

PHYLLIS COHEN
SHELDON COHEN
2301 Bright Leaf Way
Baltimore, Maryland 21209

Claimants

v.

CHRISTINE NEWKIRK, M.D.
f/k/a CHRISTINE BOUTZALE, M.D.
Nazareth Hospital
2601 Holme Avenue
Philadelphia, Pennsylvania 19152

and

SAMER SAIEDY, M.D.
1212 York Road
Lutherville, Maryland 21093

and

SEAN A. ISAAC, JR., M.D.
7601 Osler Drive
Towson, Maryland 21204

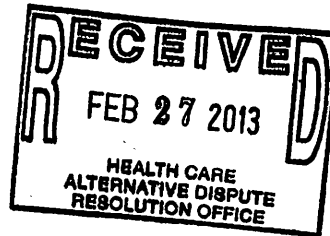
and

FIRST COLONIES ANESTHESIA
ASSOCIATES, L.L.C.
Suite 350
1901 Research Boulevard
Rockville, Maryland 20850

Serve on Resident Agent:
The Corporation Trust Incorporated
351 W. Camden Street
Baltimore, Maryland 21201

and

* BEFORE THE
* HEALTH CARE
* ALTERNATIVE DISPUTE
* RESOLUTION OFFICE
* HCA No. **2013•111**



JASON MARX, M.D. *
7505 Osler Drive *
Suite 409 *
Baltimore, Maryland 21204 *

and *

PULMONARY AND CRITICAL CARE *
ASSOCIATES OF BALTIMORE, P.A. *
Suite 208 *
400 Redland Court *
Owings Mills, Maryland 21117 *

Serve on Resident Agent: *
James S. Jacobs, Esq. *
Suite 1910 *
One South Street *
Baltimore, Maryland 21202 *

and *

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

Serve on Resident Agent: *
The Corporation Trust Incorporated *
351 W. Camden Street *
Baltimore, Maryland 21201 *

Health Care Providers *

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STATEMENT OF CLAIM

Phyllis Cohen and Sheldon Cohen, Claimants, by their undersigned counsel,

sue the Health Care

Providers, Christine Newkirk, M.D. (f/k/a Christine Boutzale, M.D.), Samer Saiedy, M.D., Sean
A. Isaac, Jr., M.D., First Colonies Anesthesia Associates, L.L.C., Jason Marx, M.D., Pulmonary

and Critical Care Associates of Baltimore, P.A. and St. Joseph Medical Center, Inc., and state:

COUNT I-NEGLIGENCE

1. The amount in controversy exceeds \$30,000.

2. Venue is proper in Baltimore County and may be proper elsewhere.

3. At all times set forth, the Health Care Provider, Christine Newkirk, M.D., held herself out to the Claimant 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 medicine, and in particular, hospital medicine, and as such had a duty to the Claimant to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly hospital medicine. At all times, Dr. Newkirk was acting as the agent, servant or employee of St. Joseph Medical Center, Inc.

4. At all times set forth, the Health Care Provider, Samer Saiedy, M.D., held himself out to the Claimant 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 medicine, and in particular, vascular surgery, and as such had a duty to the Claimant to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly vascular surgery. At all times, Dr. Saiedy was acting as the actual or apparent agent, servant or employee of St. Joseph Medical Center, Inc.

5. At all times set forth, the Health Care Provider, Sean A. Isaac, Jr., M.D., held

himself out to the Claimant 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 medicine, and in particular, anesthesiology, and as such had a duty to the Claimant to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly anesthesiology. At all times, Dr. Isaac was acting as the agent, servant or employee of First Colonies Anesthesia Associates, L.L.C., and was acting as the actual or apparent agent, servant or employee of St. Joseph Medical Center, Inc.

6. At all times set forth, the Health Care Provider, Jason Marx, M.D., held himself out to the Claimant 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 medicine, and in particular, pulmonary and critical care medicine, and as such had a duty to the Claimant to render that degree of care and treatment to her which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly pulmonary and critical care medicine. At all times, Dr. Marx was acting as the agent, servant or employee of Pulmonary and Critical Care Associates of Baltimore, P.A., and was acting as the actual or apparent agent, servant or employee of St. Joseph Medical Center, Inc.

7. Phyllis Cohen was admitted to St. Joseph Medical Center on February 26, 2010 with diarrhea and abdominal pain. She had previously been admitted to St. Joseph Medical Center on February 12, 2010 for pneumonia; she developed *Clostridium difficile* during that

hospitalization. She was diagnosed with Clostridium difficile colitis and ischemic bowel. She was assigned to the hospitalist service under the care of Dr. Newkirk. Vancomycin and Flagyl were started.

8. Overnight, Mrs. Cohen went into renal failure and septic shock. Her abdomen was distended and taut. A total colectomy with ileostomy was recommended. However, Mrs. Cohen's INR was 4.6; accordingly vitamin K and several units of fresh frozen plasma were administered before she was cleared for surgery.

9. At the time of surgery, the anesthesiologist, Dr. Isaac, placed a right internal jugular line. Dr. Isaac determined that the placement had likely been an arterial placement. The line was not immediately removed due to Mrs. Cohen's coagulopathy. Surgery began at 19:00 on February 28, 2010 and ended at midnight on March 1, 2010.

10. At 2:30 a.m. on March 1, 2010, a central line was placed; left side internal jugular.

11. On March 1, 2010 at 13:45, Dr. Saiedy removed the misplaced right carotid catheter. Hemostasis was obtained with direct pressure for 20 minutes. Dr. Saiedy consulted with Drs. Newkirk and Marx about the removal. Her INR was 1.2.

12. On March 3, 2010, at 1:30 a.m., Mrs. Cohen was intubated for respiratory failure. At 2:20 p.m. she went into congestive heart failure. That evening she developed left sided weakness and was diagnosed with a cerebrovascular accident as a result of an acute infarct.

13. Mrs. Cohen remained at St. Joseph Medical Center until March 16, 2010 when she was transferred to Kernan Hospital for rehabilitation from her stroke. She continues to have permanent impairments as a result of the stroke.

14. The Health Care Providers, were negligent and careless in their treatment of

Phyllis Cohen in that they:

- a. placed the right internal jugular line in the right carotid artery;
- b. failed to properly manage the removal of the misplaced catheter in light of her coagulopathy;
- c. failed to properly manage her anti-coagulant therapy in light of the catheter misplacement;
- d. and in other ways.

15. As a direct result of the negligence of the Health Care Providers, the Claimant, Phyllis Cohen, was caused to obtain unnecessary surgery and as a result will be caused to undergo additional medical treatment and was caused to sustain severe mental anguish and emotional pain and suffering; whereby she was and in the future will be prevented from engaging in her usual duties, pursuits and activities; was caused to incur and will incur financial losses and damages and will continue to experience said mental anguish, pain and suffering in the future.

16. All of the losses, damages and injuries sustained by the Claimant, Phyllis Cohen were caused by the carelessness, recklessness, and negligence of the Health Care Providers without any negligence on the part of the Claimant thereunto contributing.

WHEREFORE, the Claimant, Phyllis Cohen, claims damages against the Health Care Providers in an amount to be determined by a Health Care Alternative Dispute Resolution Panel.

COUNT II—LOSS OF CONSORTIUM

17. Claimants, Phyllis and Sheldon Cohen, adopt and incorporate by reference herein all of the allegations of fact, duty, negligence, injury and damages as are more fully set forth in Count I of this Complaint.

18. At all relevant times, Claimants, Phyllis and Sheldon Cohen, were and are married.

19. The resulting negligence of the Health Care Providers has caused the Claimants loss of services and consortium and interference and injury to their marital relationship.

20. Claimants state that all of their injuries and damages were caused solely by the actions of the Health Care Providers without any negligence on the part of the Claimants contributing.

WHEREFORE, the Claimants, Phyllis Cohen and Sheldon Cohen, claim damages against the Health Care Providers in an amount to be determined by a Health Care Alternative Dispute Resolution Panel.

Attorneys for Claimants