

D O C K E T I N F O R M A T I O N

CASE ID: 425378V Reference Case:

09/27/2016 #1 BILL OF COMPLAINT 366 EE
TYPE: DOCKET
PLAINTIFF'S COMPLAINT AND ELECTION FOR JURY TRIAL, FILED.

09/27/2016 #2 INFORMATION SHEET FILED 114 EE
TYPE: DOCKET
PLAINTIFF'S INFORMATION SHEET, FILED.

09/27/2016 #3 CERTIFICATE REGARDING DISCOVERY 213 EE
TYPE: DOCKET
PLAINTIFF'S CERTIFICATE REGARDING DISCOVERY AS TO INTERROGATORIES,
REQUEST FOR PRODUCTION OF DOCUMENTS AND NOTICE TO TAKE DEPOSITION,
FILED.

09/28/2016 #4 ORDER, SCHEDULING HEARING CIVIL TRACK 838 EE
TYPE: DOCKET
NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK 4 (DEBELIUS,
J.) , ENTERED. (COPIES MAILED)
Judge: J DEBELIUS

09/28/2016 #5 NOTICE, NEW CASE NUMBER 836 EE
TYPE: DOCKET
NOTICE SENT GIVING NEW CASE NUMBER TO ALL PARTIES.

09/28/2016 #6 SUMMONS ISSUED 248 EE
TYPE: DOCKET
TWO 30 DAY SUMMONS ISSUED FOR PERSONAL SERVICE AND MAILED TO ATTORNEY.

TRIAL ELECTION : JURY Status: Open as of: 09/27/2016
 SUBTYPE: OTHER TORTS R JORDAN TRACK: 4 CALENDAR: 5
 MAIN CHARGE: NEGLIGENCE - MEDICAL MALPRACTICE AGE: 1

P WENDY DEVINE
 1435 R STREET NW APT 200
 WASHINGTON, DC 20009

11/11/1111 JONATHAN SCHOCHOR, ESQ 2767
 SCHOCHOR, FEDERICO & STATON, P
 1211 ST PAUL ST
 BALTIMORE MD 21202
 Phone: 410-234-1000
 Fax: 410-234-1010

SCOTT P KURLANDER, ESQ 17622
 SCHOCHOR, FEDERICO AND STATON,
 THE PAULTON
 1211 ST PAUL ST
 BALTIMORE MD 21202
 Phone: 410-234-1000

-VS.-

D LEROY H CARHART JR
 13233 EXECUTIVE PARK DR
 GERMANTOWN, MD 20874

NONE ASSIGNED AS OF THIS DATE

D GERMANTOWN REPRODUCTIVE HEALTH S
 13233 EXECUTIVE PARK DR
 GERMANTOWN, MD 20874

NONE ASSIGNED AS OF THIS DATE

C H A R G E S

#01 NEGLIGENCE - MEDICAL MALPRACTICE

| COSTS | COUNTY MAKER | DATE | ASSESSED | STATUS DATE | PAID STATUS |
|--------|--------------|------------|----------|-------------|---------------|
| Filing | | 09/27/2016 | \$165.00 | 09/27/2016 | \$165.00 Paid |

| DATE | SCHEDULED EVENT | PLDG | TIME | JUDGE | RM. | LENGTH |
|------------|-----------------------------------|------|-------|-----------|-----|--------|
| 12/30/2016 | SF 0740* SCHEDULING HEARING | | 09:00 | JORDAN, R | 5I | |
| 12/30/2016 | PLT EXPERTS IDENTIFIED/F | | | | | |
| 01/23/2017 | MOTION FOR ALT SVC DEADL | | | | | |
| 02/22/2017 | DEF EXPERTS IDENTIFIED/F | | | | | |
| 05/08/2017 | ALL WRITTEN DISCOVERY SE | | | | | |
| 06/22/2017 | DISCOVERY COMPLETED | | | | | |
| 07/03/2017 | ADD'L PARTIES JOINDER DE | | | | | |
| 07/07/2017 | SH 0603 STATUS HEARING | | 08:30 | RUBIN, R | 7B | |
| 07/07/2017 | MOTIONS/INC DISPOSITIVE | | | | | |
| 07/07/2017 | MEETING OF ALL COUNSEL | | | | | |
| 07/07/2017 | RULE 2-504.3(B) NOTICE D | | | | | |
| 07/18/2017 | ADR DEADLINE | | | | | |
| 07/24/2017 | JOINT PRETRIAL STMT FILE | | | | | |
| 07/28/2017 | SS 0429* SETTLEMENT/PRETRIAL HRG. | | 01:30 | RUBIN, R | 7B | |

WENDY DEVINE
1435 R Street NW, Apt. 200
Washington, DC 20009

Plaintiff

v.

LEROY H. CARHART, JR., M.D.
13233 Executive Park Drive
Germantown, Maryland 20874

and

GERMANTOWN REPRODUCTIVE
HEALTH SERVICES, INC.
13233 Executive Park Drive
Germantown, Maryland 20874
Serve on Resident Agent:
Stanley H. Tashoff
702 Russel Avenue; Suite 300
Gaithersburg, Maryland 20877

Defendants

IN THE
CIRCUIT COURT
FOR
MONTGOMERY COUNTY

Case No.:

Case: 425373
NEW CASE
CV CLERK FEE- 30.00
MD LEGAL SERV 55.00
RIF-NEW CASE 30.00
TOTAL 165.00
Res# M001 Rpt # 34836
B# HR B# # 1565
Ser 27, 2016 12:12 PM

COMPLAINT

COUNT I

COMES NOW the Plaintiff, Wendy Devine, by her attorneys, Jonathan Schochor, Scott P. Kurlander, and Schochor, Federico and Staton, P.A. and sues, LeRoy H. Carhart, Jr., M.D., and Germantown Reproductive Health Services, Inc., Defendants:

1. At all times of which the Plaintiff complains, the Defendant LeRoy H. Carhart, Jr., M.D. (hereinafter referred to as "Carhart") represented to the Plaintiff, and the public that he possessed the degree of skill, knowledge and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

2. The Plaintiff alleges that the Defendant Carhart herein, including duly authorized agents and/or employees of the Defendant Germantown Reproductive Health Services, Inc.,

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CLERK OF COURT
CLERK'S OFFICE

owed to the Plaintiff the duty to exercise the degree of care, skill and judgment expected of a competent medical practitioner acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's condition, careful diagnosis of such condition, employment of appropriate procedures, surgery and/or treatment to correct such conditions without injury upon the Plaintiff, continuous evaluation of the Plaintiff's condition and the effects of such treatment, and adjustment of the course of treatment in response to such ongoing surveillance and evaluation -- all of which the Defendant failed to do.

3. The Defendant Carhart was negligent in that he failed to employ appropriate treatment, surgery, tests and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to properly and appropriately diagnose the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests and/or procedures performed, failed to properly evaluate the effects of chosen treatment, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's condition, and was otherwise negligent.

4. The Plaintiff alleges that the Defendant Germantown Reproductive Health Services, Inc. (hereinafter referred to as "Germantown"), through its agents, servants and employees, owed to the Plaintiff a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's condition, careful diagnosis of such condition,

employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury upon the Plaintiff, continuous evaluation of the Plaintiff's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

5. The Defendant Germantown, through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's condition, failed to diagnose the Plaintiff's condition and was otherwise negligent.

6. At all times referred to herein, the Defendant Carhart acted for himself and as a duly authorized agent and/or employee of Defendant Germantown, acting within the scope of his authority.

7. On January 18, 2016, the Plaintiff, Wendy Devine, was a 34-year-old female who presented to the Defendant Germantown under the care of the Defendant Carhart for purposes of terminating her pregnancy. At all times referred to herein, the Defendant Carhart represented himself to be an expert in gynecology and the termination of pregnancies. It is alleged that the abortion was to be performed at the Defendant Germantown's facility, located in Germantown, Maryland on that date.

8. Accordingly, the Defendant Carhart inserted a cervical dilator and gave the Plaintiff two injections into the uterine cavity through the abdominal wall. She was then

discharged to a hotel room where she was staying, and was instructed to re-present to the facility the following day.

9. Accordingly, on January 19, 2016, the Plaintiff returned to the Defendant Carhart who proceeded to do a dilatation and evacuation procedure. Following the procedure, it is alleged that the Plaintiff became hypotensive, tachycardic, and lethargic, and complained of severe abdominal pain. Her condition progressed to the point that at 7:41 p.m. on January 19, 2016, 911 was called. After stabilization, the Plaintiff was transported to a local hospital for further emergency care and treatment.

10. At approximately 8:35 p.m., the Plaintiff arrived at a local hospital's emergency department with severe vaginal bleeding. She also suffered with bilateral lower extremity weakness as well as lower abdominal pain and cramping. Laboratory work revealed a significantly low hematocrit of 16 as well as hemoglobin of 5.4 -- essentially panic levels. Accordingly, an emergency blood transfusion was started. Further, a gynecology consultation was obtained, and the Plaintiff was admitted to the hospital.

11. After examination, the Plaintiff was taken to an operating room by the gynecologist at approximately 10:20 p.m. for purposes of undergoing an operative laparoscopy. During the procedure, the gynecologist found a retroperitoneal hematoma with extensive hemoperitoneum. Obviously, at this point the procedure was converted to an open laparotomy for direct visualization. The extensive hemoperitoneum was evacuated and an additional specialist was called in for the severe retroperitoneal hematoma. After the hematoma was evacuated (containing more than 1 liter of blood), the operating surgeons noted the presence of a severe and extensive perforation of the uterus that extended from the right cornua to below the uterine vessels at the level of the cervix -- essentially the entire right side of the uterine wall.

The right uterine artery was also torn and required ligation. Additionally, the surgeons found a significant tear in the mesentery of the rectosigmoid colon at the level of the uterine perforation. Further, one of the surgeons performed a right salpingo-oophorectomy as the right ovary was found to be hanging free from a very thin pedicle with minimal support and blood supply. At the completion of the extensive surgery required to make repair of the massive damage inflicted by the Defendant Carhart, the Plaintiff was transferred to a recovery room.

12. Postoperatively, after the Plaintiff was extubated, she required reintubation secondary to laryngeal spasm as well as vocal cord edema. In fact, she required transfer to the Intensive Care Unit (ICU). While in the ICU, the Plaintiff developed aspiration pneumonia as well as sepsis syndrome and was placed on intravenous antibiotics.

13. On January 25, the Plaintiff was finally extubated and moved to a medical floor where she remained hospitalized until her discharge to her home to begin rehabilitation on January 29, 2016.

14. It is alleged that the Plaintiff underwent a tortuous and difficult recuperation. She suffered massive internal scarring, suffers with recurrent and severe pain, including back pain, faces a significant risk of being unable to conceive and/or carry a pregnancy to term, and has suffered severe and permanent disability as the result of the ongoing negligence of these Defendants and each of them.

15. It is alleged that the Plaintiff has in the past, is presently, and will in the future continue to suffer physical pain, emotional anguish, fear, and anxiety over her condition. Additionally, she has in the past, is presently, and will in the future continue to incur hospital, surgical, pharmacological, physiotherapeutic, and other losses and expenses for which claim is made.

16. It is alleged that had the Defendant Carhart acted in accordance with the standards of care during the simple termination of pregnancy procedure, the Plaintiff's uterus would not have been perforated, there would have been no damage to the mesentery, the right uterine artery would never have been torn, and the right ovary would never have been damaged and subsequently removed. In fact, had the Defendant conformed with the applicable standards of care as required, it is alleged that the Plaintiff would have undergone a simple and uneventful termination of pregnancy, and would have shortly resumed all of her normal activities with no injuries, damages or permanent disability whatsoever.

17. The Plaintiff refers to the negligence of these Defendants and each of them as the sole and proximate cause of all of the injuries, damages and personal disability from which the Plaintiff suffers -- with the Plaintiff being in no way contributorily negligent.

18. The negligence complained of occurred in Montgomery County. Venue is claimed in Montgomery County. The amount in controversy exceeds Thirty Thousand Dollars (\$30,000.00).



Jonathan Schochor



Scott P. Kurlander

Schochor, Federico & Staton, PA

Schochor, Federico and Staton, P.A.
The Paulton
1211 St. Paul Street
Baltimore, Maryland 21202
(410) 234-1000

Attorneys for the Plaintiff

WENDY DEVINE, et al : IN THE
 Plaintiff : CIRCUIT COURT
 v. : FOR
 LEROY H. CARHART, JR., M.D., et al : MONTGOMERY COUNTY
 Defendants : Case No.:

: : : : : : : : : : : :

ELECTION FOR JURY TRIAL

The Plaintiff in this case elects to try her case before a Jury.



Jonathan Schochor



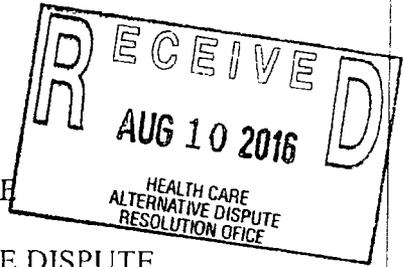
Scott P. Kurlander

Schochor, Federico & Staton, PA

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jschochor@sfspa.com
skurlander@sfspa.com

Attorneys for the Plaintiff

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 CLERK OF COURT
 MONTGOMERY CO
 MD



WENDY DEVINE, et al : BEFORE THE
 Claimant : HEALTH CARE
 v. : ALTERNATIVE DISPUTE
 LEROY H. CARHART, JR., M.D., et al : RESOLUTION OFFICE
 Defendants : HCA No.:

: : : : : : : : : : : :

ELECTION FOR WAIVER OF ARBITRATION

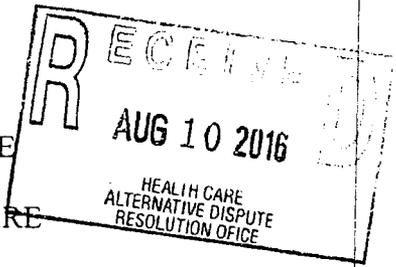
COMES NOW the Claimant, Wendy Devine, by her attorneys, Jonathan Schochor, Scott P. Kurlander and Schochor, Federico and Staton, P.A., and files this Election for Waiver of Arbitration pursuant to the Annotated Code of Maryland, Courts and Judicial Proceedings Article, Section 3-2A-06B. For reasons in support thereof, the Claimant respectfully represents:

1. The Claimant has elected to waive arbitration in the above-captioned case to save time and expense associated herewith.
2. That after filing, this election shall be binding on all parties.

Jonathan Schochor

Scott P. Kurlander
 Schochor, Federico & Staton, PA

Schochor, Federico and Staton, P.A.
 1211 St. Paul Street
 Baltimore, Maryland 21202
 (410) 234-1000
jschochor@sfspa.com
skurlander@sfspa.com
 Attorneys for the Claimant



WENDY DEVINE : BEFORE THE
 Claimant : HEALTH CARE
 v. : ALTERNATIVE DISPUTE
 LEROY CARHART, M.D., ET AL : RESOLUTION OFFICE
 Defendants : OF MARYLAND
 : Case No.

: : : : : : : : : : :

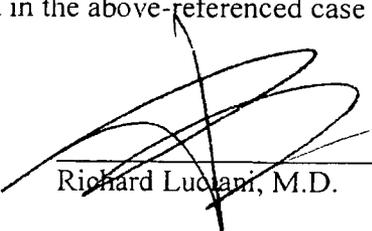
CLAIMANT'S CERTIFICATE OF MERIT

I HEREBY CERTIFY and acknowledge that I have reviewed the hospital records, medical records, and other documentation pertaining to the facts and circumstances in the above-captioned case.

I hereby certify and acknowledge that there have been violations of the standards of care by LeRoy Carhart, M.D. and Germantown Reproductive Health Services, Inc. which have directly and proximately resulted in injuries and damages to the Claimant.

I certify that I am a board-certified expert in obstetrics and gynecology. I further certify that I have had clinical experience, provided consultation relating to clinical practice and/or taught medicine in the Defendant's specialty or a related field of health-care, or in the field of health care in which the Defendant provided care or treatment to the Claimant, within five (5) years of the date of the alleged act or omission giving rise to the cause of action.

I acknowledge that less than 20% of my annual professional time directly involves testimony in personal injury claims. My report in the above-referenced case is attached hereto.


 Richard Luciani, M.D.

Jonathan Schochor, Esquire
Schochor, Federico and Staton, P.A.
The Paulton
1211 St. Paul Street
Baltimore, Maryland 21202

Re: Wendy Devine

Dear Mr. Schochor:

This is to acknowledge that after a review of the medical records and other material involved in the above-referenced case, I have concluded that there have been violations of the standards of care by LeRoy Carhart, M.D. and Germantown Reproductive Health Services, Inc. which have directly and proximately resulted in injuries and damages to the Claimant.

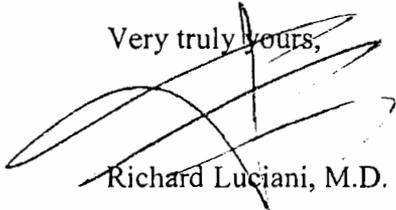
It is my opinion that the Defendant Carhart, acting for himself and as a duly authorized agent and/or employee of the Defendant Germantown Reproductive Health Services, Inc. breached the standards of care by negligently perforating the entire side of Ms. Devine's uterine wall and injuring her right ovary, right uterine artery and bowel mesentery. As a result of the negligence of these Defendants, Ms. Devine developed uncontrollable bleeding that required emergent admission to the hospital, blood transfusions and prolonged hospitalization to address the injuries to her reproductive system. It is my opinion that had all of these Defendants complied with the applicable standards of care that all of the injuries and damages sustained by Wendy Devine would have been avoided. Additionally, I incorporate the Complaint filed in this case by reference.

I certify that I am a board-certified expert in obstetrics and gynecology. I further certify that I have had clinical experience, provided consultation relating to clinical practice and/or taught medicine in the Defendants' specialty or a related field of health-care, or in the field of health care in which the Defendants provided care or treatment to the Claimant, within five (5) years of the date of the alleged act or omission giving rise to the cause of action.

Accordingly, I have concluded that the case filed before the Health Care Alternative Dispute Resolution Office of Maryland is meritorious. I also acknowledge that less than twenty percent of my annual professional time involves testimony in personal injury claims.

This report represents a broad summary of my opinions for purposes of certifying the merit of this matter. I specifically reserve the right to modify, amend and/or supplement my opinions as further information about this case is made available to me through the discovery process.

Very truly yours,



Richard Luciani, M.D.



City or County

CIVIL - NON-DOMESTIC CASE INFORMATION REPORT

DIRECTIONS:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111(a). A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER _____ (Clerk to insert)

CASE NAME: Devine Plaintiff vs. Carhart, et al. Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 10 days

RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC-041)
 ADA accommodation (Please attach Form CC-DC-049)

NATURE OF ACTION (CHECK ONE BOX)

DAMAGES/RELIEF

| | | | |
|--|---|---|---|
| <p>TORTS</p> <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input checked="" type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other _____ | <p>LABOR</p> <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ | <p>A. TORTS</p> <p>Actual Damages</p> <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> Medical Bills <input type="checkbox"/> \$7,500 - \$50,000 \$ _____ <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Property Damages <input checked="" type="checkbox"/> Over \$100,000 \$ _____ <input type="checkbox"/> Wage Loss \$ _____ | |
| | <p>CONTRACTS</p> <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ | <p>B. CONTRACTS</p> <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 | <p>C. NONMONETARY</p> <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____ |
| | <p>REAL PROPERTY</p> <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ | <p>D. EQUITY</p> <input type="checkbox"/> See Addendum | |
| | <p>OTHER</p> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____ | | |

ALTERNATIVE DISPUTE RESOLUTION INFORMATION

Is this case appropriate for referral to an ADR process under Md. Rule 17-101? (Check all that apply)

A. Mediation Yes No C. Settlement Conference Yes No
 B. Arbitration Yes No D. Neutral Evaluation Yes No

TRACK REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL.

THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

1/2 day of trial or less 3 days of trial time
 1 day of trial time More than 3 days of trial time
 2 days of trial time

PLEASE SEE PAGE TWO AND THREE OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR), AS WELL AS ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, BALTIMORE COUNTY, OR PRINCE GEORGE'S COUNTY.

Date 9/26/16

Signature [Signature]

2016 SEP 27 PM 12:11

FILED
CLERK OF COURT
MONTGOMERY COUNTY

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM

For all jurisdictions, if Business and Technology track designation under Md. Rule 16-205 is requested, attach a duplicate copy of complaint and check one of the tracks below.

Expedited
Trial within 7 months
of Filing

Standard
Trial within 18 months
of Filing

EMERGENCY RELIEF REQUESTED _____

Signature

Date

**COMPLEX SCIENCE AND/OR MEDICAL CASE
MANAGEMENT PROGRAM (ASTAR)**

*FOR PURPOSES OF POSSIBLE SPECIAL ASSIGNMENT TO AN ASTAR RESOURCE JUDGE under Md. Rule 16-202.
Please check the applicable box below and attach a duplicate copy of your complaint.*

Expedited - Trial within 7 months of Filing

Standard - Trial within 18 months of Filing

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, BALTIMORE COUNTY, OR PRINCE GEORGE'S COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)

- Expedited Trial 60 to 120 days from notice. Non-jury matters.
- Standard-Short Trial 210 days.
- Standard Trial 360 days.
- Lead Paint Fill in: Birth Date of youngest plaintiff _____.
- Asbestos Events and deadlines set by individual judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR BALTIMORE COUNTY

- Expedited (Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- Standard (Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, International Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- Extended Standard (Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractice, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- Complex (Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.
- Liability is not conceded, but is not seriously in dispute.
- Liability is seriously in dispute.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY ONLY

Section D. Equity Cases — Addendum

| | | |
|---|--|--|
| <input type="checkbox"/> Accounting | <input type="checkbox"/> Adverse Possession | <input type="checkbox"/> Appointment of a Trustee |
| <input type="checkbox"/> Assumption of Jurisdiction | <input type="checkbox"/> Authorized Sale | <input type="checkbox"/> Breach of Covenant |
| <input type="checkbox"/> Constructive Trust | <input type="checkbox"/> Declaratory Judgment (Equity) | <input type="checkbox"/> Declaratory Relief (Equity) |
| <input type="checkbox"/> Detinue | <input type="checkbox"/> Disciplinary Action | <input type="checkbox"/> Ejectment |
| <input type="checkbox"/> Equitable Relief | <input type="checkbox"/> Establishment of Trust | <input type="checkbox"/> Foreclosure Land Installment |
| <input type="checkbox"/> Foreclosure Lien | <input type="checkbox"/> Foreclosure Right of Redemption | <input type="checkbox"/> Foreclosure Statement Condo |
| <input type="checkbox"/> Foreclosure of Deed Trust | <input type="checkbox"/> Foreclosure Mortgage | <input type="checkbox"/> Forfeiture of Prop. / Personal Item |
| <input type="checkbox"/> Foreclosure of Currency or Vehicle | <input type="checkbox"/> Fraudulent Conveyance | <input type="checkbox"/> Injunctive Relief (Equity) |
| <input type="checkbox"/> Mandamus (Equity) | <input type="checkbox"/> Mechanic's Lien | <input type="checkbox"/> Notice of Lis Pendens |
| <input type="checkbox"/> Part / Sale in Lieu of Part | <input type="checkbox"/> Quiet Title | <input type="checkbox"/> Receiverships |
| <input type="checkbox"/> Removal of Trustee | <input type="checkbox"/> Set Aside Deed | <input type="checkbox"/> Specific Performance |
| <input type="checkbox"/> Specific Transaction | <input type="checkbox"/> Structured Settlement | <input type="checkbox"/> Trust |

WENDY DEVINE, et al : IN THE
 Plaintiff : CIRCUIT COURT
 v. : FOR
 LEROY H. CARHART, JR., M.D., et al : MONTGOMERY COUNTY
 Defendants : Case No.:

: : : : : : : : : :

CERTIFICATE OF DISCOVERY

I HEREBY CERTIFY that Interrogatories, Request for Production of Documents, and Notice to Take Deposition will be served along with the Complaint, and that I will retain the original of this document in my possession, without alteration, until the case is concluded in this Court, the time for noting an appeal has expired, and any appeal noted has been decided.



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 Schochor, Federico and Staton, P.A.
 1211 St. Paul Street
 Baltimore, Maryland 21202
 (410) 234-1000
jschochor@sfspa.com

Attorneys for the Plaintiff

FILED
 CLERK OF COURT
 MONTGOMERY COUNTY
 MARYLAND
 JUN 21 PM 12:11

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

WENDY DEVINE
Plaintiff

v.

LEROY H CARHART JR, ET AL
Defendant

:
:
:
: Case No. 425378-V
: Judge: RICHARD E JORDAN
:
:

NOTICE OF SCHEDULING HEARING AND ORDER OF COURT - TRACK 4
(838)
COMPLAINT FILED ON 09/27/2016

SCHEDULING HEARING, 12/30/2016, 9:00 AM COURTROOM 5I , ATTENDANCE REQUIRED PLUS
DEADLINE: PLT EXPERTS IDENTIFIED: 12/30/2016

It is by the Circuit Court for Montgomery County, Maryland, hereby **ORDERED** as follows:

- 1) Effective this date, this case is assigned to a CIVIL calendar under the supervision of the judge as noted above. ALL FUTURE FILINGS IN THIS CASE SHALL BEAR THE CASE NUMBER AND THE JUDGE'S NAME BENEATH THE CASE NUMBER. On filing any motion or paper related thereto with the Clerk's Office, a courtesy copy shall be delivered to the assigned judge's chambers by the party filing the pleading.
- 2) MOTIONS FILED IN A TRACK 4 ACTION SHALL NOT EXCEED 25 PAGES INCLUDING ANY MEMORANDUM OF LAW AND OPPOSITION/REPLY MOTIONS SHALL NOT EXCEED 15 PAGES WITHOUT LEAVE OF COURT.
- 3) Proof of Service. Within sixty-five (65) days of the filing of the Complaint, Plaintiff must file proof of service on each of the Defendants of the following: copies of the Summons, the Complaint, and this Notice of Scheduling Hearing and Order.
 - a) As to any Defendant for whom such proof of service has not been filed, the Court will consider dismissing the Complaint without prejudice at the time of the Scheduling Hearing.
 - b) As to any Defendant not served at the time of the initial Scheduling Hearing, the Court may sever the case against that party.
 - c) A motion for alternative service as to any unserved Defendant may not be filed after the 121st day after filing of the complaint: **DEADLINE: 01/23/2017**
 - d) Defendants who are not served by the 121st day after filing of the complaint are subject to dismissal under Rule 2-507.
 - e) As to any Defendant served with the Summons and Complaint, within thirty (30) days of service, the Defendant must file the Defendant's Civil Information Form with the initial pleading and a copy mailed to Plaintiff.
- 4) Answer or Other Responsive Pleading. Within the time permitted under Maryland Rules, each Defendant must respond to the Complaint by filing an Answer or other responsive pleading. These pleadings must be filed in accordance with Rule 2-321. If no timely response has been

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Clerk of the Circuit Court
Montgomery County, Md.

filed, the Court may enter an Order of Default pursuant to Rule 2-613 at the time of the initial Scheduling Hearing.

- 5) **Initial Discovery.** No later than ten (10) days before the initial Scheduling Hearing, the parties shall: complete sufficient initial discovery to enable them to participate in the hearing meaningfully and in good faith and to make decisions regarding (a) settlement, (b) consideration of available and appropriate forms of alternative dispute resolution (ADR) [PLEASE SEE PARAGRAPH 10 BELOW], (c) limitation of issues, (d) stipulations, (e) any issues relating to preserving discoverable information, (f) any issues relating to discovery of electronically stored information, including the form in which it is to be produced, (g) any issues relating to claims of privilege or of protection, and (h) other matters that may be considered at the hearing; including:
- a) **Initial Disclosure of the Plaintiff's Experts to occur no later than the Scheduling Hearing:** The deadline for the disclosure of Plaintiff's experts coincides with the Scheduling Hearing. Given the early stage of discovery, while disclosure of the area of expertise is expected, some flexibility will be applied as to the specific opinion of the expert. The obligation to supplement the information provided by this deadline continues and must be provided without delay as soon as it is known to the Plaintiff, but no later than thirty (30) days after the Scheduling Hearing without leave of the Court, including any substance of the findings and opinions, grounds for each opinion on which the expert is expected to testify, as well as copies of all reports received from each expert witness. Under no circumstances may this information be withheld.
- 6) **Discovery of Electronic Information.** Further, with regard to the discovery of electronic information, the Parties shall confer in person or by telephone and attempt to reach agreement, or narrow the areas of disagreement, as to the preservation of electronic information, if any, and the necessity and manner of conducting discovery regarding electronic information, and the parties shall be prepared to address the following at the Scheduling Hearing:
- a) Identification and retention of discoverable electronic information and what, if any, initial discovery and any party requests in order to identify discoverable electronic information;
 - b) Exchange of discoverable information in electronic format where appropriate, including:
 - i) The format of production, *i.e.*, PDF, TIFF or JPEG file or native formats such as Microsoft Word, Word Perfect, *etc.*, and the manner in which the information shall be exchanged such as CD-ROM disks or otherwise; and
 - ii) Whether separate indices will be exchanged and whether the documents and information exchanged will be electronically numbered.
 - c) Whether the parties agree as to the apportionment of costs for production of electronic information that is not maintained on a party's active computers, computer servers or databases;
 - d) The manner of handling inadvertent production of privileged materials; and
 - e) Whether the parties agree to refer electronic discovery disputes to a Special Master for resolution.

The parties shall reduce all areas of agreement, including any agreements regarding inadvertent disclosure of privileged materials, to a stipulated order to be presented to the court at or before the Scheduling Hearing.

- 7) **Attorneys' Fees.** If a party intends to assert a "substantial claim" for attorneys' fees, the Court, at the Scheduling Hearing, will determine whether to require enhanced documentation, quarterly statements, or other procedures permitted by Maryland Rules. If triable by jury, the Court will determine the necessity of a separate discovery schedule, to include, if appropriate, the designation of experts relating to this issue. (See Rules 2-703, 2-704, and 2-705.)
- 8) **Scheduling Hearing Statement.** ~~For 10 days before the initial Scheduling Hearing,~~ each party must file with the Court and provide to the other party and the assigned judge a Scheduling Hearing Statement setting forth the following information:

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 Clerk of the Circuit Court
 Montgomery County, Md.

- a) for the Plaintiff, a brief statement of the nature of the controversy and the claims being made by the Plaintiffs;
 - b) for the Defendant, a concise statement of the Defendant's defenses;
 - c) an itemization of damages or other relief sought for the Plaintiff and an itemization of matters in mitigation of damages or in opposition to the relief sought by the Defendant;
 - d) the maximum offer or minimum demand now acceptable to your client;
 - e) a concise statement of the number of witnesses and a designation of the number and identity of proposed expert witnesses;
 - f) an estimation of the amount of time it will take to complete each party's portion of the trial.
 - g) If a "substantial claim" for attorneys' fees is anticipated, a concise statement from the party asserting the claim, setting forth how fees will be documented, whether the claim is pursuant to law, statute or contract, identifying the legal theory, statute of contract provision, whether counsel agrees to follow the Guidelines Regarding Compensable and Non-Compensable Attorneys' Fees, and whether the claim is triable by jury. If triable by jury, counsel shall confer in person or by telephone and be prepared to address at the Scheduling Hearing the need for and contents of a separate discovery schedule relating to attorneys' fees, to include, if appropriate, the designation of experts.
- 9) On the date and time noted above, all counsel and any unrepresented parties shall appear before the assigned judge at an initial Scheduling Hearing to discuss the possibilities of settlement, ADR, and to establish a schedule for the completion of all proceedings. This Order is the only notice that parties and counsel will receive concerning this hearing. Failure to appear may result in sanctions. **Where the Plaintiff does not appear, failure to appear may result in dismissal of the complaint, EVEN IF DEFENDANTS HAVE NOT YET BEEN SERVED OR HAVE NOT YET ANSWERED.**
- 10) Mediation. PLEASE BE ADVISED THAT THE COURT WILL ORDER MEDIATION IN THE ABOVE-CAPTIONED CASE. PLEASE DISCUSS ADR/MEDIATION WITH THE OPPOSING PARTY (OR COUNSEL, IF APPLICABLE) PRIOR TO THE SCHEDULING HEARING. Parties choosing a mediator must pay the rate agreed upon by the parties and the mediator. Where the court designates a mediator, pursuant to Rule 17-208, the parties will pay the hourly rate established by the court. Counsel/parties may object to participating in mediation either at the Scheduling Hearing, or in accordance with Rule 17-202(f), within thirty (30) days after entry of the order, may file (A) an objection to the referral, (B) an alternative proposal, or (C) a "Request to Substitute ADR Practitioner" substantially in the form set forth in Rule 17-202(g).
- 11) Postponement of the Scheduling Hearing. Upon advice that the date noted above is in conflict with another required appearance for any attorney of record or unrepresented party, the Hearing may be postponed once for no more than two (2) weeks, with the consent of all parties. No other postponement of the Hearing will be granted except upon motion for good cause shown. Failure to appear at the Scheduling Hearing may result in a dismissal and/or default judgment.
- 12) **THE TRIAL DATE SHALL BE SET AT THE SCHEDULING HEARING BETWEEN THE DATES NOTED BELOW. COUNSEL ARE ENCOURAGED TO CLEAR DATES WITH ONE ANOTHER AND THE ASSIGNMENT OFFICE PRIOR TO THE SCHEDULING HEARING:**

[TRIAL DATE BETWEEN: 08/04/2017 and 12/25/2017]

ENTERED

Date: 09/28/2016

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Clerk of the Circuit Court
Montgomery County

John W. Debelius III
Circuit Administrative Judge

Possession and use of cell phones, computers, other electronic devices, and cameras may be limited or prohibited in designated areas of the court facility. The use of any camera, cell phone, or any electronic device for taking, recording, or transmitting photographs, videos, or other visual images is prohibited in the court facility at all times, unless the court expressly grants permission in a specific instance.

Questions? Please see www.montgomerycountymd.gov/circuitcourtDCM or call the DCM coordinator at 240-777-9358.

LEROY H CARHART JR
13233 EXECUTIVE PARK DR
GERMANTOWN MD 20874

GERMANTOWN REPRODUCTIVE HEALTH SERVICES
INC
13233 EXECUTIVE PARK DR
GERMANTOWN MD 20874

JONATHAN SCHOCHOR, ESQ
SCHOCHOR, FEDERICO & STATON, PA
1211 ST PAUL ST
BALTIMORE MD 21202

SCOTT P KURLANDER, ESQ
SCHOCHOR, FEDERICO AND STATON, P.A.
THE PAULTON
1211 ST PAUL ST
BALTIMORE MD 21202



Barbara H. Meiklejohn
Clerk of the Circuit Court for Montgomery County, Maryland
50 Maryland Avenue
Rockville, Maryland 20850-2397
September 28, 2016

RE: Notice of New Case Number for
WENDY DEVINE vs LEROY H CARHART JR, ET AL
Reference Case#:
Case Type: NEGLIGENCE - MEDICAL MALPRACTICE
(836)

Dear Sir/Madam:

Please be advised that the above referenced case was received on September 27, 2016, in the office of the Clerk for Montgomery County. This matter has been assigned case number 425378-V. Please include this case number on all future papers to be filed in this case.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara H. Meiklejohn", written over a horizontal line.

Clerk of the Circuit Court
for Montgomery County,
Maryland

WENDY DEVINE
1435 R STREET NW APT #200
WASHINGTON DC 20009

LEROY H CARHART JR
13233 EXECUTIVE PARK DR
GERMANTOWN MD 20874

GERMANTOWN REPRODUCTIVE HEALTH SERVICES
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WRIT OF SUMMONS

(248)

Case No: 425378-V

(Service Address)

You are hereby summoned to file a written response by pleading or motion in this court to the attached complaint filed by:

WENDY DEVINE

within **30** days after service of this summons upon you.

Witness, the Honorable Chief Judge of the Sixth Judicial Circuit of Maryland.

TO THE PERSON SUMMONED:

1. Failure to respond within the time allowed may result in a default judgment or the granting of the relief sought against you.
2. If you have been served with a Scheduling Order, your appearance is required pursuant to the Scheduling Order, regardless of the date your response is due.
3. If you have questions, you should see an attorney immediately. If you need help finding an attorney, you may contact the Bar Association of Montgomery County's Lawyer Referral Service online at www.barmont.org or by calling (301) 279-9100.

Date Issued: 09/28/2016



Barbara H. Meiklejohn

Barbara H. Meiklejohn
 CLERK of the Circuit Court
 Montgomery County, Maryland
 50 Maryland Avenue
 Rockville, MD 20850-2393

NOTE:

1. This summons is effective for service only if served within 60 days after the date it is issued.
2. Proof of service shall set out the name of the person served, the date, and the particular place and manner of service. If service is not made, please state the reason(s).
3. Return of served or unserved process shall be made promptly and in accordance with Rule 2-126.
4. If this summons is served by private process, process server shall file a separate affidavit as required by Rule 2-126(a).

RETURN

Served _____ on _____ at _____
(Whom) (Date) (City/State/Country)

Summons and Show Cause Order and Complaint/Petition/Motion Served

Unserved _____
(Date) (Reason)

(Signature) Sheriff

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LEROY H CARHART JR
13233 EXECUTIVE PARK DR
GERMANTOWN MD 20874

GERMANTOWN REPRODUCTIVE HEALTH SERVICES
INC
13233 EXECUTIVE PARK DR
GERMANTOWN MD 20874

Agent for GERMANTOWN REPRODUCTIVE HEALTH
STANLEY H. TASHOFF
702 RUSSEL AVE STE 300
GAITHERSBURG, MD 20877