action states:

28. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

29. The Health Care Providers, individually and through their actual and/or apparent agents, servants, and/or employees, owed Dr. Farah a duty to provide him with adequate information regarding his cardiac catheterization, including but not limited to the criteria or guidelines to be utilized by the Health Care Providers to determine the level of stenosis in Dr. Farah's arteries and/or criteria or guidelines to be used by the Health Care Providers to determine the medical necessity of cardiac interventions such as stent placement.

30. As a result of the Health Care Providers failure to fully and adequately inform Dr. Farah regarding the above material risks, Dr. Farah's arterial stenosis was incorrectly quantified and stents were placed in arteries with insignificant stenosis. As a direct and proximate result, Dr. Farah suffered damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and

- d. Economic losses, including but not limited to lost wages and medical expenses.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Providers for compensatory damages in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT IV  
(Medical Malpractice)

The Claimant, Dr. Farah, hereby sues the Health Care Providers and for his cause of action states:

31. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

32. The Health Care Providers, individually and through their actual and/or apparent agents, servants, and/or employees, owed Dr. Farah a duty to exercise reasonable care in their diagnosis, treatment, and representations to Dr. Farah with regard to his medical care.

33. The Health Care Providers, individually and through their actual and/or apparent agents, servants, and/or employees, breached the above-described duty of care, thereby deviating from the applicable standards of care, and were otherwise negligent, careless, and reckless in that they, among other things:

- a. failed to take the appropriate number of images/views to properly identify and gauge the significance of any arterial blockage;
- b. failed to properly evaluate and interpret Dr. Farah's coronary angiography;
- c. disregarded clinical guidelines for determining significance of coronary artery stenosis and indications for intervention;

- d. placed unnecessary stents in Dr. Farah's left anterior descending and right coronary arteries, which caused myocardial infarction; and
- e. placed Dr. Farah at unnecessary surgical risk, risk of future stenosis, thrombosis, and bleeding.

34. As a direct and proximate result of the above-described deviations from the applicable standards of care and breaches of duty by the Health Care Providers, Dr. Farah has been caused to sustain serious and permanent injuries, resulting in great physical and mental pain and suffering.

35. As a result of the Health Care Providers failure to follow appropriate and applicable standards of care, Dr. Farah suffered the above-identified injuries and damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and
- d. Economic losses, including but not limited to lost wages and medical expenses.

36. The injuries and damages herein complained of were directly and proximately caused by the negligence of the Health Care Providers, with no negligence on the part of Dr. Farah contributing thereto.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Providers for compensatory damages in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT V  
(Negligent Retention by St. Joseph Medical Center, Inc.)

The Claimant, Dr. Farah, hereby sues the Health Care Provider, St. Joseph Medical Center, Inc. and for his cause of action states:

37. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

38. In or around 2008, St. Joseph hired Dr. Midei, who had previously been employed by MidAtlantic Cardiovascular Associates, P.A., as director of the cardiac catheterization lab. At all times relevant to this case, Dr. Midei was an employee of St. Joseph Medical Center.

39. St. Joseph had a duty to retain only those employees who were competent and fit to perform the duties required. Dr. Midei, however, was not fit to perform the duties required of the director of the cardiac catheterization lab as he was negligently taking an improper number of diagnostic images to determine levels of stenosis in his patients, negligently and fraudulently misidentifying and misrepresenting levels of stenosis in his patients, advising his patients to undergo cardiac catheterization procedures that would result in unnecessary stent placements, and/or negligently and fraudulently placing stents in patients without proper patient consent.

40. St. Joseph knew and/or should have known Dr. Midei was incompetent and/or not fit to perform as the director of the cardiac catheterization lab, and that his incompetence posed an unreasonable threat to members of the public that would foreseeably come into contact with him.

41. As a direct and proximate result of St. Joseph's negligent retention of Dr. Midei, he was permitted to perform hundreds of unnecessary stent procedures, including Dr. Farah's. As a direct and proximate result, Dr. Farah suffered damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and
- d. Economic losses, including but not limited to lost wages and medical expenses.

42. The injuries and damages herein complained of were directly and proximately caused by the negligence of the Health Care Provider, St. Joseph, with no negligence on the part of Dr. Farah contributing thereto.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Provider, St. Joseph Medical Center Inc. for compensatory damages in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

COUNT VI

(Negligent Supervision Against St. Joseph Medical Center, Inc.)

The Claimant, Dr. Farah, hereby sues the Health Care Provider, St. Joseph Medical Center, Inc. and for his cause of action states:

43. Dr. Farah incorporates all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

44. St. Joseph had a duty to adequately and properly supervise Dr. Midei to whom it permitted to operate St. Joseph's cardiac catheterization lab.

45. St. Joseph breached this duty by failing to adequately and properly supervise Dr. Midei and failing to provide proper peer review of Dr. Midei's work and procedures.

46. As a direct and proximate result of St. Joseph's negligent supervision, Dr. Midei was allowed to perform hundreds of unnecessary stent procedures, including the procedure performed on Dr. Farah. As a direct and proximate result, Dr. Farah suffered damages, including but not limited to:

- a. A painful, dangerous, and unnecessary stent procedure, which caused significant physical pain and suffering; and
- b. Significant past, present, and future mental anguish and emotional distress; and
- c. Continuous risk of late stent thrombosis and in-stent re-stenosis in his left anterior descending and right coronary arteries and bleeding due to prolonged antiplatelet therapy; and
- d. Economic losses, including but not limited to lost wages and medical expenses.

47. The injuries and damages herein complained of were directly and proximately caused by the negligence of the Health Care Provider, St. Joseph, with no negligence on the part of Dr. Farah contributing thereto.

WHEREFORE, Dr. Farah requests that a judgment be entered against the Health Care Provider, St Joseph Medical Center, Inc. for compensatory damages in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

COUNT VII  
(Loss of Consortium)

The Claimant, Dr. Farah, hereby sues the Health Care Providers and for his cause of action states:

48. Dr. and Mrs. Farah incorporate all the allegations contained in the above paragraphs as if those allegations are set forth in this Count.

49. As a direct and proximate result of the negligence of the Health Care Providers as detailed above, Mr. and Mrs. Farah, as husband and wife, jointly and severally, have suffered severe and serious impairment and injury to their marital relationship due to loss of, among other things, each other's society, consortium, and conjugal affection, resulting in great mental pain and anguish.

50. The injuries and damages complained of were directly and proximately caused by the negligence of the Health Care Providers, with no negligence on the part of Mr. and Mrs. Farah contributing thereto.

WHEREFORE, Mr. and Mrs. Farah request that a judgment be entered against the Health Care Providers for compensatory damages in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

*Attorneys for Claimants*