

KEVIN J. WHALEN, Individually and as
Personal Representative of the
ESTATE OF CATHERINE WHALEN
635 Blossom Drive
Rockville, Maryland 20850

and

MEGHAN WHALEN
635 Blossom Drive
Rockville, Maryland 20850

and

NORMA JEAN DOLLINGER
1421 Taney Avenue #518
Frederick, Maryland 21702

Claimants

v.

TAMARA L. KILE, D.O.
Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, Maryland 20854

and

MEDICAL EMERGENCY
PROFESSIONALS, LLC
Suite 130
20251 Century Boulevard
Germantown, Maryland 20874

Serve on Resident Agent:
Richard H. Tanenbaum, Esq.
11113 Potomac Crest Drive
Potomac, Maryland 20854

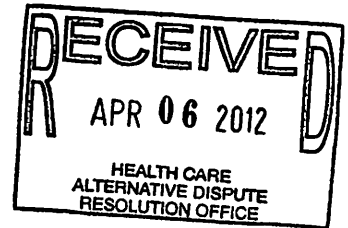
and

ADVENTIST HEALTH CARE
1801 Research Boulevard
Rockville, Maryland 20850

BEFORE THE
HEALTH CARE
ALTERNATIVE DISPUTE
RESOLUTION OFFICE

HCA No.

2012-157



Serve on Resident Agent: *

Kenneth B. Destefano, Esq. *

and *

TERESA HOANG, M.D. *
2401 Research Boulevard, Suite 340 *
Rockville, Maryland 20850 *

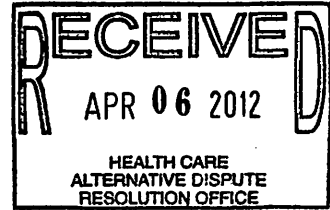
and *

JOHN EDWARD KELLY, M.D., P.A. *
2401 Research Boulevard, Suite 340 *
Rockville, Maryland 20850 *

Serve on Resident Agent: *
John E. Kelly, M.D. *

Health Care Providers *

* * * * *



STATEMENT OF CLAIM

Claimants, Kevin Whalen, Individually and as Personal Representative of the Estate of Catherine Whalen, and Meghan Whalen and Norma Jean Dollinger, by their attorneys,

file this

Statement of Claim against Health Care Providers, Tamara L. Kile, D.O., Medical Emergency Professionals, L.L.C., Adventist Health Care, Teresa Hoang, M.D. and John Edward Kelly, M.D., P.A., and state as follows:

1. The venue for this claim is proper in Montgomery County, Maryland and may be proper elsewhere.

2. This claim is properly filed in the Health Care Alternative Dispute Resolution Office as the amount in controversy exceeds \$30,000.

3. That at all times hereinafter set forth, the Health Care Provider, Tamara L. Kile, D.O., held herself out to the Claimants' Decedent and to the general public as an experienced, competent, and able physician and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of emergency medicine and as such owed a duty to the Claimants' Decedent to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of emergency medicine.

4. That at all relevant times hereinafter set forth, Health Care Provider, Tamara L. Kile, D.O., was the actual or apparent agent, servant or employee of Health Care Providers, Medical Emergency Professionals, L.L.C., and Adventist Health Care.

5. That at all times hereinafter set forth, the Health Care Provider, Teresa Hoang, M.D., held herself out to the Claimants' Decedent and to the general public as an experienced, competent, and able physician and health care provider, possessing or providing that degree of skill and knowledge which is ordinarily possessed by those who devote special study and attention to the practice of primary care medicine and as such owed a duty to the Claimants' Decedent to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of primary care medicine.

6. That at all relevant times hereinafter set forth, Health Care Provider, Teresa Hoang, M.D., was the actual or apparent agent, servant or employee of Health Care Provider, John Edward Kelly, M.D., P.A.

7. Kevin Whalen is the surviving spouse of Catherine Whalen. Meghan Whalen is a surviving child of Catherine Whalen. Norma Jean Dollinger is the Decedent's mother.

8. On October 31, 2010, Catherine Whalen developed a massive headache and asked her husband to call for an ambulance to take her to the hospital. She was taken to the Shady Grove Adventist Hospital Emergency Room. She reported headaches, trouble breathing and nausea and abdominal pain. She described her headache pain as 10/10. Her blood pressure on arrival was 217/101.

9. A CT scan revealed a pineal cyst; however, the neurologist recommended a contrast enhanced MRI to exclude other pineal lesions.

10. Mrs. Whalen was discharged by Dr. Kile with a diagnosis of anxiety, panic and hypokalemia. She was advised to see an internist within 1-3 days. She was given a prescription for Xanax.

11. Following the instructions of Dr. Kile, Mrs. Whalen sought treatment with Dr. Teresa Hoang on November 2, 2010. Mrs. Whalen reported that the way she relieved the headache was to take ibuprofen, turn off the lights, open the window and sleep. She reported continued neck pain and tightness, nausea and chest pain. Her blood pressure was 150/90. Dr. Hoang prescribed Klor Con for the hypokalemia and Xanax for anxiety. She also ordered an MRI (on a non-emergency basis).

12. On November 5, 2010, Mrs. Whalen was brought by ambulance to Shady Grove Adventist Hospital. She had left her job and had a minor car accident. When the paramedics arrived they found she was suffering from hemiplegia. By the time she arrived at the emergency room, she had developed mental status changes. She was diagnosed with an intracranial hemorrhage. A neurosurgical consultation indicated that the bleed was not operable.

13. Life support was withdrawn on November 8, 2010 and Catherine Whalen

died on November 9, 2010. She was 54 years old.

14. The Health Care Provider, Tamara L. Kile, D.O. was negligent and careless, in that she failed:

- A. To order a lumbar puncture for Mrs. Whalen;
- B. To order a neurology consult;
- C. To provide anti-hypertensive medications or consult with an internist to order anti-hypertensives; and
- D. To act appropriately in other ways.

15. The Health Care Provider, Teresa Hoang, M.D., was negligent and careless, in that she failed:

- A To refer Mrs. Whalen for immediate evaluation/MRI;
- B To refer Mrs. Whalen for immediate evaluation by a neurologist;
- C. To prescribe anti-hypertensive medications; and
- D. To act appropriately in other ways.

16. That as a result of the negligence and carelessness of the Health Care Providers, Catherine Whalen died. Claimants, Kevin Whalen, Meghan Whalen and Norma Jean Dollinger, have suffered severe mental anguish and emotional pain and suffering, pecuniary loss, have lost and been deprived of the society, companionship, comfort, care, attention, advice, counsel, services and support which the Decedent could have and would have afforded and rendered had she continued to live.

17. That by reasons of the negligence of the Health Care Providers which culminated in the death of the Decedent, a cause of action has accrued in accordance with the Annotated

Code of Maryland, Courts and Judicial Proceedings, Section 3-901, et. seq., to the Claimants, the surviving spouse, and children of the Decedent, for compensation to them for all of the damages, injuries and losses, past, present and future, which they have sustained, are sustaining and will in the future sustain, all of which are proximately caused by the negligence of said Health Care Providers without any negligence on the part of the Claimants or the Decedent thereunto contributing.

WHEREFORE, the Claimants, Kevin Whalen, Meghan Whalen and Norma Jean Dollinger, claim damages against all Health Care Providers in an amount to be determined by an alternative dispute resolution panel.

COUNT II-SURVIVAL ACTION

18. Claimant, Kevin Whalen, Personal Representative of the Estate of Catherine Whalen, adopts and incorporates by reference herein all of the allegations of fact, duty, negligence, injury and damages, as are more fully set forth in paragraphs 1-17 of this Statement of Claim, and further says that as a result of the negligence and carelessness of the Health Care Providers which culminated in the death of the Decedent, Catherine Whalen, Kevin Whalen was appointed Personal Representative of the Estate of Catherine Whalen, and is empowered to commence and prosecute this action as one which the Decedent could have commenced or prosecuted for all of the damages recoverable by her had she lived, and in addition, to recover the funeral and medical expenses and damages for conscious pain and suffering allowed by law.

19. That the Claimant, Kevin Whalen, Personal Representative of the Estate of Catherine Whalen, says that all of the injuries, damages and losses complained of were solely caused by the negligence of the Health Care Providers without any negligence on the part of the

Claimant or the Decedent thereunto contributing.

WHEREFORE, the Claimant, Kevin Whalen, as Personal Representative of the Estate of Catherine Whalen, claims damages against all Health Care Providers, in an amount to be determined by an alternative dispute resolution panel.

Attorneys for Claimants