

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

Plaintiff,

v.

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

Defendants.

Civil No. C-15-CV-21-000205

AMENDED CERTIFICATE OF MERIT

I HEREBY CERTIFY that I am board certified in Obstetrics & Gynecology. I further certify that I have clinical experience, have provided consultation relating to clinical practice and/or taught medicine in the specialty of the Health Care Providers, or a related field of health-care or in the field of health care in which these Health Care Providers 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 have reviewed the medical records pertinent to the care of the Claimant, including the records from the Health Care Providers, and Shady Grove Medical Center. In reviewing the foregoing medical records, I have reviewed the medical treatment as reflected in the medical records provided by the Health Care Providers, including Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., health care providers who were acting as the actual and/or apparent agents, servants and/or employees of AbortionClinics.org a/k/a AbortionClinics and/or ACO, Inc., and ACO, Inc. d/b/a AbortionClinics.org and/or AbortionClinics.

In my opinion, and to a reasonable degree of medical certainty based upon this review, it is my opinion that the standards of care were breached and that the foregoing Health Care Providers breached the applicable standard of care in one or more of the following ways:

1. Negligent performance of the abortion procedure, including the failure to properly utilize continuous ultrasound-guided monitoring technology in conjunction with the instruments of the procedure, which resulted in a significant perforation of the Claimant's uterus, and significant damage to the Claimant's bowel.
2. Negligent failure to recognize the intraoperative signs and symptoms of the negligent damage to the Claimant's uterus and bowel, as evidenced by the Claimant's significantly high pain levels and need for excessive pain medication.
3. Negligent informed consent.

As a direct and proximate result of the aforesaid failures, the Claimant sustained permanent injuries and a colostomy. I reserve the right to supplement these opinions if additional information is provided to me.

I FURTHER CERTIFY that I do not devote more than twenty percent (25%) of my professional activities to activities that directly involve testimony in personal injury claims.



Charles Brent Boles, M.D.
2541 N Dale Mabry HWY
#147
Tampa, FL 33607

C. Brent Boles, M.D

January 27, 2022

Robert R. Michael, Esquire
Shadoan, Michael & Wells, LLP
108 Park Avenue
Rockville, MD 20850

Re: Norris - Amended

Dear Mr. Michael:

At your request, I have reviewed the medical records regarding the care of Ashley Norris.

I am a medical doctor licensed in the states of Tennessee and Florida. I graduated from the University of Louisville School of Medicine in 1992 and completed a residency in Obstetrics and Gynecology in 1996. I became board certified by the American Board of Obstetrics and Gynecology in 1998 and have maintained my certification as required annually. I was engaged in the private practice of obstetrics and gynecology for more than 24 years, and now am employed as a locum tenens provider and as an OB/GYN hospitalist. I have held three different academic positions. The first was as an associate clinical professor with the Department of Obstetrics and Gynecology at the Mehary School of Medicine based in Nashville, TN. I served as the assistant residency director and was responsible for the supervision and education of OB/GYN residents at the Saint Thomas Rutherford Hospital site in Murfreesboro, TN. I served as an associate clinical professor in the University of Tennessee School of Medicine Department of Emergency Medicine at Saint Thomas Rutherford Hospital in Murfreesboro, TN. I also served as a clinical instructor for the University of Tennessee Physician Assistant's School. I practiced and taught the full range of practice in obstetrics and gynecology, including high risk obstetrics. These practice and teaching responsibilities included the management of second trimester fetal demise and the techniques for achieving uterine evacuation in such situations.

I hereby certify that I am board certified in Obstetrics & Gynecology. I further certify that I have clinical experience, have provided consultation relating to clinical practice and/or taught medicine in the specialty of the Health Care Providers, or a related field of health-care or in the field of health care in which these Health Care Providers 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 have reviewed the medical records pertinent to the care of the Claimant, including the records from the Health Care Providers, and Shady Grove Medical Center. In reviewing the

foregoing medical records, I have reviewed the medical treatment as reflected in the medical records provided by the Health Care Providers, including Leroy H. Carhart, Jr., M.D., and Elizabeth Swallow, M.D., health care providers who were acting as the actual and/or apparent agents, servants and/or employees of AbortionClinics.org a/k/a AbortionClinics and/or ACO, Inc., and ACO, Inc. d/b/a AbortionClinics.org and/or AbortionClinics.

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2. Negligent failure to recognize the intraoperative signs and symptoms of the negligent damage to the Claimant's uterus and bowel, as evidenced by the Claimant's significantly high pain levels and need for excessive pain medication.
3. Negligent informed consent.

As a direct and proximate result of the aforesaid failures, the Claimant sustained permanent injuries and a colostomy. I reserve the right to supplement these opinions if additional information is provided to me. I further certify that I do not devote more than twenty percent (25%) of my professional activities to activities that directly involve testimony in personal injury claims.

Sincerely,

A handwritten signature in black ink, appearing to read "C Brent Boles". The signature is fluid and cursive, with a long horizontal stroke at the end.

C. Brent Boles, M.D.

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

Plaintiff,

v.

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

Defendants.

Civil No. C-15-CV-21-000205

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of February 2022, a true copy of Plaintiff's Amended Certificate of Merit with attached amended report of C. Brent Boles, M.D., filed in the captioned matter, was served electronically through the MDEC system, together with a copy of this Certificate, to:

Mary Alane Downs, Esquire
Steffany Bender, 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
Suite 1600
Baltimore, MD 21201
Attorneys for Elizabeth Swallow, M.D.

SHADOAN, MICHAEL
& WELLS, LLP

A Registered Limited Liability Partnership

ATTORNEYS AT LAW


108 Park Avenue

ROCKVILLE, MD 20850

(301) 762-5150

Respectfully submitted,

SHADOAN, MICHAEL & WELLS, LLP



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Attorneys for Plaintiff

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ASHLEY P. NORRIS,

Plaintiff,

v.

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

Defendants.

* IN THE
* CIRCUIT COURT
* FOR
* MONTGOMERY COUNTY
* CASE NO.: C-15-CV-21-000205
* Honorable Christopher C. Fogleman

* * * * *

**ANSWER OF DEFENDANT, ELIZABETH SWALLOW, M.D.
TO PLAINTIFF'S COMPLAINT**

Defendant, Elizabeth Swallow, M.D. (hereinafter "Dr. Swallow"), by her attorneys, Michael E. Blumenfeld and Alexandra P. Moylan, and Nelson Mullins Riley & Scarborough LLP, submit this Answer to Plaintiff's Complaint.

GENERAL DENIAL

1. Defendant generally denies liability for the claims asserted in Plaintiff's Complaint.
2. Plaintiff's Complaint fails to state a claim upon which relief can be granted or a claim upon which relief can be granted against Defendant.

AFFIRMATIVE DEFENSES

3. The claims asserted in the Complaint are barred by the doctrine of contributory negligence and/or assumption of risk.
4. The claims asserted in the Complaint are barred by the doctrines of collateral estoppel and *res judicata*.

5. The claims in the Complaint are barred by the applicable statute(s) of limitations.

6. Plaintiff has failed to satisfy the requisite conditions precedent to bring and/or maintain this lawsuit.

7. This is an action for damages for personal injury in which the cause of action arises after July 1, 1986, and any award for non-economic damages arising from the allegations in Plaintiff's Complaint may not exceed the statutory amounts provided in §§ 3-2A-09 and 11-108 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

8. Defendant is entitled to a reduction of any verdict or judgment entered in accord with §§ 3-2A-05(h), 3-2A-06(f) and 3-2A-09 of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland.

9. Defendant expressly denies that she was negligent as alleged in Plaintiff's Complaint or that any alleged act and/or omission attributed to Defendant proximately caused any of the injuries alleged in Plaintiff's Complaint. Rather, those injuries were instead the result of superseding and/or intervening causes.

10. The claims asserted in the Complaint against Defendant are barred by the doctrine of charitable immunity (statutory and common law).

11. Defendant adopts, and incorporates by reference herein, such defenses as may be raised by any other defendant who is, or might be, joined in this action, as well as any defenses that may arise during the course of discovery.

WHEREFORE, Defendant, Elizabeth Swallow, M.D. (hereinafter "Dr. Swallow"), by her attorneys, Michael E. Blumenfeld and Alexandra P. Moylan, and Nelson Mullins Riley & Scarborough LLP, requests that this Honorable Court dismiss Plaintiff's Complaint, award

Defendant reasonable costs and expenses, including attorneys' fees, and grant such other and further relief as this Honorable Court deems fair and equitable.

Respectfully submitted,



Michael E. Blumenfeld (CPF 9712160063)
Alexandra P. Moylan (CPF 0912160278)
Nelson Mullins Riley & Scarborough LLP
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Michael.blumenfeld@nelsonmullins.com
Alexandra.moylan@nelsonmullins.com

*Attorneys for Health Care Provider/Defendant
Elizabeth Swallow, M.D.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of February 2022 a copy of the foregoing **Answer To Plaintiff's Complaint** was served on all counsel of record via MDEC as follows:

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

Attorneys for Claimant

Mary Alane Downs, Esquire
Steffany K. Bender, Esquire
Downs Ward Bender Hauptmann & Herzog, P.A.
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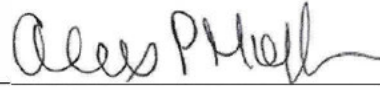
Attorneys for Health Care Providers

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*



Alexandra P. Moylan

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

DEFENDANTS' SCHEDULING CONFERENCE STATEMENT

COMES NOW 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, Mary Alane Downs, Steffany K. Bender and Downs Ward Bender Hauptmann & Herzog, P.A., and file this Scheduling Conference Statement:

I. Defendants' Statement

This matter is a medical malpractice claim for damages against the Defendants who provided professional medical services and care to the Plaintiff, Ashley P. Norris. The medical care provided by the Defendants was reasonable and appropriate and complied with the applicable standards of medical care at all times. No violation of the standard of medical care attributable to the said health care providers was a proximate cause of harm as alleged.

II. Relief Sought

That the matter be dismissed against Defendants.

III. Acceptable Settlement Offer / Demand

None at this time.

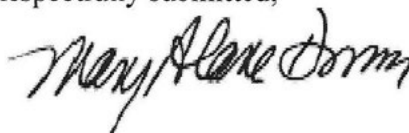
IV. Statement Regarding Witnesses

At this time the Defendants expect to call two (2) to three (3) fact witnesses and two (2) to three (3) expert witnesses. The Defendants' experts will be identified in accordance with the Scheduling Order and the Maryland Rules. Discovery is ongoing and the Defendants reserve the right to amend or supplement this preliminary statement.

V. Length of Trial

It is expected that this Defendants case in chief will take two (2) to three (3) days to present at trial.

Respectfully submitted,



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Steffany K. Bender, Esquire
AIS No.: 0303180021
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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*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of February, 2022, a copy of the foregoing **Defendants' Scheduling Conference Statement**, was filed with the MDEC System and made available to:

Robert R. Michael, Esquire
Andrew J. Hall, Esquire
Shadoan, Michael & Wells, LLP
108 Park Avenue
Rockville, Maryland 20850
Attorneys for Plaintiff

Michael E. Blumenfeld, Esquire
Alexandra P. Moylan, Esquire
Nelson Mullins Riley & Scarborough, LLP
100 South Charles Street, Suite 1600
Baltimore, Maryland 21201
Attorneys for Defendant, Elizabeth Swallow, M.D.



Mary Alane Downs, Esquire
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Steffany K. Bender, Esquire
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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
* Honorable Christopher C. Fogleman
* * * * *

**DEFENDANT ELIZABETH SWALLOW M.D.'S
SCHEDULING HEARING STATEMENT**

Defendant Elizabeth Swallow, M.D. (“Dr. Swallow”), by her undersigned counsel, submits this Scheduling Hearing Statement in accordance with the Court’s Scheduling Order and in advance of the Scheduling Hearing scheduled for February 18, 2022.

A. STATEMENT OF DR. SWALLOW’S DEFENSES

Plaintiff failed to state a claim against Dr. Swallow for medical negligence (Count I) and informed consent (Count II). Dr. Swallow expressly denies any and all liability in this matter. Dr. Swallow asserts and incorporates all of the defenses set forth in her Answer to the Complaint and in the Certificate of Qualified Expert and Report by Dr. Phillip Darney and Co-Defendants.

B. ITEMIZATION OF MATTERS IN MITIGATION OF DAMAGES OR IN OPPOSITION TO THE RELIEF SOUGHT BY DEFENDANT

Dr. Swallow denies that Plaintiff suffered any damages. The cap on non-economic damages is \$830,000.

C. THE MAXIMUM OFFER NOW ACCEPTABLE DR. SWALLOW

Additional discovery is necessary before Dr. Swallow could engage in meaningful settlement negotiations.

D. CONCISE STATEMENT OF THE NUMBER OF WITNESSES AND DESIGNATION OF THE NUMBER AND IDENTITY OF EXPERT WITNESSES

With respect to fact witnesses, it is likely that Ms. Norris, Dr. Swallow and Dr. Carhart will testify. Additional fact witnesses, including Ms. Norris' treating providers from AbortionClinics.Org, Shady Grove Adventist Medical Center and other medical providers, will likely be identified during discovery. Dr. Swallow reserves the right to call any fact witnesses identified by the parties in discovery at trial. With respect to expert witnesses, Dr. Swallow anticipates calling Dr. Philip Darney in addition to other liability experts in the fields of obstetrics and gynecology. Dr. Swallow reserves the right to identify experts in fields other than obstetrics and gynecology to testify in support of her defenses at trial. Dr. Swallow also reserves the right to rely on and/or call Plaintiff's and/or Co-Defendants' experts in support of her defenses at trial.

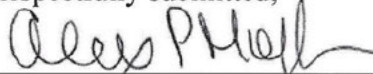
E. ESTIMATION OF THE AMOUNT OF TIME IT WILL TAKE TO COMPLETE EACH PARTY'S PORTION OF THE TRIAL

Dr. Swallow anticipates that she will need approximately three (3) days to complete her portion of the trial.

F. CLAIMS FOR ATTORNEYS' FEES

There is no claim for attorneys' fees.

Respectfully submitted,



Michael E. Blumenfeld (CPF 9712160063)
Alexandra P. Moylan (CPF 0912160278)
Nelson Mullins Riley & Scarborough LLP
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Michael.blumenfeld@nelsonmullins.com
Alexandra.moylan@nelsonmullins.com
*Attorneys for Health Care Provider/Defendant
Elizabeth Swallow, M.D.*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of February 2022, a copy of **Defendant Elizabeth Swallow, M.D.'s Scheduling Hearing Statement** was served on the following counsel of record via MDEC:

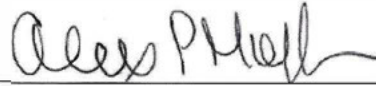
Robert R. Michael, Esquire
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rmichael@smwlawfirm.com

Attorneys for Claimant

Mary Alane Downs, Esquire
Steffany K. Bender, Esquire
Downs Ward Bender Hauptmann & Herzog, P.A.
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Hunt Valley, Maryland 21031
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skbender@downs-ward.com

Attorneys for Health Care Providers

*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*



Alexandra P. Moylan

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

Plaintiff,

v.

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

Defendants.

Civil No. C-15-CV-21-000205
The Honorable Christopher Fogleman

PLAINTIFF'S SCHEDULING CONFERENCE STATEMENT

COMES NOW the Plaintiff, Ashley P. Norris, by and through her attorneys, Robert R. Michael, Esquire, Andrew J. Hall, Esquire, and Shadoan, Michael & Wells, LLP, and pursuant to this Court's Order of November 17, 2021, states as follows:

(a) NATURE OF THE CONTROVERSY/PLAINTIFFS' CLAIM

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. Plaintiff had contacted a national abortion services company through an 800 telephone number, and was referred to the aforesaid Defendants. After contacting the Defendants, the Plaintiff drove herself from her home in Churchill, Virginia, to Bethesda, Maryland, where she had an initial appointment on May 11, 2020, with the Defendants at the abortion clinic location noted above. 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. 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. 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." Around this same time and despite the failure of the Plaintiff's uterus to advance as to dilation, the Plaintiff was placed under anesthesia. Plaintiff Ashley P. Norris awoke during the procedure screaming in pain and was immediately placed back under anesthesia. Plaintiff then began bleeding heavily as a result of a perforation of the uterus and sigmoid colon. These negligent perforations caused pain and excessive bleeding accompanied by a substantial and dangerous drop in blood pressure. 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.

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. 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. 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. The

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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. 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.

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.”

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.

(b) DAMAGES

Ashley P. Norris claims non-economic damages for her pain, suffering, inconvenience, physical impairment, embarrassment, humiliation, and loss of enjoyment of life, arising from the permanent injuries sustained as a result of the Defendant's negligence. Plaintiff claims economic damages for her treatment at Shady Grove Adventist Hospital (\$38,919.77) as well as her subsequent follow up treatment for injuries to her bowel and uterus.

(c) SETTLEMENT/DEMAND

Plaintiff demands the full damages alleged, including the \$830,000.00 Maryland non-economic damages cap applicable to this claim, as well as her medical expenses including Shady Grove Adventist Hospital (\$38,919.77) and her follow up treatment for injuries to her bowel and uterus, in full and final settlement of this claim.

(d) WITNESSES

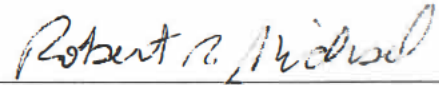
Preliminarily, Plaintiff anticipates that approximately 4 fact witnesses will be called to provide testimony in this matter. Plaintiff anticipates that she will call 2 experts witnesses in the areas of obstetrics & gynecology and abortion. Plaintiff will provide a Preliminary Identification of Experts pursuant to the Court's Order.

(e) TRIAL TIME ESTIMATE

Plaintiff estimates it will take three (3) days to complete her portion of the trial.

Respectfully submitted,

SHADOAN, MICHAEL & WELLS, LLP



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rmichael@smwlawfirm.com

Andrew J. Hall, (CPF#1112130396)
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Attorneys for Plaintiff

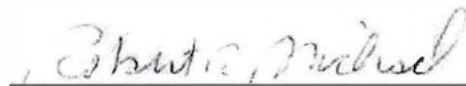
CERTIFICATE OF SERVICE

I Hereby Certify that on this 8th day of February 2022, a copy of the foregoing Scheduling Conference Statement, was served electronically through the MDEC system to:

Mary Alane Downs, Esquire
Steffany Bender, 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

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Nelson Mullins
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Attorneys for Elizabeth Swallow, M.D.

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Robert R. Michael

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

Plaintiff,

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

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The Honorable Christopher Fogleman

CERTIFICATE REGARDING DISCOVERY

I Hereby Certify that on this 10th day of February 2022, copies of Plaintiff's Interrogatories and Requests for Production of Documents to Defendants Leroy Carhart, Jr., M.D., Elizabeth Swallow, M.D., and 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 served electronically through the MDEC system, together with a copy of this Certificate, to:

Mary Alane Downs, Esquire
Steffany Bender, 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
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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Nelson Mullins
100 S. Charles Street
Suite 1600
Baltimore, MD 21201
Attorneys for Elizabeth Swallow, M.D.

SHADOAN, MICHAEL
& WELLS, LLP
A Registered Limited Liability Partnership

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

Respectfully submitted,

Andrew Hall

Robert R. Michael, (CPF# 7201010133)

rmichael@smwlawfirm.com

Andrew J. Hall, (CPF#1112130396)

ahall@smwlawfirm.com

108 Park Avenue

Rockville, MD 20850

(301) 762-5150

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Attorneys for Plaintiff

SHADOAN, MICHAEL
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ATTORNEYS AT LAW

108 Park Avenue

ROCKVILLE, MD 20850

(301) 7625150

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY P. NORRIS

Plaintiff,

v.

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

Defendants.

Civil No. C-15-CV-21-000205
The Honorable Christopher Fogleman

PLAINTIFF'S PRELIMINARY EXPERT DESIGNATION

Plaintiff submits the following expert witnesses to be called at trial:

- 1. Charles Brent Boles, M.D.
13491 Brown Bear Run
Estero, FL 33928

Dr. Boles will provide medical testimony as an expert in the field of Obstetrics and Gynecology, specifically addressing the standard of care, informed consent, causation and damages. Dr. Boles is board certified in Obstetrics and Gynecology. His training, education, and qualifications are set forth in detail in Dr. Boles' Curriculum Vitae which is attached hereto and incorporated herein by reference. Dr. Boles's opinions include, but are not limited to, those set forth in his January 27, 2022, Amended Certificate of Merit and amended report, which is incorporated herein by reference and attached hereto. Dr. Boles has only provided testimony in one case through deposition (11/6/2020) and trial testimony (December 2020) in the last four years captioned: Planned Parenthood of Tennessee and North Mississippi, Memphis Center for Reproductive Health, Knoxville Center for Reproductive Health, Femhealth USA, Inc., d/b/a Carafem, and Audrey Lance v. Herbert H. Slatery III, Attorney General of Tennessee, in his official capacity, *et al.*, In The United

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States District Court for the Middle District of Tennessee, Nashville Division, Case No. 3:20-cv 00740. Dr. Boles has been provided with the medical records of Ashley Norris. The witness' deposition has not yet been completed and any opinions expressed at his deposition are incorporated by reference.

2. [REDACTED]
Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, MD 20850 3357

Dr. [REDACTED] is a hybrid, non-retained, treating witness who will provide medical testimony as an expert in the field of Obstetrics and Gynecology, specifically addressing causation and damages. Dr. [REDACTED] is board certified in Obstetrics and Gynecology. Dr. [REDACTED] will provide testimony as the treating physician who performed surgery on Ashley Norris at Shady Grove Adventist Hospital as indicated in the medical records of the Plaintiff, which are incorporated herein by reference. The witness' deposition has not yet been completed and any opinions expressed at her deposition are incorporated by reference.

3. [REDACTED] M.D.
Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, MD 20850 3357

Dr. [REDACTED] is a hybrid, non retained, treating witness who will provide medical testimony as an expert in the field of surgery, specifically addressing causation and damages. Dr. [REDACTED] is board certified in Surgery. Dr. [REDACTED] will provide testimony as the treating physician who attended and who performed surgery on Ashley Norris at Shady Grove Adventist Hospital as indicated in the medical records of the Plaintiff, which are incorporated herein by reference. The witness' deposition has not yet been completed and any opinions expressed at her deposition are incorporated by reference.

4. Plaintiff reserves the right to call any of Ashley Norris' treating physicians and other health care providers who provided care to her. These include, but are not limited to, the following treating physicians to provide testimony regarding Ashley Norris' treatment, diagnoses, and prognoses for the future:

██████████ M.D.
Emergency Room Physician
Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, MD 20850-3357

██████████ M.D.
Pathologist
Shady Grove Adventist Hospital
9901 Medical Center Drive
Rockville, MD 20850-3357

5. Plaintiff reserves the right to call any of Ashley Norris' treating physicians including, but not limited to, those who provided care to her after her discharge from Shady Grove Adventist Hospital.

6. Plaintiff reserves the right to call any mental health professional who provides treatment to Ashley Norris related to her injuries.

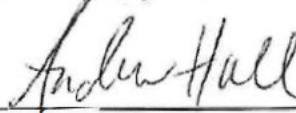
7. Plaintiff reserves the right to call any of Ashley Norris' treating physicians in supplemental designation depending on Defendants' responses.

8. Plaintiffs reserve the right to designate additional experts in rebuttal to refute the Defendants' contentions which have not yet been disclosed. Plaintiff also reserves the right to call any witnesses including experts identified by Defendants.

9. Plaintiffs reserve the right to supplement the designation as discovery has not been completed and Defendants' experts have not yet been identified.

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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(301) 762-5150; Fax: (301) 309-8344

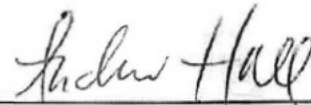
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I Hereby Certify that on this 15th day of February 2022, a copy of the foregoing Plaintiff's Preliminary Designation of Experts, was mailed, first class, postage prepaid to:

Mary Alane Downs, Esquire
Steffany Bender, Esquire
Downs, Ward, Bender, Hauptmann & Herzog, P.A.
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(301) 762 5150

Charles Brent Boles, M.D.

13491 Brown Bear Run
Estero, Florida 33928
615-556-7222
cbrentboles@outlook.com

Professional History

- Women's Care Florida, beginning June, 2021
- Weatherby Healthcare, Locum Tenens, February, 2021 to present
- Physician and Owner, Covenant Healthcare for Women, P.L.L.C., January, 2006 to December, 2020
- Medical Director of Portico (local crisis pregnancy center) 2008 to present
- Vice Chief of Obstetrics and Gynecology, Middle Tennessee Medical Center, Murfreesboro TN, 2007-2008
- Chief of Obstetrics and Gynecology, Middle Tennessee Medical Center, Murfreesboro TN, 2009-2010
- Associate Clinical Professor in the University of Tennessee Department of Emergency Medicine at Saint Thomas Rutherford Hospital, July 2015 to 2020
- Associate Clinical Professor and Assistant Residency Director for the Saint Thomas Rutherford Campus, Department of Obstetrics and Gynecology, Meharry College of Medicine, 2006 to 2020
- Clinical Instructor for the University of Tennessee Physician Assistant School, 2016 to 2020
- IC Research, Principal Investigator, 2018 to 2020
- Saint Luke Physicians for Women, Laborist position, Saint Luke Hospitals in Florence and Fort Thomas, Kentucky, September 1998 to September 2010.
- OB/GYN Associates, July 2005-December 2005
- Murray Woman's Clinic, July 1996-June 2005
- Middle Tennessee Medical Center Laborist Program Director, November 2006-March 2011
- Certified on the Da Vinci Xi robotic surgery platform

- Member of the Medical Advisory Board for Heartbeat International
- Member of the Medical Advisory Board for Abortion Pill Reversal

Educational History

- Certified by the American Board of Obstetrics and Gynecology, November 1998 to present
- Chief Administrative Resident, University of Louisville School of Medicine, Department of Obstetrics and Gynecology, July 1995 - June 1996
- Internship and Residency, University of Louisville School of Medicine, Department of Obstetrics and Gynecology, July 1992-June 1996
- Doctor of Medicine, University of Louisville School of Medicine, August 1988-May 1992
- Bachelor of Science in Biology, Murray State University, August 1984-May 1988

Licensure

- Tennessee Board of Medical Examiners, 2004 to present
- Kentucky Board of Medical Licensure, 1993 to 2011
- Drug Enforcement Agency Registration, 1993 to present

Memberships

- American Institute of Ultrasound in Medicine, 1998 to 2005
- International Society for Clinical Densitometry, 1998 to 2005
- Christian Medical and Dental Association
- American Association of Pro-Life Obstetricians and Gynecologists

Awards

- Professor of the Year Award, University of Tennessee Health Science Center, Saint Thomas Rutherford Department of Emergency Medicine, 2016

- Meharry Appreciation Award, 2009
- Foundation Award for Clinical Excellence, Department of Obstetrics and Gynecology, University of Louisville School of Medicine, 1994
- Best Clinical Teacher Awards, University of Louisville School of Medicine, 1993, 1994, 1996
- Clinical Research Awards, University of Louisville School of Medicine, Department of Obstetrics and Gynecology, 1995 and 1996
- Laparoscopic Skills Award, University of Louisville School of Medicine, Department of Obstetrics and Gynecology, 1995
- Presidential Scholarship Award, Murray State University, 1984 to 1988



MONTGOMERY COUNTY CIRCUIT COURT

Civil Courtroom Hearing Sheet

Amended Hearing Sheet

Case Caption: Ashley Norris v. Leroy Carhart, Jr., M.D., et al.

Case Number: C-15-CV-21-000205

Date: 2/18/2022

Hearing Type – Schedule Hearing

Judicial Officer/Magistrate – Judge Fogleman

Courtroom – 6A

Parties Present – Plaintiff Counsel – Mr. Michael and Mr. Hall via video

Defense Counsel Ms. Moylan and Ms. Downs via video

Courtroom Staff – AV

Court Directives

Court directs parties to file motion to amend consent order.

Court Sets Date

Court sets 9 day Jury Trial on February 20, 2023 at 9:30 A.M. before Judge Berry

IN THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

ASHLEY NORRIS,

Plaintiff

v.

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

Defendant

Case No. C-15-CV-21-000205

AMENDED SCHEDULING ORDER

This matter came before the Court for a scheduling hearing on February 18, 2022. The Court postponed the trial date on the record to February 20, 2023. Due to February 20, 2023, being a Court holiday, the trial will commence on February 21, 2023. It is this **22nd day of February, 2022**, by the Circuit Court for Montgomery County, Maryland,

ORDERED, that the Trial date shall be amended as follows:

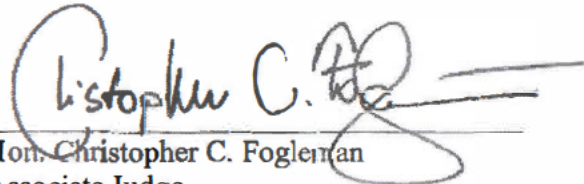
Event

New Deadline

Trial (9 Days Jury)

02/21/2023 at 9:30 AM

ORDERED, that all other deadlines and dates not addressed herein shall remain in place.



Hon. Christopher C. Fogelman
Associate Judge

Circuit Court for Montgomery County, Maryland

Entered: Clerk, Circuit Court for
Montgomery County, MD
February 24, 2022