IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

CHRISTY T. O'CONNELL, 3572 Bagley Drive Mt. Pleasant, South Carolina 29466 **PLAINTIFF** v. CASE NO .: STEVEN C. BRIGHAM, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043 And VIKRAM H. KAJI, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043 **DEFENDANTS**

COMPLAINT

Plaintiff, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins LLC, files this Statement of Claim against Defendants Steven C. Brigham, M.D. and Vikram H. Kaji, M.D., and states as follows.

Parties, Jurisdiction and Venue

- This claim was previously field in the Health Claims Alternative Dispute 1. Resolution Office as required under Maryland law, and arbitration of the claim was waived by the Plaintiff pursuant to §3-2A-06B(b) of the Courts and Judicial Proceedings Article. The Statement of Claim, Plaintiff's Certificate of Qualified Expert and Report, Election to Waive Arbitration and Order of Transfer are attached as Exhibits 1 - 4 hereto.
 - The Plaintiff Christy T. O'Connell is a resident of South Carolina. 2.

- 3. The Defendant Steven C. Brigham, M.D. is a physician previously licensed to practice medicine by the State of New Jersey. Upon information and belief, he resides in the State of New Jersey and regularly conducts business in the State of Maryland.
- 4. The Defendant Vikram H. Kaji, M.D. is a physician licensed to practice medicine by the States of Pennsylvania and New Jersey. Upon information and belief, he resides in the State of Pennsylvania and regularly conducts business in the State of Maryland.
 - 5. The amount of this claim exceeds thirty thousand dollars (\$30,000).
- 6. Jurisdiction will be proper in the U.S. District Court based on the diversity of citizenship provision found in 28 U.S.C. § 1332.
 - 7. Venue will be proper in Maryland pursuant to 28 U.S.C. § 1391(a).

Facts Common To All Counts

- 8. At all relevant times, Steven C. Brigham, M.D. and Vikram H. Kaji, M.D. held themselves out to the Plaintiff, and to the general public, as experienced, competent and able physicians and/or health care providers possessing or providing that degree of skill and knowledge that is ordinarily possessed by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology, and as such, owed a duty to the Plaintiff to render that degree of care and treatment which is ordinarily rendered by those who devote special study and attention to the practice of medicine, particularly obstetrics and gynecology.
- 9. Upon information and belief, at the time of the events giving rise to this cause of action, Steven C. Brigham, M.D. was the owner of abortion clinics located in several states, including four in Baltimore, Cheverly, Frederick, and Silver Spring, Maryland, which were known alternately as either Associates in Ob/Gyn Care, LLC; American Medical Associates,

- P.C.; Rose Health Services Company; and/or American Women's Services (hereinafter collectively referred to as "American Women's Services").
- 10. Upon information and belief, at the time of the events giving rise to this cause of action, Vikram H. Kaji, M.D. was the Medical Director of the American Women's Services clinics, including the four Maryland clinics.
- 11. Upon information and belief, Dr. Brigham exercised control over the operation of four American Women's Services clinics in the State of Maryland, including but not limited to the hiring and firing of employees and physicians to staff the clinics, negotiating contracts with physicians to provide physician services at the clinics, creating and implementing medical policies and procedures, responsibility for the delivery of quality care, and performing other aspects of management and operation. It is asserted that all of the medical policies and procedures governing patient care and the operation of the Maryland clinics was established by Dr. Brigham and were overseen and controlled by him.
- 12. Upon information and belief, Dr. Kaji was hired by Dr. Brigham. It is asserted that his responsibilities as Medical Director included creating and implementing policies and procedures to be followed in the Maryland clinics, and ensuring the delivery of quality of care under Dr. Brigham's direction.
- 13. In their capacity as owner and Medical Director of the American Women's Services, each of whom were aware of the policies and procedures in place at the Maryland clinics and who had substantial involvement in the creation and implementation of those policies and procedures, Drs. Brigham and Kaji owed a duty of care to the Plaintiff even though they did not directly treat her.

- 14. At all relevant times, Drs. Brigham and Kaji were agents, servants, employees and/or apparent agents of Associates in Ob/Gyn Care, LLC; American Medical Associates, P.C.; Rose Health Services Company; and/or American Women's Services, and were acting in the scope of their employment and/or agency.
- Associates, P.C., Rose Health Services Company and/or American Women's Services were the "alter ego" for Dr. Brigham, inasmuch as he exercised complete domination over the finances, policy and business practices of those entities such that the entities had no separate mind, will, or existence of their own. It is further asserted that said control was used by Dr. Brigham to commit fraud or wrong and to avoid his duty of care to his patients, and to act in a dishonest and unjust way in contravention to the rights of his patients, and that such control and breach of said duty proximately caused harm to the patients and in particular, the Plaintiff.
- 16. In late June of 2012, Christy O'Connell learned that she was pregnant. She presented to her primary care provider on July 16, 2012, where a blood pregnancy test and transvaginal ultrasound confirmed that she was 8 weeks and 2 days pregnant, with an estimated date of delivery of February 23, 2013.
- July 26, 2012, she presented to the offices of a practice commonly called "American Women's Services" in Frederick, Maryland to obtain a consultation for an abortion. She reported at this visit that she was currently taking a variety of prescription medications, including anti-depressants, migraine medication, blood pressure medication, asthma medication, and antacids.

- 18. At the appointment, Ms. O'Connell underwent a trans-abdominal ultrasound that was performed by the "office manager." Upon information and belief, the office manager did not have the appropriate qualifications, training or experience to perform or interpret obstetric ultrasound.
- 19. It is asserted that not only were Drs. Brigham and Dr. Kaji aware that the "office managers" who performed and interpreted obstetric ultrasound at the Maryland abortion clinics did not have the appropriate qualifications, training or experience to do so, but also, that it was their express plan to use "office managers" in lieu of properly trained and licensed sonographers.
- 20. It is further asserted that the "office manager" who performed and interpreted Ms. O'Connell's ultrasound was the agent, servant, employee and/or apparent agent of Drs. Brigham, Kaji, and American Women's Services.
- 21. According to the medical records, the office manager who performed Ms. O'Connell's ultrasound estimated her fetus to be approximately 7 weeks and 4 days old. This estimate was inaccurate and underestimated the fetus's gestational age because it was made utilizing gestational sac size rather than the more accurate crown-to-rump length.
- 22. Ms. O'Connell then consulted with Dr. Iris Dominy, and a plan was made to conduct a "medical" or non-surgical abortion, in which the patient takes medications designed to induce a spontaneous abortion. According to consent documents signed by Ms. O'Connell, this option is only viable for women who are 8 weeks pregnant or less.
- 23. Dr. Dominy was hired by Dr. Brigham and at all relevant times, was acting as his agent, servant, employee, and/or apparent agent.

- 24. The medications that were administered to Ms. O'Connell to achieve her abortion– misoprostol and methotrexate are not FDA approved for termination of pregnancy. Methotrexate is typically used in chemotherapy for cancer patients. It was used to induce abortions before the FDA approved RU-486 (mifepristone), and can take up to eight weeks in order to successfully terminate a pregnancy.
- 25. Misoprostol is a drug that is commonly used to induce labor in pregnant patients, and under certain circumstances, can be used to perform a medical abortion in combination with mifepristone/RU-486. Ms. O'Connell was <u>not</u> given any mifepristone, and in fact, the materials she was provided by American Women's Services, drafted and/or approved by Drs. Brigham and Kaji, falsely state that mifepristone "is still not available in the United States."
- 26. Methotrexate and misoprostol are dangerous and powerful drugs. Not only do they have serious physical consequences to the mother who ingests them, but also they can cause serious and permanent harm to the fetus if the abortion is unsuccessful. Indeed, the consent form signed by Ms. O'Connell prior to undergoing her medical abortion, drafted and/or approved by Drs. Brigham and Kaji, states that the medications "are very damaging to the fetus" and "can cause severe birth defects."
- 27. It is asserted that American Women's Services, acting through its agents, Drs. Brigham and Kaji, prescribed methotrexate and misoprostol as therapy for medical abortions instead of other, FDA-approved regimens in order to cut costs and maximize profits. In fact, one pill of mifepristone costs approximately \$95, whereas one dose of methotrexate costs between \$5 and \$25. (Ms. O'Connell was charged a flat fee of \$310 for her medical abortion.)

Recognizing that the treatment regimen prescribed for Ms. O'Connell had the potential to be ineffective and to render severe harm to the fetus, American Women's Services required Ms. O'Connell to return to the clinic several weeks after taking the drugs in order to confirm that she was no longer pregnant. She was advised that if the abortion was not successful, a surgical procedure would have to be performed to complete it. The consent form she signed states:

About 8% of women using this method will not abort and MUST UNDERGO termination by the standard vacuum aspiration method. The drugs used in this termination are very damaging to the fetus, and if they fail to produce complete expulsion of the pregnancy, a minor surgical procedure will be performed. IT IS VERY IMPORTANT THAT YOU UNDERSTAND THAT ONCE METHOTREXATE HAS BEEN GIVEN, THE TERMINATION OF THE PREGNANCY MUST BE COMPLETED. THE METHOTREXATE CAN CAUSE SEVERE BIRTH DEFECTS.

On August 17, 2012, Ms. O'Connell returned to American Women's Services for her follow-up appointment. She indicated at that visit that she was still experiencing symptoms of pregnancy. Another transabdominal sonogram was performed by the "office manager," who interpreted the sonogram as follows: "Trans abdominal US no IUP" (indicating that no intrauterine pregnancy was seen). The report is signed by the office manager and Dr. Dominy. Ms. O'Connell was advised that there would be no need to conduct any urine or blood pregnancy tests to confirm that she was no longer pregnant because the sonogram was conclusive evidence that the medical abortion had been a success. She was only advised to follow up with her primary care provider in three months, and provided a prescription for oral contraceptives.

- 30. Following her abortion, which she believed to be successful, Ms. O'Connell engaged in other behavior she would not have engaged in if she were pregnant, such as drinking alcoholic beverages and taking prescription medications.
- 31. On October 5, 2012, Ms. O'Connell followed up with her primary care provider for her annual "well woman" exam. During the physical exam, her doctor discovered that she was in fact still pregnant, a fact that was confirmed by urine pregnancy test.
- 32. A stat ultrasound confirmed that Ms. O'Connell was still carrying a viable fetus, now more than 18 weeks' of gestational age.
- 33. Ms. O'Connell's health care providers immediately took measures to adjust her prescription medication regimen, counsel her about ways to stay healthy while pregnant, and provide care for her as a high-risk obstetrical patient. She saw her obstetrician almost weekly, and obtained multiple sonograms to monitor her baby's growth.
- 34. Unfortunately, Ms. O'Connell developed severe preeclampsia, or high blood pressure, a condition that can be extremely harmful and even fatal to the mother and her fetus. The only way to reverse preeclampsia is by delivering the baby.
- 35. At approximately 28 weeks' gestation, Ms. O'Connell's preeclampsia was so bad that she was admitted to the hospital, where it was determined that her baby would need to be delivered. Joseph O'Connell was born on December 19, 2012. He was more than 10 weeks premature.
- 36. Joseph O'Connell remained in the Neonatal Intensive Care Unit for almost two months. Upon discharge, he continued to be, and to this day continues to be, monitored by many medical specialists for multiple medical issues, including hearing loss, developmental delays, heart defects, and other problems. Many of these medical issues relate to Joseph's

severe prematurity, and others relate to effects the dangerous and harmful drugs prescribed to Christy O'Connell by American Women's Services.

37. In the summer of 2013, the State of Maryland shut down three of the four American Women's Services clinics located in this State, citing reasons that included outdated equipment and poorly qualified or trained staff, including sonographers.

<u>Count I</u> (Negligence - Dr. Brigham and Dr. Kaji)

- 38. Plaintiff adopts and incorporates paragraphs 1 through 37 as if fully set forth herein.
- 39. The Defendants Steven C. Brigham, M.D. and Vikram H. Kaji, M.D. were negligent and careless in the following manners:
 - a. By engaging and permitting untrained, unqualified individuals to perform and interpret obstetric sonograms;
 - b. By permitting non-physicians to interpret obstetric sonograms;
 - c. By allowing "office managers" to perform and interpret obstetric sonograms without proper supervision and guidance;
 - d. By establishing protocols that allowed and encouraged physicians to rely on the ultrasound interpretations of untrained, unqualified individuals;
 - e. By establishing a policy and protocol for medical abortion that did not take into consideration the best interest of the patient, including by using methotrexate in lieu of mifepristone,
 - f. And in other ways.
- 40. As a result of the negligence of the Defendants, Christy O'Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and

suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of Joseph O'Connell, including medical and related expenses well above and beyond those incurred by a normal, healthy child.

WHEREFORE, Plaintiff, Christy O'Connell, claims damages against the

Defendants, in an amount exceeding \$30,000.00 to be determined by a jury, with all
costs to be paid by the Defendants.

<u>Count II</u> (Informed Consent)

- 41. Plaintiff adopts and incorporates paragraphs 1 through 40 as if fully set forth herein.
- 42. The Defendants Steven C. Brigham, M.D. and Vikram H. Kaji, M.D. had a legal duty and obligation to obtain adequate informed consent, including to accurately inform Christy O'Connell regarding the legal options for abortion available to her, and the material risks, benefits, and alternatives of those options.
- 43. The Defendants were negligent and careless in that they failed to obtain adequate and valid informed consent from Christy O'Connell in the following ways:
 - a. By falsely informing her that mifepristone "is still not available in the United States;"
 - b. By failing to offer her medical abortion with mifepristone;
 - c. By failing to refer her to a different clinic that could provide medical abortion using mifepristone;

d. By failing to inform her that the combination of misoprostol and methotrexate is not as effective in inducing abortion as mifepristone,

especially in a pregnancy greater than 9 weeks;

e. By failing to inform her that the combination of misoprostol and methotrexate can take up to eight weeks to successfully terminate a

pregnancy;

a. And in other ways.

44. As a result of the negligence of the Defendants in failing to provide adequate

and valid informed consent, Christy O'Connell has been caused to suffer physical injury,

severe mental anguish, and other emotional pain and suffering, which is continuing in nature.

She has also incurred, and will in the future continue to incur, substantial expenses related to

the care of Joseph O'Connell, including medical and related expenses above and beyond those

incurred by a normal, healthy child.

WHEREFORE, Plaintiff, Christy O'Connell, claims damages against the

Defendants, in an amount exceeding \$30,000.00 to be determined by a jury, with all

costs to be paid by the Defendants.

EMILY C. WALARKEY

SALSBURY, CLEMENTS, BEKMAN

MARDER & ADKINS, LLC

300 West Pratt Street, Suite 450

Baltimore, MD 21201

410-539-6633

Attorneys for Plaintiffs

Case 1:15-cv-02418-JFM Document 1-1 Filed 08/14/15 Page 1 of 2 CIVIL COVER SHEET

JS 44 (Rev. 12/12)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the

provided by local rules of court purpose of initiating the civil de	t. This form, approved by tocket sheet. (SEE INSTRUC	he Judicial Conference of TIONS ON NEXT PAGE O	of the Unit F <i>THIS FO</i>	ed States in Septe RM.)	mber 19	974, is requ	uired for the use of	f the Clerk of Court for the	
L (a) PLAINTIFFS Christy T. O'Connell 3572 Bagley Drive Mt. Pleasant, South Caro	lina 29466			DEFENDA Steven C. Bri 1 Alpha Aven Vorhees, Nev	ue, Su	itie 27	3		
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)				County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.					
Emily C. Malarkey, Esq. 5 300 W. Pratt St., Suite 45			Adkins	Attorneys (If I	Киочеп)				
II. BASIS OF JURISDI	ICTION (Place an "X" in C	ne Box Only)				RINCIP.	AL PARTIES	(Place an "X" in One Box for I	
□ 1 U.S. Government Plaintiff	☐ 3 Federal Question (U.S. Government)	Not a Party)	·	(For Diversity Cases on of This State	PT		Incorporated or P of Business In	Principal Place 🗇 4 🗀	DEF J 4
☐ 2 U.S. Government Defendant	★ 4 Diversity (Indicate Citizensh	ip of Parties in Item III)	Citize	en of Another State	×		Incorporated and of Business In	Another State	J 5
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□ 110 Insurance □ 120 Marine □ 130 Miller Act □ 140 Negotiable Instrument □ 150 Recovery of Overpayment & Enforcement of Judgment □ 151 Medicare Act □ 152 Recovery of Defaulted Student Loans (Excludes Veterans) □ 153 Recovery of Overpayment of Veteran's Benefits □ 160 Stockholders' Suits □ 190 Other Contract □ 195 Contract Product Liability □ 196 Franchise □ 210 Land Condemnation □ 220 Foreclosure □ 230 Rent Lease & Ejectment □ 240 Torts to Land □ 245 Tort Product Liability □ 290 All Other Real Property	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury Medical Malpractice CIVIL RIGHTS 440 Other Civil Rights 441 Voting 442 Employment 443 Housing/ Accommodations 445 Amer. w/Disabilities Employment 446 Amer. w/Disabilities Other 448 Education	PERSONAL INJUR 365 Personal Injury - Product Liability 367 Health Care/ Pharmaceutical Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability 368 Asbestos Personal Injury Product Liability PERSONAL PROPER 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage Product Liability PRISONER PETITION 463 Alien Detainee 510 Motions to Vacate Sentence 530 General	Y	5 Drug Related Seize of Property 21 US 0 Other	rds at t t al ation tent ct	□ 422 App □ 423 Wit 28 □ 820 Cop □ 830 Pate □ 840 Trac □ 861 HLA □ 862 Blac □ 865 RS1 □ 865 RS1 □ 870 Tax or I □ 871 IRS	peal 28 USC 158 hdrawal USC 157 ERTY RIGHTS overlights ent demark L SECURITY A (1395ff) 6k Lung (923) WC/DIWW (405(g)) D Title XVI	375 False Claims Act 400 State Reapportionme 410 Antitrust 430 Banks and Banking 450 Commerce 460 Deportation 470 Racketeer Influenced Corrupt Organization 480 Consumer Credit 490 Cable/Sat TV 850 Securities/Commodit Exchange 890 Other Statutory Actic 891 Agricultural Acts 893 Environmental Matte 895 Freedom of Informat Act 896 Arbitration 899 Administrative Proce Act/Review or Appea Agency Decision 950 Constitutionality of State Statutes	d and as ties/ons ers tion
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VII. REQUESTED IN COMPLAINT:		IS A CLASS ACTION	- /	EMAND S	1	,		y if demanded in complaint: Yes 🏋 No	
VIII. RELATED CASI	E(S) (See instructions):		2, J.			DOCK	ET NUMBER _	14-1339	
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INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- **I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box. Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)
- III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin. Place an "X" in one of the six boxes.
 - Original Proceedings. (1) Cases which originate in the United States district courts.
 - Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 - Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing
 - Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date. Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 - Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.

 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE

HCA NO.:

6 St. Paul Street, Suite 1501 Baltimore, Maryland 21202-1608 (410) 767-8200

<u>CLAIM F</u>	ORM HCA NO.:
CLAIMANT(S)	HEALTH CARE PROVIDER(S)
CHRISTY T. O'CONNELL	STEVEN C. BRIGHAM, M.D.
Name	Name
3572 Bagley Drive	1 Alpha Avenue, Suite 27
Street Address	Street Address
Mt. Pleasant, SC 29466	Vorhees, NJ 08043
City, State, Zip Code	City, State, Zip Code
C.S., 2, - 1	•
	TATT M D
	VIKRAM H. KAJI, M.D.
Name	Name 1 Alpha Avenue, Suite 27
Street Address	Street Address
Differ / Indiana	Vorhees, NJ 08043
City, State, Zip Code	City, State, Zip Code
City, Same, — F	
	DECEINED
Name	Name JUL 2 7 2015
Street Address	Street Address HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE
City, State, Zip Code	City, State, Zip Code
(1) This claim is filed pursuant to Title 3, Subtitle 2A of the Courts appropriate venue is: _U.S. District Court of Maryla	Article. The damages claimed are in excess of \$30,000.00, and the
(2) The basis of the claim is described on the page(s) attached hereto).
(PLEASE SEE AS VERSE SEE	is area of specialty (030) Obstetrics & Gynecology Gener E FOR AREAS OF CONCENTRATION)
WARNING: Bach Claimant has been advised that he/she may be h claim, whether it is won or lost; this would be an individual and personal transfer of the claim.	eld civilly liable for part or all the Costs resulting from the filing of this sonal responsibility.
ATTORNEY FOR CLAIMANT(S)	CLAIMANT(S)
Emily C. MALARKEY, ESQ.	Christy O'Connell / ecm Signature for each Claimant CHRISTY T. O'CONNELL
300 West Pratt Street, Suite 450 Street Address	
*	
Baltimore, MD 21201 City, State, Zip Code	
410-539-6633	EXHIBIT
Telephone Number	

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE OF MARYLAND

CHRISTY T. O'CONNELL, 3572 Bagley Drive Mt. Pleasant, South Carolina 29466

CLAIMANT

v.

STEVEN C. BRIGHAM, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043

And

VIKRAM H. KAJI, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043

HEALTH CARE PROVIDERS

DECEIVED

JUL 27 2015

HEALTH CARE
ALTERNATIVE DISPUTE
RESOLUTION OFFICE

STATEMENT OF CLAIM

Claimant, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins LLC, files this Statement of Claim against Health Care Providers Steven C. Brigham, M.D. and Vikram H. Kaji, M.D., and states as follows.

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 - 8. Upon information and belief, at the time of the events giving rise to this cause of action, Steven C. Brigham, M.D. was the owner of abortion clinics located in several states, including four in Baltimore, Cheverly, Frederick, and Silver Spring, Maryland, which were known alternately as either Associates in Ob/Gyn Care, LLC; American Medical Associates, P.C.; Rose Health Services Company; and/or American Women's Services (hereinafter collectively referred to as "American Women's Services").

- 9. Upon information and belief, at the time of the events giving rise to this cause of action, Vikram H. Kaji, M.D. was the Medical Director of the American Women's Services clinics, including the four Maryland clinics.
- 10. Upon information and belief, Dr. Brigham exercised control over the operation of four American Women's Services clinics in the State of Maryland, including but not limited to the hiring and firing of employees and physicians to staff the clinics, negotiating contracts with physicians to provide physician services at the clinics, creating and implementing medical policies and procedures, responsibility for the delivery of quality care, and performing other aspects of management and operation. It is asserted that all of the medical policies and procedures governing patient care and the operation of the Maryland clinics was established by Dr. Brigham and were overseen and controlled by him.
- 11. Upon information and belief, Dr. Kaji was hired by Dr. Brigham. It is asserted that his responsibilities as Medical Director included creating and implementing policies and procedures to be followed in the Maryland clinics, and ensuring the delivery of quality of care under Dr. Brigham's direction.
- 12. In their capacity as owner and Medical Director of the American Women's Services, each of whom were aware of the policies and procedures in place at the Maryland clinics and who had substantial involvement in the creation and implementation of those policies and procedures, Drs. Brigham and Kaji owed a duty of care to the Claimant even though they did not directly treat her.
- 13. At all relevant times, Drs. Brigham and Kaji were agents, servants, employees and/or apparent agents of Associates in Ob/Gyn Care, LLC; American Medical Associates,

P.C.; Rose Health Services Company; and/or American Women's Services, and were acting in the scope of their employment and/or agency.

- Associates, P.C., Rose Health Services Company and/or American Women's Services were the "alter ego" for Dr. Brigham, inasmuch as he exercised complete domination over the finances, policy and business practices of those entities such that the entities had no separate mind, will, or existence of their own. It is further asserted that said control was used by Dr. Brigham to commit fraud or wrong and to avoid his duty of care to his patients, and to act in a dishonest and unjust way in contravention to the rights of his patients, and that such control and breach of said duty proximately caused harm to the patients and in particular, the Claimant.
- 15. In late June of 2012, Christy O'Connell learned that she was pregnant. She presented to her primary care provider on July 16, 2012, where a blood pregnancy test and transvaginal ultrasound confirmed that she was 8 weeks and 2 days pregnant, with an estimated date of delivery of February 23, 2013.
- 16. Christy O'Connell made the difficult decision to terminate her pregnancy. On July 26, 2012, she presented to the offices of a practice commonly called "American Women's Services" in Frederick, Maryland to obtain a consultation for an abortion. She reported at this visit that she was currently taking a variety of prescription medications, including anti-depressants, migraine medication, blood pressure medication, asthma medication, and antacids.
- 17. At the appointment, Ms. O'Connell underwent a trans-abdominal ultrasound that was performed by the "office manager." Upon information and belief, the

office manager did not have the appropriate qualifications, training or experience to perform or interpret obstetric ultrasound.

- 18. It is asserted that not only were Drs. Brigham and Dr. Kaji aware that the "office managers" who performed and interpreted obstetric ultrasound at the Maryland abortion clinics did not have the appropriate qualifications, training or experience to do so, but also, that it was their express plan to use "office managers" in lieu of properly trained and licensed sonographers.
- 19. It is further asserted that the "office manager" who performed and interpreted Ms. O'Connell's ultrasound was the agent, servant, employee and/or apparent agent of Drs. Brigham, Kaji, and American Women's Services.
- 20. According to the medical records, the office manager who performed Ms. O'Connell's ultrasound estimated her fetus to be approximately 7 weeks and 4 days old. This estimate was inaccurate and underestimated the fetus's gestational age because it was made utilizing gestational sac size rather than the more accurate crown-to-rump length.
- 21. Ms. O'Connell then consulted with Dr. Iris Dominy, and a plan was made to conduct a "medical" or non-surgical abortion, in which the patient takes medications designed to induce a spontaneous abortion. According to consent documents signed by Ms. O'Connell, this option is only viable for women who are 8 weeks pregnant or less.
- 22. Dr. Dominy was hired by Dr. Brigham and at all relevant times, was acting as his agent, servant, employee, and/or apparent agent.
- 23. The medications that were administered to Ms. O'Connell to achieve her abortion- misoprostol and methotrexate are not FDA approved for termination of pregnancy. Methotrexate is typically used in chemotherapy for cancer patients. It was

used to induce abortions before the FDA approved RU-486 (mifepristone), and can take up to eight weeks in order to successfully terminate a pregnancy.

- 24. Misoprostol is a drug that is commonly used to induce labor in pregnant patients, and under certain circumstances, can be used to perform a medical abortion in combination with mifepristone/RU-486. Ms. O'Connell was not given any mifepristone, and in fact, the materials she was provided by American Women's Services, drafted and/or approved by Drs. Brigham and Kaji, falsely state that mifepristone "is still not available in the United States."
- 25. Methotrexate and misoprostol are dangerous and powerful drugs. Not only do they have serious physical consequences to the mother who ingests them, but also they can cause serious and permanent harm to the fetus if the abortion is unsuccessful. Indeed, the consent form signed by Ms. O'Connell prior to undergoing her medical abortion, drafted and/or approved by Drs. Brigham and Kaji, states that the medications "are very damaging to the fetus" and "can cause severe birth defects."
- 26. It is asserted that American Women's Services, acting through its agents, Drs. Brigham and Kaji, prescribed methotrexate and misoprostol as therapy for medical abortions instead of other, FDA-approved regimens in order to cut costs and maximize profits. In fact, one pill of mifepristone costs approximately \$95, whereas one dose of methotrexate costs between \$5 and \$25. (Ms. O'Connell was charged a flat fee of \$310 for her medical abortion.)
- 27. Recognizing that the treatment regimen prescribed for Ms. O'Connell had the potential to be ineffective and to render severe harm to the fetus, American Women's Services required Ms. O'Connell to return to the clinic several weeks after taking the drugs

in order to confirm that she was no longer pregnant. She was advised that if the abortion was not successful, a surgical procedure would have to be performed to complete it. The consent form she signed states:

About 8% of women using this method will not abort and MUST UNDERGO termination by the standard vacuum aspiration method. The drugs used in this termination are very damaging to the fetus, and if they fail to produce complete expulsion of the pregnancy, a minor surgical procedure will be performed. IT IS VERY IMPORTANT THAT YOU UNDERSTAND THAT ONCE METHOTREXATE HAS BEEN GIVEN, THE TERMINATION OF THE PREGNANCY MUST BE COMPLETED. THE METHOTREXATE CAN CAUSE SEVERE BIRTH DEFECTS.

- 28. On August 17, 2012, Ms. O'Connell returned to American Women's Services for her follow-up appointment. She indicated at that visit that she was still experiencing symptoms of pregnancy. Another transabdominal sonogram was performed by the "office manager," who interpreted the sonogram as follows: "Trans abdominal US no IUP" (indicating that no intrauterine pregnancy was seen). The report is signed by the office manager and Dr. Dominy. Ms. O'Connell was advised that there would be no need to conduct any urine or blood pregnancy tests to confirm that she was no longer pregnant because the sonogram was conclusive evidence that the medical abortion had been a success. She was only advised to follow up with her primary care provider in three months, and provided a prescription for oral contraceptives.
- 29. Following her abortion, which she believed to be successful, Ms. O'Connell engaged in other behavior she would not have engaged in if she were pregnant, such as drinking alcoholic beverages and taking prescription medications.
- 30. On October 5, 2012, Ms. O'Connell followed up with her primary care provider for her annual "well woman" exam. During the physical exam, her doctor

discovered that she was in fact still pregnant, a fact that was confirmed by urine pregnancy test.

- 31. A stat ultrasound confirmed that Ms. O'Connell was still carrying a viable fetus, now more than 18 weeks' of gestational age.
- 32. Ms. O'Connell's health care providers immediately took measures to adjust her prescription medication regimen, counsel her about ways to stay healthy while pregnant, and provide care for her as a high-risk obstetrical patient. She saw her obstetrician almost weekly, and obtained multiple sonograms to monitor her baby's growth.
- 33. Unfortunately, Ms. O'Connell developed severe preeclampsia, or high blood pressure, a condition that can be extremely harmful and even fatal to the mother and her fetus. The only way to reverse preeclampsia is by delivering the baby.
- 34. At approximately 28 weeks' gestation, Ms. O'Connell's preeclampsia was so bad that she was admitted to the hospital, where it was determined that her baby would need to be delivered. Joseph O'Connell was born on December 19, 2012. He was more than 10 weeks premature.
- 35. Joseph O'Connell remained in the Neonatal Intensive Care Unit for almost two months. Upon discharge, he continued to be, and to this day continues to be, monitored by many medical specialists for multiple medical issues, including hearing loss, developmental delays, heart defects, and other problems. Many of these medical issues relate to Joseph's severe prematurity, and others relate to effects the dangerous and harmful drugs prescribed to Christy O'Connell by American Women's Services.

36. In the summer of 2013, the State of Maryland shut down three of the four American Women's Services clinics located in this State, citing reasons that included outdated equipment and poorly qualified or trained staff, including sonographers.

<u>Count I</u> (Negligence – Dr. Brigham and Dr. Kaji)

- 37. Claimant adopts and incorporates paragraphs 1 through 36 as if fully set forth herein.
- 38. The Health Care Providers Steven C. Brigham, M.D. and Vikram H. Kaji, M.D. were negligent and careless in the following manners:
 - a. By engaging and permitting untrained, unqualified individuals to perform and interpret obstetric sonograms;
 - b. By permitting non-physicians to interpret obstetric sonograms;
 - c. By allowing "office managers" to perform and interpret obstetric sonograms without proper supervision and guidance;
 - d. By establishing protocols that allowed and encouraged physicians to rely on the ultrasound interpretations of untrained, unqualified individuals;
 - e. By establishing a policy and protocol for medical abortion that did not take into consideration the best interest of the patient, including by using methotrexate in lieu of mifepristone,
 - f. And in other ways.
- 39. As a result of the negligence of the Health Care Providers, Christy O'Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of Joseph O'Connell, including

medical and related expenses well above and beyond those incurred by a normal, healthy child.

WHEREFORE, Claimant, Christy O'Connell, claims damages against the Health Care Providers in an amount to be determined by a panel of the Health Care Alternative Dispute Resolution Office, with all costs to be paid by the Health Care Providers.

<u>Count II</u> (Informed Consent)

- 40. Claimant adopts and incorporates paragraphs 1 through 39 as if fully set forth herein.
- 41. The Health Care Providers Steven C. Brigham, M.D. and Vikram H. Kaji, M.D. had a legal duty and obligation to obtain adequate informed consent, including to accurately inform Christy O'Connell regarding the legal options for abortion available to her, and the material risks, benefits, and alternatives of those options.
- 42. The Health Care Providers were negligent and careless in that they failed to obtain adequate and valid informed consent from Christy O'Connell in the following ways:
 - a. By falsely informing her that mifepristone "is still not available in the United States;"
 - b. By failing to offer her medical abortion with mifepristone;
 - c. By failing to refer her to a different clinic that could provide medical abortion using mifepristone;
 - d. By failing to inform her that the combination of misoprostol and methotrexate is not as effective in inducing abortion as mifepristone, especially in a pregnancy greater than 9 weeks;

- e. By failing to inform her that the combination of misoprostol and methotrexate can take up to eight weeks to successfully terminate a pregnancy;
- a. And in other ways.
- 43. As a result of the negligence of the Health Care Providers in failing to provide adequate and valid informed consent, Christy O'Connell has been caused to suffer physical injury, severe mental anguish, and other emotional pain and suffering, which is continuing in nature. She has also incurred, and will in the future continue to incur, substantial expenses related to the care of Joseph O'Connell, including medical and related expenses above and beyond those incurred by a normal, healthy child.

WHEREFORE, Claimant, Christy O'Connell, claims damages against the Health Care
Providers in an amount to be determined by a panel of the Health Care Alternative Dispute
Resolution Office, with all costs to be paid by the Health Care Providers.

EMILY CMALARKEY

SALSBURY, CLEMENTS, BEKMAN MARDER & ADKINS, L.L.C.

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(410) 539-6633

Counsel for Claimant

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE OF MARYLAND

CHRISTY T. O'CONNELL,
3572 Bagley Drive
Mt. Pleasant, South Carolina 29466

CLAIMANT

v.

STEVEN C. BRIGHAM, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043

And

VIKRAM H. KAJI, M.D. 1 Alpha Avenue, Suite 27 Vorhees, NJ 08043

HEALTH CARE PROVIDERS

ELECTION TO WAIVE ARBITRATION

Claimant, Christy T. O'Connell, by and through her attorneys, Emily C. Malarkey and Salsbury, Clements, Bekman, Marder & Adkins LLC, hereby elects to waive arbitration in the above captioned matter to the U.S. District Court of Maryland.

EMILY C. MALARKEY SALSBURY, CLEMENTS, BEKMAN

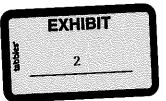
SALSBURY, CLEMENTS, BEKMAN MARDER & ADKINS, LLC

300 West Pratt Street, Suite 450

Baltimore, MD 21201

410-539-6633

Attorneys for Claimants



CHRISTY T. O'CONNELL,

Claimant

* IN THE HEALTH CARE

v. * ALTERNATIVE DISPUTE

STEVEN C. BRIGHAM, M.D. * RESOLUTION OFFICE

And * OF MARYLAND

VIKRAM H. KAJI, M.D. * Claim No:

Health Care Providers *

CERTIFICATE OF QUALIFIED EXPERT

I, Daniel Small, M.D., do hereby certify that I am Board Certified in Obstetrics and Gynecology. I certify that less than twenty percent (20%) of my professional activities are devoted to activities that directly involve testimony in personal injury claims.

I hereby certify that I have reviewed the medical records relating to the care and treatment of Christy O'Connell during her pregnancy in 2012, including but not limited to the medical records of American Women's Services (also known as Associates in OBGYN Care and American Medical Associates); Frederick Primary Care Associates; OB & GYN Center; and Maryland Perinatal Associates. I have also reviewed the deposition of Iris Dominy, M.D., as well as newspaper articles relating to Dr. Brigham and Kaji and their relationships with American Women's Services.

I hereby certify that, based upon my training, expertise and review, the care and treatment rendered to Christy O'Connell by the health care providers at American Women's Services, including Steven Brigham, M.D., Vikram Kaji, M.D., and the individuals(s) who performed her sonogram on August 17, 2012, failed to comply with the standard of care, and that said failures caused injury to Christy O'Connell.

I adopt and incorporate the attached Report Re: Christy O'Connell, which sets forth the substance of my opinions.

Daniel Small, M.D.

123 Franklin Corner Road Lawrenceville, NJ 08648 Date

8-3-15

REPORT RE: CHRISTY O'CONNELL

I have reviewed the medical records relating to the care and treatment of Christy

O'Connell during her pregnancy in 2012, including but not limited to the medical records of

American Women's Services (also known as Associates in OBGYN Care and American

Medical Associates); Frederick Primary Care Associates; OB & GYN Center; and Maryland

Perinatal Associates. I have also reviewed the deposition of Iris Dominy, M.D., as well as

newspaper articles relating to Dr. Brigham and Kaji and their relationship with American

Women's Services.

Based upon my training, expertise and review, the care and treatment rendered to Christy O'Connell by Drs. Steven Brigham, Vikram Kaji, and the individual(s) who performed sonograms on July 26, 2012 and August 17, 2012, were negligent and careless in their treatment of Christy O'Connell in several respects.

First, it is my opinion that a combination of methotrexate and misoprostol is not sufficiently effective in inducing a complete abortion in women who are approximately 8 weeks pregnant. To the extent Drs. Brigham and Kaji established, approved, and/or knew that this regimen was regularly administered in their clinics, they violated the standard of care.

Second, it is my opinion that Drs. Brigham and Kaji violated the standard of care by establishing policies and procedures that allowed untrained individuals, including "office managers," to perform and interpret obstetric sonograms, and by not requiring physicians to interpret and approve sonograms performed by office managers and/or other untrained individuals. It is my opinion that Dr. Dominy and the individual who performed Ms.

O'Connell's follow-up sonogram on August 17, 2012 failed to recognize the presence of a

viable fetus (approximately 10.5-11.5 weeks' gestation) on ultrasound, even though Ms.

O'Connell reported feeling like she was still pregnant.

Additionally, it is my opinion that Drs. Brigham and Kaji were negligent in failing to provide adequate informed consent to Ms. O'Connell regarding the nature of her medical abortion and its material risks and alternatives. For example, in the informed consent documents prepared by and/or approved by Drs. Brigham and Kaji, Ms. O'Connell was falsely told that mifepristone is not available in this country and was not offered an abortion with mifepristone, which is more successful than the regimen she was prescribed, and not advised that abortions with methotrexate can take up to 8 weeks to complete.

These are my opinions as of the date of this report. I may amend or alter these opinions upon the review of additional records, documents, or depositions.

Date: ____8 -3-11

Daniel Small, M.D.

123 Franklin Corner Road Lawrenceville, NJ 08648 CHRISTY T. O'CONNELL

Claimant

* HEALTH CARE

*

ALTERNATIVE DISPUTE

*

STEVEN C. BRIGHAM, M.D., et al.

Health Care Providers

* HCA No.: 2015-349

*

ORDER OF TRANSFER

ORDERED, that this case shall be and is hereby, transferred to the United States

District Court for the District of Maryland.

HARRY L. CHASE, DIRECTOR
Health Care Alternative Dispute Resolution Office

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the above ORDER OF TRANSFER have been mailed, postage prepaid, to all counsel.

HARRY L. CHASE, DIRECTOR

EXHIBIT

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	for	the
	District of	Maryland 🔽
Christy T. O'C	Connell	
Plaintiff(s V. Steven C. Brigham Defendant	, M.D., et al.	Civil Action No.
J	SUMMONS IN A	CIVIL ACTION
To: (Defendant's name and address,	Steven C. Brigham, M.D. 1 Alpha Avenue, Suite 27 Vorhees, New Jersey 08043	
A lawsuit has been file	ed against you.	
are the United States or a Unite P. 12 (a)(2) or (3) — you must	ed States agency, or an officer t serve on the plaintiff an answ cedure. The answer or motion Christy T. O'Connell, Plaintiff	n (not counting the day you received it) — or 60 days if you or employee of the United States described in Fed. R. Civ. Fer to the attached complaint or a motion under Rule 12 of must be served on the plaintiff or plaintiff's attorney, c/o Emily C. Malarkey, Esquire EKMAN, MARDER & ADKINS, LLC,
If you fail to respond, You also must file your answe		ntered against you for the relief demanded in the complaint.
		CLERK OF COURT
Date:		
		Signature of Clerk or Denuty Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

	This summons for (name	ne of individual and title, if any)			
was re	ceived by me on (date)	· •			
	☐ I personally served	the summons on the individual at	(place)		
			on (date)	; or	
		at the individual's residence or us		···	
		, a person	of suitable age and discretion who res	sides there,	
	on (date)	ne individual's last known address; or			
	☐ I served the summo	ons on (name of individual)		, W	ho is
	designated by law to	accept service of process on behal			
	and the second s		on (date)	; or	
	☐ I returned the summ	nons unexecuted because			; or
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of \$	0.00	
	I declare under penalty	y of perjury that this information i	s true.		
Data					
Date:			Server's signature		
		Seguration - Association	Printed name and title		
٠			Server's address		

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action	
UNITED STAT	ES DISTRICT COURT
Distri	for the
Distri	ict of Maryland
Christy T. O'Connell)))
Plaintiff(s))
v.	Civil Action No.
Steven C. Brigham, M.D., et al.)
)))
Defendant(s)	
SUMMONS	IN A CIVIL ACTION
Vorhees, New Jersey 0 A lawsuit has been filed against you.	
are the United States or a United States agency, or an o P. 12 (a)(2) or (3) — you must serve on the plaintiff an the Federal Rules of Civil Procedure. The answer or m whose name and address are: Christy T. O'Connell, Pla	on you (not counting the day you received it) — or 60 days if you afficer or employee of the United States described in Fed. R. Civ. answer to the attached complaint or a motion under Rule 12 of action must be served on the plaintiff or plaintiff's attorney, aintiff c/o Emily C. Malarkey, Esquire TS, BEKMAN, MARDER & ADKINS, LLC,
If you fail to respond, judgment by default will You also must file your answer or motion with the cour	be entered against you for the relief demanded in the complaint. rt.
	CLERK OF COURT
Date	

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

was rec	This summons for (nanceived by me on (date)	ne of individual and title, if any)			
	☐ I personally served	the summons on the individual	at <i>(place)</i>		
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		at the individual's residence or u			
		· •	n of suitable age and discretion who res	sides the	re,
	on (date)	, and mailed a copy to	the individual's last known address; or		
	☐ I served the summo	ons on (name of individual)			, who is
	designated by law to	accept service of process on beh			19
		and Principle I	on (date)	; or	
	☐ I returned the sumr	mons unexecuted because			; or
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of \$	0.	.00
	I declare under penalt	y of perjury that this information	is true.		
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Additional information regarding attempted service, etc: