

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

LEROY CARHART,)
)
 Plaintiff,)
)
 vs.)
)
 NANCY SAMUELS and TODD STAVE)
 as successors in interest to)
 Germantown Reproductive Health)
 Services,)
 Defendants.)

Case No. 436978V

DROP BOX
FILED
SEP 20 2017
Clerk of the Circuit Court
Montgomery County, Md.

ANSWER TO COMPLAINT FOR DECLARATORY JUDGMENT

Defendants GERMANTOWN REPRODUCTIVE HEALTH SERVICES, INC., NANCY SAMUELS and TODD STAVE, by and through their attorney, Bruce L. Stern, Esq., hereby answer the Complaint on file herein as follows:

1. Defendants admit that the plaintiff is a licensed medical professional in the State of Maryland but have insufficient information or belief to respond to the other allegations of paragraph 1 of the Complaint.
2. Defendants admit the allegations of Paragraph 2 of the Complaint.
3. Defendants admit that Nancy Samuels and Todd Stave are the sole shareholders of defendant GERMANTOWN REPRODUCTIVE HEALTH SERVICES, INC. ("GRHS"), and will be its successors in interest, when the corporation is dissolved. These defendants, or either of them, will also be responsible for the maintenance of GRHS' patient records when GRHS is dissolved.
4. Defendants do not contest the jurisdiction of this Court over this matter as set forth in Paragraph 4 of the Complaint.

5. Defendants do not contest the jurisdiction of this Court over this matter as set forth in Paragraph 5 of the Complaint.

6. Defendants agree that venue is appropriate for resolution of this dispute as set forth in Paragraph 6 of the Complaint.

7. Defendants admit the allegations of Paragraph 7 of the Complaint.

8. Defendants admit that patient records were stored at GRHS' offices and that plaintiff kept personal files at GRHS' offices. Defendant either denies or has insufficient information or belief to admit the remaining allegations of paragraph 8 of the Complaint.

9. Defendants admit that GRHS maintains the records of GRHS' patients as it is required to do under Maryland law. Defendants deny that the patients are plaintiff's patients as opposed to patients of GRHS, although plaintiff may have been the treating physician of these individuals.

10. Defendants deny the allegations of paragraph 10 of the Complaint.

11. Defendants deny the allegations of paragraph 11 of the Complaint.

12. Defendants neither admit nor deny the allegations of paragraph 12 of the Complaint on the basis that the factual allegations set forth in this paragraph have no bearing on the issues raised by the Complaint for Declaratory Judgment.

13. Defendants admit that GRHS has not provided its patients' medical records to plaintiff. Defendants believe that, under Maryland law, GRHS is required to maintain its patient records and that it is not authorized under applicable law and regulations to release the records to plaintiff, although requested by him.

14. Paragraph 14 contains legal conclusions that defendants are not required to admit or deny. In response, defendants state that they believe that under state regulations applicable to

health care providers, GRHS is required to maintain the patient records sought by plaintiff. See, Md. Code Regs. 10.01.16.04(c) which provides: “Medical records are the personal property of the entity providing health care and are maintained for (1) the patient, (2) medical or treatment staff, and (3) other treatment, payment, and health care operations.”

15. Paragraph 15 contains legal conclusions that defendants are not required to admit or deny.

16. Paragraph 16 contains legal conclusions that defendants are not required to admit or deny.

17. Defendants deny that the patients treated by plaintiff are patients of plaintiff’s as opposed to patients of GRHS and again reiterate that they believe, under Maryland law, the obligation to maintain the records is imposed on GRHS and not plaintiff. Defendants do not deny the confidential nature of the records nor their obligation to preserve and maintain their confidentiality.

18. Defendants admit the allegations of paragraph 18 of the Complaint.

19. No response to paragraph 19 of the Complaint is required.

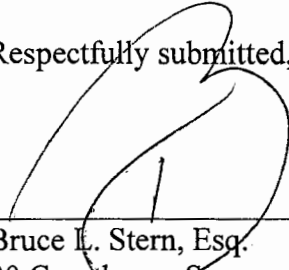
20. Defendants admit the allegations of paragraph 20 of the Complaint.

Defendants’ Affirmative Statement Regarding Relief Sought

The defendants do not oppose the relief sought by plaintiff in his Complaint. The defendants believe, however, that under applicable Maryland law and regulations that GRHS is required to maintain the records of its former patients, even after its closure, and that GRHS cannot unilaterally transfer that responsibility to plaintiff. If the Court determines that GRHS may transfer these records to plaintiff, defendants will abide by the Court’s order if GRHS and

the defendants are relieved from liability therefrom and their legal obligation to maintain and preserve the confidential nature of these records is ended by the Court.

Respectfully submitted,

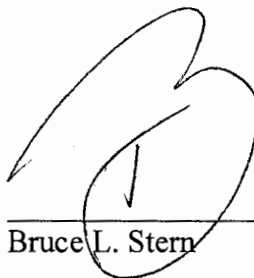


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Attorney for Defendants

CERTIFICATE OF SERVICE

On September 20, 2017, I served a copy of the foregoing pleading on the plaintiff by mailing a true and correct copy thereof, first class mail, postage prepaid, to:

Thomas C. Hill, Esq.
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street NW
Washington, DC 20036-3006



A handwritten signature in black ink, appearing to be 'Bruce L. Stern', is written over a horizontal line. The signature is stylized and cursive.

Bruce L. Stern