

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

[REDACTED]

Plaintiff,

v.

Civil No.

LEROY H. CARHART, JR., M.D.
10401 Old Georgetown Road, #104
Bethesda, Maryland 20814,

and

ELIZABETH SWALLOW, M.D.
10401 Old Georgetown Road, #104
Bethesda, Maryland 20814,

and

ABORTIONCLINICS.ORG, INC. a/k/a as
ABORTIONCLINICS and/or ACO
INCORPORATED
10401 Old Georgetown Road, #104
Bethesda, Maryland 20814,

SERVE ON: Resident Agent
Mary Lou Carhart
Suite 104
10401 Old Georgetown Road
Bethesda MD 20814,

and

ACO INCORPORATED d/b/a
AbortionClinics.Org, Inc., and/or
ABORTIONCLINICS
10401 Old Georgetown Road, #104
Bethesda, Maryland 20814,

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& WELLS, LLP
A Registered Limited Liability Partnership

ATTORNEYS AT LAW
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ROCKVILLE, MD 20850
(301) 762-5150

ABORTIONCLINICS, and was acting within the scope of his agency, duties, and/or employment.

3. At all times relevant hereto, Defendant Elizabeth Swallow, M.D., was a duly licensed physician in the State of Maryland, who was performing abortions and was the actual or apparent agent, servant, and/or employee of Leroy H. Carhart, Jr., M.D. as well as the Defendants AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, and was acting within the scope of her agency, duties, and/or employment.

4. At all times relevant hereto, Defendant AbortionClinics.Org, Inc., a/k/a ABORTIONCLINICS and/or ACO Incorporated, was a corporation with its principal office located at 10401 Old Georgetown Road, #104, Bethesda, Maryland 20814, and was organized and existing under the laws of the State of Maryland providing abortion services to the Montgomery County community through its agents, servants, and/or employees and was the actual or apparent principal, master, servant, and/or employer of Defendants Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D.

5. At all times relevant hereto, Defendant ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, was a corporation with its principal office located at 10401 Old Georgetown Road, #104, Bethesda, Maryland 20814, and was organized and existing under the laws of the State of Maryland providing abortion services to the Montgomery County community through its agents, servants, and/or employees and was the actual or apparent principal, master, servant, and/or employer of Defendants Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D.

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JURISDICTION AND VENUE

6. This claim was brought before the Health Claims Arbitration Office of Maryland, HCA No. 2021-104, in which the Plaintiffs then filed an Election to Waive Arbitration pursuant to MD. CODE ANN., CTS. AND JUD. PROC., § 3-2A-06B.¹

7. The amount of this claim exceeds the required jurisdictional limit, and venue is proper in Montgomery County where the Defendants practice medicine and provide abortion services. Montgomery County is also where the negligence complained of occurred.

FACTS COMMON TO ALL COUNTS

8. On or about May 11, 2020, Plaintiff Ashley P. Norris sought medical services from Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, located at 10401 Old Georgetown Road, #104, Bethesda, Maryland 20814, for the purpose of aborting a 25-week gestational age fetus.

9. After contacting a national abortion services company through an 800 telephone number, Plaintiff Ashley P. Norris was referred to Defendants Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, at 10401 Old Georgetown Road, #104, Bethesda, Maryland 20814.

10. After contacting the Defendants Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and

¹ The Health Claims Arbitration Office of Maryland Election to Waive Arbitration and Order of Transfer are attached hereto as Exhibit "1."

ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, Plaintiff Ashley P. Norris drove herself from her home in Churchill, Virginia, to Bethesda, Maryland.

11. On May 11, 2020, Plaintiff Ashley P. Norris had her initial appointment with Defendants Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, at the abortion clinic location noted above.

12. At this initial appointment, Plaintiff Ashley Norris was given an ultrasound examination along with oral medications and a vaginal insertion of a seaweed extract known as "laminaria" designed to cause cervical dilation. Following this procedure, Plaintiff Ashley P. Norris spent the night in a local motel.

13. On May 12, 2020, Plaintiff Ashley P. Norris returned to the abortion clinic in the morning as directed for completion of the procedure. At that time additional oral medications were given to further dilate the uterus.

14. Despite the additional medications, the dilation of the Plaintiff's uterus had not proceeded as expected and she was informed "she had not done much."

15. Around this same time and despite the failure of the Plaintiff's uterus to advance as to dilation, the Plaintiff was placed under anesthesia.

16. Plaintiff Ashley P. Morris awoke during the procedure screaming in pain and was immediately placed back under anesthesia. Plaintiff then began bleeding heavily as a result of perforation of the uterus and sigmoid colon. These unintended perforations caused pain and excessive bleeding accompanied by a substantial and dangerous drop in blood pressure.

17. Upon information and belief, Defendant Leroy H. Carhart, Jr., M.D., was called in to assist in the procedure after the excessive bleeding and substantial decrease in blood pressure was noted.

18. The Montgomery County Fire and Rescue Department were contacted by the Defendants to emergently transport Plaintiff to the Shady Grove Adventist Hospital located at 9901 Medical Center Drive, Rockville, Maryland 20850.

19. Plaintiff Ashley P. Norris arrived in the Emergency Department in critical condition, bleeding, in shock, with dangerously depressed blood pressure, dangerously low hematocrit and hemoglobin levels and respiratory difficulties.

20. Plaintiff Ashley P. Norris was rushed to emergency surgery where the surgeons at Shady Grove Adventist Hospital diagnosed retained fetal parts in the uterus. In addition, the uterus and bowel had been perforated and torn causing excessive blood loss, anemia and respiratory failure. A "large amount" of blood (over 1500 cc's) had to be evacuated from the peritoneal cavity where the uterus and bowel are located.

21. The sigmoid colon adjacent to the uterus was identified and it was noted to be also perforated and devascularized. There was stool noted throughout the surgical field as a result of the unintended bowel perforation that caused bowel content to leak into the peritoneal cavity which had to be surgically cleaned.

22. As a result of injury to the sigmoid colon, part of it had to be removed and a colostomy bag inserted directing bowel contents outside the body into a pouch created to collect fecal material which colostomy remained in place for several days following the procedure.

23. The medical records of the ensuing operation state:

“The patient had earlier in the day had a dilatation and evacuation with provider, Dr. Elizabeth Swallow, at an outside institution. Dr. Swallow then called the emergency room to report the patient was on her way, and I did speak to Dr. Swallow verbally over the phone after the procedure, she was concerned for uterine perforation as well as bowel perforation. Per Dr. Swallow, she was also concerned that there was fetal part still in the patient's abdomen. We immediately brought the patient to surgery.”

“Immediate inspection of the uterus after it was delivered through the Pfannenstiel incision showed the 5 cm uterine perforation and severe active bleeding from the right lower side of the uterus on the posterior side.”

“Upon entering peritoneal cavity, there was a large amount of blood evacuated from peritoneal cavity. Throughout the case, we evacuated ~1100 cc into the suction canister as well as another ~400cc of blood onto the lap sponges and into the surrounding drapes.”

24. The failure by the Defendants Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., to properly inform Plaintiff Ashley P. Norris and to properly perform the abortion procedure while acting within their aforesaid duties, agency and/or employment resulted in multiple internal injuries to the Plaintiff Ashley P. Norris including permanent injury to her uterus and bowel.

25. Plaintiff was not contributorily negligent nor assumed the risk of this injury

COUNT ONE - MEDICAL NEGLIGENCE (Ashley P. Norris)

26. The factual allegations of paragraphs 1 through 25 are incorporated by reference as though fully set forth herein.

27. The Defendants, Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., while acting as the apparent or actual agents, servants and/or employees of AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, all jointly and severally, were negligent and breached the standard of care in one or more of the following ways, by:

- a. Failing to properly inform the Plaintiff of the potential of rupture and perforation of uterus due to uterine injury;
- b. Failing to properly monitor the Plaintiff, Ashley Norris, during the procedure until she was in critical condition from excessive loss of blood;
- c. Failing to properly administer the medications as part of the abortion procedure;
- d. Failing to properly perform the suction removal of the fetus as part of the abortion procedure;
- e. Failing to properly inform the Plaintiff of the potential of injury to organs outside the uterus including, but not limited to, the bowel.
- f. For such other and further reasons as may be determined during the course of discovery pursuant to the Maryland Rules of Civil Procedure.

28. As a direct and proximate result of the departures from standard care of the Defendants, Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., while acting within the scope of their apparent or actual agency, duties, and/or employment, on behalf of AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, all jointly and severally, and without any negligence on her part, Plaintiff Ashley P. Norris has sustained economic harm and damage, in the past, present and future and has sustained permanent internal injuries including a permanent loss of her uterus, as well as damage to her bowel. Plaintiff has incurred expenses in the past, present, and future for medical expenses and the Plaintiff did in the past and will continue in the future to suffer great injury to her body; great pain, suffering, and mental anguish; and did in the past and will in the future incur medical, physician, hospital, and related costs. In addition, Plaintiff suffered loss of

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enjoyment of life and the ability to pursue the ordinary pleasures of life because of her physical and mental injury. These injuries and damages are permanent.

29. In addition, Plaintiff Ashley P. Norris claims a loss of earnings in the past, present and future arising from the negligence of the Defendants, all jointly and severally.

WHEREFORE, as a result of the foregoing, Plaintiff Ashley P. Norris, claims damages from Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, all jointly and severally, for compensatory damages in excess of the jurisdictional limit, plus interest, costs and other permissible damages.

**COUNT TWO - NEGLIGENCE - INFORMED CONSENT
(Ashley P. Norris)**

30. The factual allegations of paragraphs 1 through 29 are incorporated by reference as though fully set forth herein.

31. Defendants Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, were obligated to inform Plaintiff Ashley P. Norris of the material risks and consequences of the abortion procedure, including but not limited to, that the medications and procedure could cause catastrophic injury to the uterus resulting in rupture and/or puncture and that additional damage to internal organs, such as the sigmoid colon, could result in death and/or permanent injuries.

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32. Defendants AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, by and through Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., its actual and/or apparent agents, servants and employees; and Defendants Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., failed to perform this duty. At no time was Plaintiff Ashley P. Norris properly informed of the material risks and consequences of the abortion procedure, including but not limited to, that the medications and procedure could cause catastrophic injury to the uterus resulting in rupture and/or puncture and that additional damage to internal organs, such as the sigmoid colon, could result in death and/or permanent injuries.

33. A reasonable person in Plaintiff Ashley P. Norris' position would have withheld consent to the abortion procedure had the material risks and consequences been disclosed. Ashley P. Norris could have elected reasonable alternatives.

34. As a direct and proximate result of the failure of the Defendants, all jointly and severally, to obtain the appropriate informed consent, Ashley P. Norris has sustained economic harm and damage, in the past, present and future and has sustained permanent injuries. Ashley P. Norris has incurred great expenses in the past, present, and future for medical expenses and the Plaintiff did in the past and will continue in the future to suffer great injury to her body; great pain, suffering, and mental anguish; and did in the past and will in the future incur great medical, physician, hospital, rehabilitation and related costs. In addition, Plaintiff suffered loss of enjoyment of life and the ability to pursue the ordinary pleasures of life because of her physical and mental injury. These injuries and damages are permanent.

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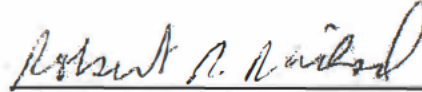
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35. In addition, Plaintiff Ashley P. Norris claims a loss of earnings in the past, present and future arising from the negligence of the Defendants, all jointly and severally.

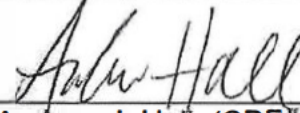
WHEREFORE, as a result of the foregoing, Plaintiff Ashley P. Norris claims damages from Leroy H. Carhart, Jr., M.D.; Elizabeth Swallow, M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS, all jointly and severally, for compensatory damages in excess of the jurisdictional limit, plus interest, costs and other permissible damages.

Respectfully submitted,

SHADOAN, MICHAEL & WELLS, LLP



Robert R. Michael, (CPF# 7201010133)
rmichael@smwlawfirm.com



Andrew J. Hall, (CPF#1112130396)
ahall@smwlawfirm.com

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Attorneys for Plaintiff

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DEMAND FOR JURY TRIAL

Plaintiff, Ashley P. Norris, by and through her attorneys, Robert R. Michael, Esquire, Andrew J. Hall, Esquire, and Shadoan, Michael & Wells, LLP, demands a trial by jury of this action.



Robert R. Michael

CERTIFICATE OF SERVICE

I Hereby Certify that on this 17th day of November 2021, a copy of the foregoing Complaint, was mailed, first class, postage prepaid to:

Mary Alane Downs, Esquire
Downs, Ward, Bender, Hauptmann & Herzog, P.A.
Executive Plaza III, Suite 400
11350 McCormick Road
Hunt Valley, MD 21031

Attorneys for Leroy H. Carhart, Jr., M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS

Michael E. Blumenfeld, Esquire
Nelson Mullins
100 S. Charles Street
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Baltimore, MD 21201
Attorneys for Elizabeth Swallow, M.D.



Andrew J. Hall

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ASHLEY P. NORRIS

Claimant

v.

LEROY H. CARHART, JR., M.D., et al.

Health Care Providers

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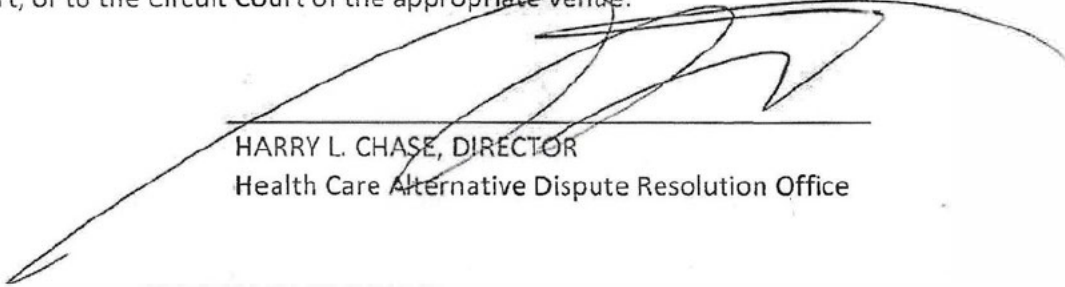
BEFORE THE
HEALTH CARE
ALTERNATIVE DISPUTE
RESOLUTION OFFICE

HCA No.: 2021 104

ORDER OF TRANSFER

The Claimant, by and through counsel, having elected a Waiver of Arbitration under the provisions of Annotated Code of Maryland, Courts and Judicial Proceedings, Article, § 3-2A-06B, it is this 9th day of September, 2021, by the Health Care Alternative Dispute Resolution Office,

ORDERED, that this case shall be and is hereby, transferred to the United States District Court, or to the Circuit Court of the appropriate venue.



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

Please Date Stamp & Return
Thank You

IN THE HEALTH CARE ALTERNATIVE DISPUTE RESOLUTION OFFICE
STATE OF MARYLAND

ASHLEY P. NORRIS

Claimant,

v.

HCA No. 2021-104

LEROY H. CARHART, JR., M.D., *et al.*

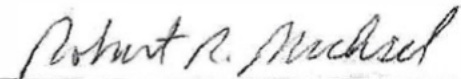
Health Care Providers.

ELECTION TO WAIVE ARBITRATION

Pursuant to Md. CODE ANN., CTS. & JUD. PROC., § 3-2A-06B, Claimant in this Health Care Alternative Dispute Resolution action hereby elects to waive arbitration of her claims. Jurisdiction is proper in United States District Court for the District of Maryland and in Montgomery County, Maryland. Please issue and Order of Transfer to the United States District Court for the District of Maryland and/or the Circuit Court for Montgomery County, Maryland.

Respectfully submitted,

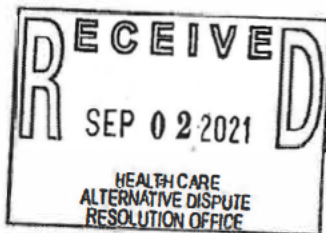
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Attorneys for Claimant

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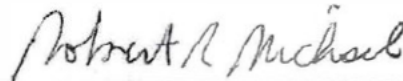


CERTIFICATE OF SERVICE

I Hereby Certify that on this 31st day of August 2021, a copy of the foregoing Election to Waive Arbitration, was mailed, first class, postage prepaid to:

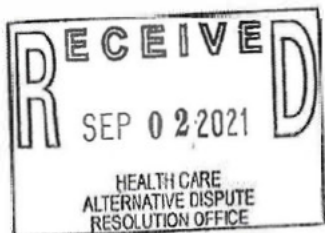
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Attorneys for Leroy H. Carhart, Jr., M.D.; AbortionClinics.Org, Inc. a/k/a as ABORTIONCLINICS and/or ACO Incorporated; and ACO Incorporated d/b/a AbortionClinics.Org, Inc., and/or ABORTIONCLINICS

Michael E. Blumenfeld, Esquire
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Attorneys for Elizabeth Swallow, M.D.



Robert R. Michael

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Circuit Court for Montgomery County, Maryland

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: ASHLEY P. NORRIS vs. LEROY H. CARHART, JR., M.D., et al.
Plaintiff Defendant

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 8 days
RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

Special Requirements? Interpreter (Please attach Form CC-DC 41)
 ADA accommodation (Please attach Form CC DC 49)

NATURE OF ACTION (CHECK ONE BOX)		DAMAGES/RELIEF	
TORTS <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 _____	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input checked="" type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <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
B. Arbitration Yes No
C. Settlement Conference 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
 1 day of trial time
 2 days of trial time
 3 days of trial time
 More than 3 days of trial time

PLEASE SEE PAGE TWO 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, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY.

Date 11/4/2021 Signature Robert L. [Signature]

BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM	
<p><i>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.</i></p>	
<input type="checkbox"/> Expedited Trial within 7 months of Filing	<input type="checkbox"/> Standard Trial within 18 months of Filing
<input type="checkbox"/> EMERGENCY RELIEF REQUESTED _____	
<p>Signature _____ Date _____</p>	
COMPLEX SCIENCE AND/OR MEDICAL CASE MANAGEMENT PROGRAM (ASTAR)	
<p><i>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.</i></p>	
<input type="checkbox"/> Expedited Trial within 7 months of Filing	<input checked="" type="checkbox"/> Standard Trial within 18 months of Filing
<p><i>IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE CITY, PRINCE GEORGE'S COUNTY, OR BALTIMORE COUNTY PLEASE FILL OUT THE APPROPRIATE BOX BELOW.</i></p>	
CIRCUIT COURT FOR BALTIMORE CITY (CHECK ONLY ONE)	
<input type="checkbox"/> Expedited	Trial 60 to 120 days from notice. Non jury matters.
<input type="checkbox"/> Standard Short	Trial 210 days.
<input type="checkbox"/> Standard	Trial 360 days.
<input type="checkbox"/> Lead Paint	Fill in: Birth Date of youngest plaintiff _____.
<input type="checkbox"/> Asbestos	Events and deadlines set by individual judge.
<input type="checkbox"/> Protracted Cases	Complex cases designated by the Administrative Judge.
CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY	
<p>To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is <u>not</u> an admission and may not be used for any purpose other than Track Assignment.</p>	
<input type="checkbox"/> Liability is conceded.	
<input type="checkbox"/> Liability is not conceded, but is not seriously in dispute.	
<input type="checkbox"/> Liability is seriously in dispute.	

CIRCUIT COURT FOR BALTIMORE COUNTY

- | | |
|---|---|
| <input type="checkbox"/> Expedited
(Trial Date-90 days) | Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> 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. |
| <input type="checkbox"/> Complex
(Trial Date-450 days) | Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases. |

ASHLEY P. NORRIS,	*	IN THE
Plaintiff,	*	CIRCUIT COURT
v.	*	FOR
LEROY H. CARHART, JR., M.D., <i>et al.</i> ,	*	MONTGOMERY COUNTY
Defendants.	*	CASE NO.: C-15-CV-21-000205
	*	Honorable Christopher C. Fogleman
* * * * *		

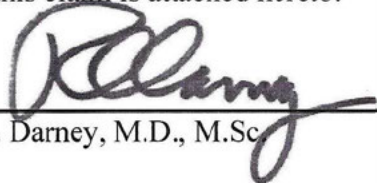
CERTIFICATE OF QUALIFIED EXPERT

I, Philip D. Darney, M.D., state as follows:

1. I am a physician licensed in California.
2. I am board-certified in Obstetrics and Gynecology.
3. I devote less than twenty-five percent (25%) of my professional activities annually to activities that directly involve testimony in personal injury claims.
4. I have had clinical experience and provided consultation relating to clinical practice in the field of health care in which the Defendants and Defendants' agents, servants and/or employees provided care or treatment to Plaintiff Ashley Norris within five years of the date alleged in the Complaint giving rise to this cause of action. My background, training and experience is summarized in my CV, which is attached.
5. I have reviewed the pertinent medical records and other materials provided to me regarding this case, including, but not limited to, the Complaint and Plaintiff's Certificate of Merit from Charles Brent Boles, M.D.
6. Based on my background, training, education, experience, and review of the case materials, it is my opinion to a reasonable degree of medical probability that the care rendered to Plaintiff Ashley Norris by the Defendant Health Care Providers, Elizabeth Swallow, M.D., Leroy

H. Carhart, M.D., Jr., and AbortionClinics.org a/k/a as AbortionClinics and/or ACO Incorporated, complied with the accepted standards of care. It is also my opinion to a reasonable degree of medical probability that Plaintiffs' claimed injuries were not proximately caused by any alleged deviations in the standards of care by any of the Defendant Health Care Providers.

7. My Report in connection with this claim is attached hereto.


Philip D. Darney, M.D., M.Sc.

Respectfully submitted,

/s/ Alexandra P. Moylan
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Elizabeth Swallow, M.D.

/s/ Mary Alane Downs
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Leroy H. Carhart, Jr., M.D.
AbortionClinics.Org, Inc.
a/k/a AbortionClinics and/or ACO Incorporation
ACO Incorporated d/b/a AbortionClinics, Inc. and/or
AbortionClinics

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 10th day of December 2021 a copy of the foregoing

Certificate of Qualified Expert was served on all counsel of record via MDEC as follows:

Robert R. Michael, Esquire
Shadoan, Michael & Wells, LLP
108 Park Avenue
Rockville, Maryland 20850
rmichael@smwlawfirm.com

Attorneys for Claimant

/s/ Alexandra P. Moylan

Alexandra P. Moylan

Re: *Ashley Norris v. Leroy H. Carhart , et al.*

To Whom It May Concern:

I have reviewed the relevant medical records of Plaintiff Ashley Norris, the Complaint, Plaintiff's Certificate of Merit from Charles Brent Boles, M.D., and other materials pertinent to the case. Based on my review of the case materials, it is my opinion to a reasonable degree of medical probability that the care and treatment rendered to Ms. Norris by the Defendant Health Care Providers, Elizabeth Swallow, M.D., ("Dr. Swallow") Leroy H. Carhart, M.D., Jr., ("Dr. Carhart") and AbortionClinics.org a/k/a as AbortionClinics and/or ACO Incorporated (collectively, "Defendants" or Health Care Providers") complied with the applicable standards of care. It is further my opinion to a reasonable degree of medical probability that none of Plaintiff's claimed injuries in this case were proximately caused by any alleged breach of the standard of care by the Health Care Providers. My opinions are based on my education, training, background and experience in obstetrics and gynecology, and my review of the case materials.

On May 11, 2020, Ms. Norris presented to AbortionClinics.Org ("Clinic"). Per the medical records, Ms. Norris was 24 weeks, 5 days gestation. She wished to terminate the pregnancy. On May 5, 2020, before she presented to the Clinic, Ms. Norris signed various consent forms, including Informed Consent, Release of Liability, Facts about D&E/Induction Abortion, Risks and Complications Consent, Acknowledgments, and Patient Disclosure. The consent forms provide detailed information regarding the procedure, including the risks, benefits and alternatives of an abortion procedure.

Dr. Swallow met with Ms. Norris on May 11, 2020 and discussed the details of the procedure with her. Dr. Swallow's note documents that Ms. Norris had two children, worked as a medication aide and would require a work note. She was noted to be in good health. After discussing the procedure and her questions with Dr. Swallow, Ms. Norris confirmed her consent to the abortion. Dr. Swallow noted that Ms. Norris's husband would be arriving the following day.

Abdominal ultrasound was performed at 11:16 a.m. Thereafter, Dr. Swallow performed a physical exam. The fetal position was noted as footling breech. The cervix was soft. Dr. Swallow mechanically dilated the cervix to 57 (1.9 cm). Eleven laminaria, one Dilapan and two sterile tampons were inserted at 14:13. Digoxin was administered at 14:15. Ms. Norris tolerated the procedure well. She was administered 200 mcg of Misoprostol by mouth at 14:52. Ms. Norris was discharged and instructed to return at 8:30 a.m. the following morning to complete the procedure. She was given medications to take overnight, provided with detailed instructions and given Dr. Swallow's and Dr. Carhart's telephone numbers if she had any complications/questions overnight.

Ms. Norris returned to the Clinic as instructed on May 12th. She was given 400 mcgs of Misoprostol by mouth at 8:35 a.m. The laminaria were removed at 9:24 a.m. She was 2.5 cm dilated; mechanical dilation was done to 79 (2.6 cm). There was no fetal cardiac motion. The membranes were artificially ruptured at 9:28 a.m. At 9:40 a.m., Ms. Norris was given another 400 mcg of Misoprostol by mouth. Upon conferring with Dr. Carhart, Dr. Swallow inserted nine laminaria, one Dilapan and two tampons at 10:23 a.m. Ms. Norris's vital signs were stable throughout the morning.

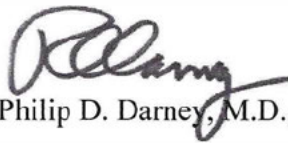
At 13:15, the laminaria were removed. 400 mcg of Misoprostol were administered vaginally at

13:19. Cervical dilation was 3 cm. At 14:35, IV Pitocin was started. IV sedation was administered, and the evacuation portion of the procedure began at 14:38. To complete the evacuation, Dr. Swallow used forceps and ultrasound guidance. As she was extracting the pregnancy, there was a suspected uterine perforation with bowel injury. Dr. Swallow and Dr. Carhart appropriately decided to transfer Ms. Norris to Shady Grove Medical Center for evaluation. Ms. Norris was transferred with her medical records, and Dr. Swallow gave a verbal report to the OB hospitalist. Ms. Norris underwent emergency surgery to repair the uterine and bowel perforations.

Based on my review of the case materials, it is my opinion to a reasonable degree of medical probability that the Health Care Providers complied with the applicable standard of care in their treatment of Ms. Norris. Ms. Norris reviewed and signed various detailed consent forms before she presented to the Clinic on May 11, 2020. The consent process was appropriate, detailed the known and material risks of the procedure and complied with the standard of care. The procedure was performed in accordance with the standard of care. Specifically, the D&E was done using ultrasound guidance and appropriate surgical instruments. The complication that occurred during the procedure is a known risk of the procedure and did not occur because of any breach in the standard of care on the part of the Health Care Providers. Moreover, the Health Care Providers timely recognized the suspected uterine and bowel injuries and timely transferred Ms. Norris to Shady Grove Medical Center for further evaluation and surgical intervention. It is my opinion to a reasonable degree of medical probability that Ms. Norris' subsequent course and Plaintiffs' claimed injuries were not proximately caused by any alleged negligence on the part of the Health Care Providers.

For the reasons summarized in this report, I disagree with the opinions and conclusions set forth in Plaintiff's Certificate of Qualified Expert. This report is meant to provide an overview and summary of my opinions and the bases for my opinions and is not a detailed recitation of every opinion I hold. I reserve the right to change my opinions and to form new ones if I am provided additional information pertaining to this case. I will make myself available for a deposition at a mutually agreeable date and time to further discuss my opinions.

Very truly yours,

A handwritten signature in black ink, appearing to read "P. Darney", written in a cursive style.

Philip D. Darney, M.D., M.Sc.

ASHLEY P. NORRIS	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
LEROY H. CARHART, JR., M.D., et al.	*	MONTGOMERY COUNTY
Defendants	*	Case No.: C-15-CV-21-000205

ANSWER TO COMPLAINT

Defendants, Leroy H. Carhart, Jr., MD and AbortionClinics.org, Inc., a/k/a AbortionClinics and/or ACO Incorporated and ACO Incorporated, d/b/a AbortionClinics.Org, Inc. and/or AbortionClinics, by and through their attorneys Mary Alane Downs, Steffany K. Bender and Downs Ward Bender Hauptmann & Herzog, P.A. submits this Answer to the Complaint and state as follows:

1. The Defendants deny liability generally as to the allegations contained in each and every paragraph and Count of the Complaint.
2. The Complaint fails to state a cause of action upon which relief can granted as to the Defendants.
3. The Complaint fails for want of a necessary party.
4. The Defendants aver and, therefore, plea that at all times their actions and the actions of any of their duly authorized agents, servants or employees complied with accepted and recognized standards of medical care and medical practice applicable to the Defendants.
5. Defendants claim the benefit and the protection of the doctrine of partial charitable immunity.
6. The Complaint is barred by the doctrine of contributory negligence.

7. The Complaint is barred by the doctrine of assumption of the risk.
8. The Complaint is barred by the applicable Statute of Limitations.
9. The Complaint is barred by the additional affirmative defenses of estoppel, release, waiver, accord and satisfaction, merger, collateral estoppel, *res judicata*, duress, fraud, illegality, laches, payment, and privilege.
10. The Plaintiff lacks the capacity to sue.
11. The damages in this matter, if any be found, are limited by the Maryland cap on non-economic damages.

Respectfully submitted,



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Attorneys for Defendants, Leroy H. Carhart, Jr., MD and AbortionClinics.org, Inc., a/k/a AbortionClinics and/or ACO Incorporated and ACO Incorporated, d/b/a AbortionClinics.Org, Inc. and/or AbortionClinics

ASHLEY P. NORRIS	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
LEROY H. CARHART, JR., M.D., et al.	*	MONTGOMERY COUNTY
Defendants	*	Case No.: C-15-CV-21-000205

PRAYER FOR JURY TRIAL

Defendants, Leroy H. Carhart, Jr., MD and AbortionClinics.org, Inc., a/k/a AbortionClinics and/or ACO Incorporated and ACO Incorporated, d/b/a AbortionClinics.Org, Inc. and/or AbortionClinics, by and through its attorneys, Mary Alane Downs, Steffany K. Bender and Downs Ward Bender Hauptmann & Herzog, P.A., pray a jury trial in this action.

Respectfully submitted,



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