

IN THE CIRCUIT COURT  
FOR BALTIMORE CITY

SANDRA KILIC, *et al.*

\*

Plaintiffs,

\*

v.

\*

Case No. 24-C-08-003030 OT

PROFESSIONAL MEDICAL  
SERVICES, P.C. *et al.*

\*

Case: 24-C-08-003030  
CV Addit Fee

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Defendants.

\$15.00  
TOTAL \$15.00

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Receipt #2000000021961  
Cashier: NAT COXACR  
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STIPULATION OF DISMISSAL WITH PREJUDICE

The parties, by and through their undersigned counsel and pursuant to Maryland Rule 2-506, hereby agree and stipulate that all claims, actions and causes of action against Defendants James Hooper, M.D. and Professional Medical Services, P.C. t/a American Women's Services are hereby DISMISSED WITH PREJUDICE.

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2009 SEP -3 PM 4:01  
CIVIL DIVISION  
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BALTIMORE CITY

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CIRCUIT COURT FOR BALTIMORE CITY

PRESIDING JUDGE .....  
COURTROOM CLERK .....  
STENOGRAPHER .....

ASSIGNMENT FOR July 6, 2009

TOP SHEET

Case Title: Sandra Kiliic, et al vs Professional Medical Services, P.C., et

Case Number: 24-C-08-003030 OT PM Old Case Number :  
C I V I L

Scheduled Event: Pre-Trial Conference Room: 511 Duration: 2 H

TYPE OF PROCEEDING; ( JURY ) ( NON-JURY ) ( OTHER )

DISPOSITION (CHECK ONE)

- SETTLED) ( CANNOT SETTLE ) ( NEXT COURT DATE )
- VERDICT) ( REMANDED ) ( NON PROS/DISMISSED )
- JUDGEMENT NISI ( ORDER/DECREE SIGNED ( OTHER )  
PLEASE EXPLAIN:
- JUDGEMENT ABSOLUTE) ( ORDER/DECREE TO BE SIGNED )
- POSTPONED) ( MOTION GRANTED )
- SUB CURIA) ( MOTION DENIED )

JUDGE SIGNATURE  DATE 7/6/09  
Date Printed: 06/24/09

Attorney(s)/Proper Person(s) for Case 24-C-08-003030:

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- for DEF002 Roxanna L Ward Esq (410)263-5900

IN THE CIRCUIT COURT  
FOR BALTIMORE CITY

SANDRA KILIC,  
371 Junco Circle  
Longs, South Carolina 29568,

\*

\*

and

\*

Case No.: \_\_\_\_\_24-C-08-

003030

KAMAL BERROUI,  
371 Junco Circle  
Longs, South Carolina 29568,

\*

\*

Plaintiffs,

\*

v.

\*

PROFESSIONAL MEDICAL  
SERVICES, P.C., t/a AMERICAN  
WOMEN'S SERVICES,  
3506 North Calvert Street, Suite 110  
Baltimore, Maryland 21218,

\*

\*

\*

SERVE ON:

\*

Catherine W. Steiner, Esquire  
Whiteford, Taylor & Preston, L.L.P.\*  
7 Saint Paul Street  
Baltimore, Maryland 21202-1636, \*

\*

and

\*

JAMES HOOPER, M.D.,  
3506 North Calvert Street, Suite 110  
Baltimore, Maryland 21218,

\*

\*

SERVE ON:

Roxanne L. Ward, Esquire  
Wharton Levin Ehrmantraut  
& Klein  
104 West Street  
P.O. Box 551  
Annapolis, MD 21404-0551,

Defendants.

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\* \* \* \* \*

AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Sandra Kilic ("Mrs. Kilic") and Kamal Berroui ("Mr. Berroui"), by their attorneys, hereby sue health care providers Professional Medical Services, P.C., t/a American Women's Services ("AWS") and James Hooper, M.D. ("Dr. Hooper").

INTRODUCTORY STATEMENT

1. This case is about a negligently performed abortion procedure, in which a doctor caused substantial and lasting injuries to his patient. While performing a late-term abortion, the doctor repeatedly perforated the wall of the patient's reproductive system with a surgical instrument known as a "suction cannula." As a result of these multiple perforations, the doctor damaged vital tissues and organs surrounding the patient's reproductive system, and he and other members of the attending medical team failed to promptly detect and treat the injuries. The patient required urgent surgeries to complete the abortion and to repair the internal injuries caused by the doctor's careless use of the instrument. The patient endured weeks of medical treatment and care, which included the

removal of a kidney that failed because of the doctor's careless actions. In addition, in a subsequent pregnancy, Mrs. Kilic required a Cesarean Section, because Defendants' malpractice made a vaginal delivery unsafe. In this case, the patient seeks recovery for her medical expenses, as well as for the significant physical and emotional suffering she was forced to endure. The patient and her husband also seek recovery for the injury to their marital relationship caused by the doctor's inappropriate care.

#### THE PARTIES

2. Mrs. Kilic and Mr. Berroui reside at 371 Junco Circle, Longs, South Carolina 29568 and are residents and citizens of the State of South Carolina. They are husband and wife.

3. AWS provides reproductive health care, including abortions, for women in several states, including Maryland. AWS is a health care provider as that term is defined by § 3-2A-01(f) of the Courts & Judicial Proceedings Article of Maryland's Annotated Code.

4. Dr. Hooper is a medical doctor believed to specialize in gynecology and obstetrics. Dr. Hooper is a health care provider as that term is defined by § 3-2A-01(f) of the Courts & Judicial Proceedings Article. Dr. Hooper provides reproductive health care for women under the auspices of AWS, and at all times relevant was an employee, agent, or representative of AWS.

## JURISDICTION AND VENUE

5. This Court has personal jurisdiction over this matter pursuant to §§ 6-102 and 6-103 of the Courts & Judicial Proceedings Article, because defendants are domiciled in, served with process in, or maintain principal places of business in Maryland, they transact business or perform work in Maryland, and they caused tortious injury in this State.

6. This Court has subject matter jurisdiction over this action pursuant to §§ 1-501 and 4-401 of the Courts & Judicial Proceedings Article, because this is a civil case in which the amount in controversy exceeds the jurisdictional limit of the District Court, and pursuant to § 3-2A-06A of the Courts & Judicial Proceedings Article, because plaintiffs filed a claim with the Health Care Alternative Dispute Resolution Office and properly waived the claim to this Court.

7. Venue is proper in this Court pursuant to §§ 6-201 and 6-202 of the Courts and Judicial Proceedings Article, because at all relevant times AWS carried on a regular business in Baltimore City, Dr. Hooper habitually engaged in a vocation in Baltimore City, and the tortious conduct at issue occurred in this city.

### FACTS COMMON TO ALL COUNTS

8. At all times relevant to the plaintiffs' claims, Dr. Hooper was acting as AWS's actual or apparent agent, and was acting within the scope of his employment or agency with AWS. At all times relevant to this action, AWS acted by and through its various representatives, agents, and employees, including but not limited to Dr. Hooper.

9. The treatment at issue in this case was rendered at AWS's facility at 3506 N. Calvert Street, Suite 110, in Baltimore, Maryland by Dr. Hooper and other AWS agents or employees.

10. In December 2004, Mrs. Kilic sought medical care from AWS to terminate a pregnancy in the thirteenth week of gestation.

11. Mrs. Kilic selected AWS because it holds itself out as a qualified and competent provider of reproductive health services for women. Mrs. Kilic reasonably believed that AWS's medical staff were specialists in reproductive health services, including abortions. Mrs. Kilic relied on the defendants' knowledge, skill, and experience to safely terminate her pregnancy.

12. Although the standard of care calls for the exercise of additional caution when performing an abortion as late as the thirteenth week of gestation, Dr. Hooper and other AWS medical staff proceeded without counseling Mrs. Kilic on the additional risks that she faced as a result of the relatively advanced gestation of her fetus.



13. The abortion procedure chosen for Mrs. Kilic by Dr. Hooper and AWS involved inserting an instrument known as a suction cannula into the natural cavity of the uterus, then using the instrument to remove the fetus. The physician performing the abortion accesses the uterus through the cervix, which is reached through the vagina.

14. The standard of care requires the physician performing the abortion to exercise due care to avoid breaching the walls of the reproductive system, as the suction cannula can damage surrounding tissues in the abdominal cavity and organs, including other reproductive organs, the intestines, blood vessels, the urinary tract system, and other vital structures such as nerves and lymphatic tissues.

15. Because of the risk of injury to such vital structures, the standard of care requires that the physician be attentive during the procedure to note potential signs of any perforation of the walls of the reproductive system or improper location of the surgical instruments.

16. The standard of care further requires that physicians and other members of the treating medical staff act promptly to evaluate any complication and repair any perforation of the walls of the reproductive system.

17. When Dr. Hooper inserted the suction cannula into Mrs. Kilic, she screamed in pain and began to bleed internally. But neither Dr. Hooper nor any other member of the AWS medical staff took appropriate steps to evaluate the cause of Mrs. Kilic's pain or the extent of her injuries.

18. Instead, Dr. Hooper told Mrs. Kilic to "be quiet," as her screams would upset other patients. When Mrs. Kilic could not "be quite," Dr. Hooper suspended the procedure and told Mrs. Kilic to return to the waiting room until Dr. Hooper finished with the other patients.

19. In the waiting room, Mrs. Kilic informed AWS medical staff again that she was in pain, and that she was bleeding.

20. After saying they had consulted with Dr. Hooper, AWS medical staff purported to address Mrs. Kilic's condition by providing her with Tylenol and a sanitary napkin.

21. Mrs. Kilic was then left to wait, without further attention as other patients in the waiting room were seen.

22. After finishing with other patients, Dr. Hooper recalled Mrs. Kilic and resumed the abortion procedure. Mrs. Kilic again experienced severe pain that caused her to scream.

23. In response, Dr. Hooper asked whether he was "in the right place." Mrs. Kilic replied, "No." Nonetheless, Dr. Hooper told Mrs. Kilic to stop screaming, then continued the procedure without evaluating the cause of Mrs. Kilic's pain or the extent of her injuries.

24. Despite Mrs. Kilic's protestations, Dr. Hooper and other AWS medical staff failed to recognize any problem with the procedure until Mrs. Kilic's blood pressure dropped.

25. Even then, Dr. Hooper did not stop to evaluate Mrs. Kilic's injuries.

26. Instead, Dr. Hooper continued the procedure, repeatedly inserting the suction cannula into Mrs. Kilic's abdominal cavity and causing her severe pain.

27. Eventually, Dr. Hooper stopped the procedure and advised Mrs. Kilic to go home, stating to her that the rest of her partially-aborted fetus "will come out when you go to the bathroom." Dr. Hooper suggested Mrs. Kilic should return for follow-up care on an unspecified date "after Christmas."

28. Shortly after Dr. Hooper made that statement, however, Mrs. Kilic's blood pressure dropped again, and Mrs. Kilic insisted to AWS medical staff and Dr. Hooper that they call an ambulance. Dr. Hooper did not immediately respond to Mrs. Kilic's request.

29. Mrs. Kilic eventually lost consciousness. She was transported by ambulance to the emergency department at Sinai Hospital.

30. At Sinai, Mrs. Kilic later underwent approximately six hours of surgery to assess and treat internal damage caused by Dr. Hooper's repeated insertion of the suction cannula into her abdominal cavity.

31. The surgery revealed that the walls of Mrs. Kilic's reproductive system had been perforated several times, causing damage to the reproductive system and other internal organs and tissues.

32. Those injuries included sizable perforations of the walls of Mrs. Kilic's reproductive system and another internal laceration resulting in a "rent" or tear.

33. Mrs. Kilic was hospitalized for seven days to recover from the injuries inflicted by Dr. Hooper and the surgery required to repair them. Mrs. Kilic endured additional recovery time after being discharged from the Hospital. During the procedure at AWS, the hospitalization at Sinai, and her convalescence at home, Mrs. Kilic experienced severe pain, discomfort, and mental anguish.

34. In addition, as a Mrs. Kilic was permanently scarred by the incision required to repair her internal injuries.

34. As a further result of Dr. Hooper's failure to comply with the standard of care, Mrs. Kilic's right ureter was injured. Unbeknownst to Mrs. Kilic, that injury caused her right kidney progressive injury after her hospitalization. Because of the progressive injury, Mrs. Kilic experienced chronic and sometimes severe pain and discomfort for which she required emergency treatment on several occasions. That progressive injury eventually caused Mrs. Kilic's right kidney to completely fail. Consequently, Mrs. Kilic was forced to undergo another surgery in July 2007, to remove her right kidney. That procedure, and the required hospitalization and recovery, which were directly and

proximately caused by the negligence of Dr. Hooper and AWS, caused Mrs. Kilic to experience severe pain, discomfort, and mental anguish. The kidney removal required a large incision that permanently scarred the right side of Mrs. Kilic's abdomen. Mrs. Kilic also lost wages and incurred other economic damages.

35. In addition, as a result of the defendants' negligence, Mrs. Kilic endured more pain and yet another operation in 2008. Specifically, after Mrs. Kilic became pregnant in late 2007, she experienced abdominal pain where her right kidney had been. That pain was caused by pressure on the scar tissue that resulted from removal of her kidney. The pressure was, in turn, caused by the displacement of her internal organs, associated with her pregnancy. As Mrs. Kilic's pregnancy progressed, the pain worsened. Toward the end of the gestation, the added stress put on Mrs. Kilic's kidney compromised its function.

36. Mrs. Kilic's physicians concluded that, because of the injuries that defendants negligently caused her to sustain (including the perforation injuries Mrs. Kilic suffered in 2004 and the compromised function of her remaining kidney), a vaginal delivery was not indicated and an urgent Cesarean Section delivery would be required. Because of the need for the Cesarean Section delivery, Mrs. Kilic endured added pain, suffering, and mental anguish. That operation also caused a third, lasting scar on her abdomen. The need for a Cesarean Section delivery was directly and proximately caused by the negligence of Dr. Hooper and AWS.

37. Neither Mrs. Kilic nor Mr. Berroui was in any way contributorily negligent.

38. As a result of AWS's and Dr. Hooper's negligent actions, Mrs. Kilic has suffered and will continue to suffer severe, painful, and permanent bodily injuries, mental anguish, surgical, medical and other related expenses, loss of income, and other damages.

39. As a result of AWS's and Dr. Hooper's negligent actions, Mr. Berraoui and Mrs. Kilic have suffered and will continue to suffer injury to their marital relationship.

COUNT I  
(Negligence — Dr. Hooper)

40. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

41. As a licensed medical doctor, Dr. Hooper owed a duty to his patients, including Mrs. Kilic, to exercise the degree of care and skill required of physicians in the same class to which he belongs, and acting under the same or similar circumstances.

42. In several respects, Dr. Hooper breached his duty of care and was negligent in his treatment of Mrs. Kilic, including but not limited to the following ways:

- a. perforating the wall of Mrs. Kilic's reproductive system;
- b. failing to recognize, investigate, or treat the perforation;
- c. forcing Mrs. Kilic to wait, without proper medical attention, while he tended to other patients;

d. after resuming the procedure, continuing to repeatedly insert the suction cannula into Mrs. Kilic's abdominal cavity, thereby damaging internal organs and tissue;

e. failing to promptly call for an ambulance to transport Mrs. Kilic to a hospital emergency department for proper treatment; and

f. failing generally to exercise that care and skill that is ordinarily and customarily exercised by physicians in like circumstances.

43. Dr. Hooper's failure to comply with the applicable standards of care proximately caused the serious and permanent injuries summarized herein and great mental anguish. As a result, Mrs. Kilic has been required to receive additional, extensive medical care and treatment; prevented from engaging in her normal activities, duties and pursuits; and otherwise injured and damaged. All such injuries were caused by Dr. Hooper's negligence without any contributory negligence on the part of Mrs. Kilic or Mr. Berraoui.

WHEREFORE, Mrs. Kilic requests that this Honorable Court enter a judgment against Dr. Hooper for compensatory damages in an amount that exceeds the limit of the concurrent jurisdiction of the District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

COUNT II  
(Negligence — AWS)

44. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

45. As a provider of reproductive health services, AWS owed a duty to its patients, including Mrs. Kilic, to exercise the degree of care and skill required of providers in the same class to it belongs, and acting under the same or similar circumstances.

46. In several respects, AWS breached its duty of care and was negligent in its treatment of Mrs. Kilic, including but not limited to the following ways:

- a. failing to appropriately treat the perforation of the wall of Mrs. Kilic's reproductive system;
- b. failing to provide appropriate medical attention while Mrs. Kilic was in the waiting room after Dr. Hooper temporarily stopped the procedure;
- c. failing to properly supervise Mrs. Kilic in the waiting room during the medically inappropriate delay ordered by Dr. Hooper;
- d. delaying to promptly call for an ambulance to transport Mrs. Kilic to a hospital emergency department for proper treatment; and
- e. failing generally to exercise that care and skill that is ordinarily and customarily exercised by providers of similar reproductive health services in like circumstances.



47. AWS's failure to comply with the applicable standards of care proximately caused the serious and permanent injuries summarized herein and great mental anguish. As a result, Mrs. Kilic has been required to receive additional, extensive medical care and treatment; prevented from engaging in her normal activities, duties and pursuits; and otherwise injured and damaged. All such injuries were caused by the negligence of AWS without any contributory negligence on the part of Mrs. Kilic or Mr. Berraoui.

WHEREFORE, Mrs. Kilic requests that this Honorable Court enter a judgment that exceeds the limit of the concurrent jurisdiction of the District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

COUNT III  
(Respondeat Superior — AWS)

48. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

49. At all times relevant to the allegations of this Complaint, Dr. Hooper and other medical staff involved in Mrs. Kilic's abortion procedure were employed by, or the agents or representatives of, AWS.

50. The employees or agents of AWS, specifically including, without limitation, Dr. Hooper, failed to comply with the applicable standards of care, thereby negligently causing Mrs. Kilic and Mr. Berroui the mental anguish and the serious and permanent injuries described herein.

51. The employees or agents of AWS, specifically including, without limitation, Dr. Hooper, committed the acts and omissions described herein within the scope of their employment and in furtherance of AWS's interests.

WHEREFORE, Claimant Sandra Kilic brings this action against Professional Medical Services, P.C., (t/a American Women's Services) for compensatory damages in an amount which exceeds the limits of the concurrent jurisdiction limit of the District Court, plus interest and costs, and for any such other relief as the Panel deems just and proper.

COUNT IV

(Loss of Consortium — Dr. Hooper and AWS)

52. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

53. At all times relevant hereto, Sandra Kilic and Kamal Berraoui were, and they still are, husband and wife.


54. The negligent conduct of Dr. Hooper and AWS described herein has caused injury to the plaintiffs' marital relationship, including a loss of society, affection, assistance, companionship, and sexual relations.

WHEREFORE, Mrs. Kilic and Mr. Berraoui request that this Honorable Court enter a judgment that brings this action against Dr. Hooper and AWS, jointly and severally, for an amount which exceeds the limits of the concurrent jurisdiction of the

District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

Dated: ~~May 13~~December 5, 2008.

Respectfully submitted,

  
\_\_\_\_\_  
David J. Shuster  
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Attorneys for Plaintiffs  
Sandra Kilic and Kamal Berroui

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial in this action.

  
\_\_\_\_\_  
Stuart M.G. Seraina

IN THE CIRCUIT COURT  
FOR BALTIMORE CITY

SANDRA KILIC,  
371 Junco Circle  
Longs, South Carolina 29568,

and

KAMAL BERROUI,  
371 Junco Circle  
Longs, South Carolina 29568,

Plaintiffs,

v.

PROFESSIONAL MEDICAL  
SERVICES, P.C., t/a AMERICAN  
WOMEN'S SERVICES,  
3506 North Calvert Street, Suite 110  
Baltimore, Maryland 21218,

SERVE ON:

Catherine W. Steiner, Esquire  
Whiteford, Taylor & Preston, L.L.P.\*  
7 Saint Paul Street  
Baltimore, Maryland 21202-1636, \*

and

JAMES HOOPER, M.D.,  
3506 North Calvert Street, Suite 110  
Baltimore, Maryland 21218,

Case No.: \_\_\_\_\_

CIVIL DIVISION  
2007 MAY 13 PM 3:13  
CIRCUIT COURT FOR  
BALTIMORE CITY

Case: 04-CV-00-00333  
CV File No  
Appear Fee \$88.00  
PLSC \$25.00  
TOTAL \$113.00

COMMENT:  
SANDRA KILIC, ETAL VS  
PROFESSIONAL MEDICAL  
SERVICES

Receipt #200700012372  
Cashier: DB CROWDER  
05/14/07 8:16am

SERVE ON:

Roxanne L. Ward, Esquire  
Wharton Levin Ehrmantraut  
& Klein  
104 West Street  
P.O. Box 551  
Annapolis, MD 21404-0551,

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Defendants.

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COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs, Sandra Kilic ("Mrs. Kilic") and Kamal Berroui ("Mr. Berroui"), by their attorneys, hereby sue health care providers Professional Medical Services, P.C., t/a American Women's Services ("AWS") and James Hooper, M.D. ("Dr. Hooper").

INTRODUCTORY STATEMENT

1. This case is about a negligently performed abortion procedure, in which a doctor caused substantial and lasting injuries to his patient. While performing a late-term abortion, the doctor repeatedly perforated the wall of the patient's reproductive system with a surgical instrument known as a "suction cannula." As a result of these multiple perforations, the doctor damaged vital tissues and organs surrounding the patient's reproductive system, and he and other members of the attending medical team failed to promptly detect and treat the injuries. The patient required urgent surgeries to complete the abortion and to repair the internal injuries caused by the doctor's careless use of the instrument. The patient endured weeks of medical treatment and care, which included the

removal of a kidney that failed because of the doctor's careless actions. In this case, the patient seeks recovery for her medical expenses, as well as for the significant physical and emotional suffering she was forced to endure. The patient and her husband also seek recovery for the injury to their marital relationship caused by the doctor's inappropriate care.

### THE PARTIES

2. Mrs. Kilic and Mr. Berroui reside at 371 Junco Circle, Longs, South Carolina 29568 and are residents and citizens of the State of South Carolina. They are husband and wife.

3. AWS provides reproductive health care, including abortions, for women in several states, including Maryland. AWS is a health care provider as that term is defined by § 3-2A-01(f) of the Courts & Judicial Proceedings Article of Maryland's Annotated Code.

4. Dr. Hooper is a medical doctor believed to specialize in gynecology and obstetrics. Dr. Hooper is a health care provider as that term is defined by § 3-2A-01(f) of the Courts & Judicial Proceedings Article. Dr. Hooper provides reproductive health care for women under the auspices of AWS, and at all times relevant was an employee, agent, or representative of AWS.

## JURISDICTION AND VENUE

5. This Court has personal jurisdiction over this matter pursuant to §§ 6-102 and 6-103 of the Courts & Judicial Proceedings Article, because defendants are domiciled in, served with process in, or maintain principal places of business in Maryland, they transact business or perform work in Maryland, and they caused tortious injury in this State.

6. This Court has subject matter jurisdiction over this action pursuant to §§ 1-501 and 4-401 of the Courts & Judicial Proceedings Article, because this is a civil case in which the amount in controversy exceeds the jurisdictional limit of the District Court, and pursuant to § 3-2A-06A of the Courts & Judicial Proceedings Article, because plaintiffs filed a claim with the Health Care Alternative Dispute Resolution Office and properly waived the claim to this Court.

7. Venue is proper in this Court pursuant to §§ 6-201 and 6-202 of the Courts and Judicial Proceedings Article, because at all relevant times AWS carried on a regular business in Baltimore City, Dr. Hooper habitually engaged in a vocation in Baltimore City, and the tortious conduct at issue occurred in this city.



### FACTS COMMON TO ALL COUNTS

8. At all times relevant to the plaintiffs' claims, Dr. Hooper was acting as AWS's actual or apparent agent, and was acting within the scope of his employment or agency with AWS. At all times relevant to this action, AWS acted by and through its various representatives, agents, and employees, including but not limited to Dr. Hooper.

9. The treatment at issue in this case was rendered at AWS's facility at 3506 N. Calvert Street, Suite 110, in Baltimore, Maryland by Dr. Hooper and other AWS agents or employees.

10. In December 2004, Mrs. Kilic sought medical care from AWS to terminate a pregnancy in the thirteenth week of gestation.

11. Mrs. Kilic selected AWS because it holds itself out as a qualified and competent provider of reproductive health services for women. Mrs. Kilic reasonably believed that AWS's medical staff were specialists in reproductive health services, including abortions. Mrs. Kilic relied on the defendants' knowledge, skill, and experience to safely terminate her pregnancy.

12. Although the standard of care calls for the exercise of additional caution when performing an abortion as late as the thirteenth week of gestation, Dr. Hooper and other AWS medical staff proceeded without counseling Mrs. Kilic on the additional risks that she faced as a result of the relatively advanced gestation of her fetus.

13. The abortion procedure chosen for Mrs. Kilic by Dr. Hooper and AWS involved inserting an instrument known as a suction cannula into the natural cavity of the uterus, then using the instrument to remove the fetus. The physician performing the abortion accesses the uterus through the cervix, which is reached through the vagina.

14. The standard of care requires the physician performing the abortion to exercise due care to avoid breaching the walls of the reproductive system, as the suction cannula can damage surrounding tissues in the abdominal cavity and organs, including other reproductive organs, the intestines, blood vessels, the urinary tract system, and other vital structures such as nerves and lymphatic tissues.

15. Because of the risk of injury to such vital structures, the standard of care requires that the physician be attentive during the procedure to note potential signs of any perforation of the walls of the reproductive system or improper location of the surgical instruments.

16. The standard of care further requires that physicians and other members of the treating medical staff act promptly to evaluate any complication and repair any perforation of the walls of the reproductive system.

17. When Dr. Hooper inserted the suction cannula into Mrs. Kilic, she screamed in pain and began to bleed internally. But neither Dr. Hooper nor any other member of the AWS medical staff took appropriate steps to evaluate the cause of Mrs. Kilic's pain or the extent of her injuries.

18. Instead, Dr. Hooper told Mrs. Kilic to "be quiet," as her screams would upset other patients. When Mrs. Kilic could not "be quite," Dr. Hooper suspended the procedure and told Mrs. Kilic to return to the waiting room until Dr. Hooper finished with the other patients.

19. In the waiting room, Mrs. Kilic informed AWS medical staff again that she was in pain, and that she was bleeding.

20. After saying they had consulted with Dr. Hooper, AWS medical staff purported to address Mrs. Kilic's condition by providing her with Tylenol and a sanitary napkin.

21. Mrs. Kilic was then left to wait, without further attention as other patients in the waiting room were seen.

22. After finishing with other patients, Dr. Hooper recalled Mrs. Kilic and resumed the abortion procedure. Mrs. Kilic again experienced severe pain that caused her to scream.

23. In response, Dr. Hooper asked whether he was "in the right place." Mrs. Kilic replied, "No." Nonetheless, Dr. Hooper told Mrs. Kilic to stop screaming, then continued the procedure without evaluating the cause of Mrs. Kilic's pain or the extent of her injuries.

24. Despite Mrs. Kilic's protestations, Dr. Hooper and other AWS medical staff failed to recognize any problem with the procedure until Mrs. Kilic's blood pressure dropped.

25. Even then, Dr. Hooper did not stop to evaluate Mrs. Kilic's injuries.

26. Instead, Dr. Hooper continued the procedure, repeatedly inserting the suction cannula into Mrs. Kilic's abdominal cavity and causing her severe pain.

27. Eventually, Dr. Hooper stopped the procedure and advised Mrs. Kilic to go home, stating to her that the rest of her partially-aborted fetus "will come out when you go to the bathroom." Dr. Hooper suggested Mrs. Kilic should return for follow-up care on an unspecified date "after Christmas."

28. Shortly after Dr. Hooper made that statement, however, Mrs. Kilic's blood pressure dropped again, and Mrs. Kilic insisted to AWS medical staff and Dr. Hooper that they call an ambulance. Dr. Hooper did not immediately respond to Mrs. Kilic's request.

29. Mrs. Kilic eventually lost consciousness. She was transported by ambulance to the emergency department at Sinai Hospital.

30. At Sinai, Mrs. Kilic later underwent approximately six hours of surgery to assess and treat internal damage caused by Dr. Hooper's repeated insertion of the suction cannula into her abdominal cavity.

31. The surgery revealed that the walls of Mrs. Kilic's reproductive system had been perforated several times, causing damage to the reproductive system and other internal organs and tissues.

32. Those injuries included sizable perforations of the walls of Mrs. Kilic's reproductive system and another internal laceration resulting in a "rent" or tear.

33. Mrs. Kilic was hospitalized for seven days to recover from the injuries inflicted by Dr. Hooper and the surgery required to repair them. Mrs. Kilic endured additional recovery time after being discharged from the Hospital. During the procedure at AWS, the hospitalization at Sinai, and her convalescence at home, Mrs. Kilic experienced severe pain, discomfort, and mental anguish.

34. In addition, as a result of Dr. Hooper's failure to comply with the standard of care, Mrs. Kilic's right ureter was injured. Unbeknownst to Mrs. Kilic, that injury caused her right kidney progressive injury after her hospitalization. That progressive injury eventually caused Mrs. Kilic's right kidney to completely fail. Consequently, Mrs. Kilic was forced to undergo another surgery in July 2007, to remove her right kidney. That procedure, and the required hospitalization and recovery, which were directly and proximately caused by the negligence of Dr. Hooper and AWS, caused Mrs. Kilic to experience severe pain, discomfort, and mental anguish.

35. Neither Mrs. Kilic nor Mr. Berroui was in any way contributorily negligent.

36. As a result of AWS's and Dr. Hooper's negligent actions, Mrs. Kilic has suffered and will continue to suffer severe, painful, and permanent bodily injuries, mental anguish, surgical, medical and other related expenses, loss of income, and other damages.

37. As a result of AWS's and Dr. Hooper's negligent actions, Mr. Berraoui and Mrs. Kilic have suffered and will continue to suffer injury to their marital relationship.

COUNT I  
(Negligence — Dr. Hooper)

38. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

39. As a licensed medical doctor, Dr. Hooper owed a duty to his patients, including Mrs. Kilic, to exercise the degree of care and skill required of physicians in the same class to which he belongs, and acting under the same or similar circumstances.

40. In several respects, Dr. Hooper breached his duty of care and was negligent in his treatment of Mrs. Kilic, including but not limited to the following ways:

- a. perforating the wall of Mrs. Kilic's reproductive system;
- b. failing to recognize, investigate, or treat the perforation;
- c. forcing Mrs. Kilic to wait, without proper medical attention, while he tended to other patients;
- d. after resuming the procedure, continuing to repeatedly insert the suction cannula into Mrs. Kilic's abdominal cavity, thereby damaging internal organs and tissue;

e. failing to promptly call for an ambulance to transport Mrs. Kilic to a hospital emergency department for proper treatment; and

f. failing generally to exercise that care and skill that is ordinarily and customarily exercised by physicians in like circumstances.

41. Dr. Hooper's failure to comply with the applicable standards of care proximately caused the serious and permanent injuries summarized herein and great mental anguish. As a result, Mrs. Kilic has been required to receive additional, extensive medical care and treatment; prevented from engaging in her normal activities, duties and pursuits; and otherwise injured and damaged. All such injuries were caused by Dr. Hooper's negligence without any contributory negligence on the part of Mrs. Kilic or Mr. Berraoui.

WHEREFORE, Mrs. Kilic requests that this Honorable Court enter a judgment against Dr. Hooper for compensatory damages in an amount that exceeds the limit of the concurrent jurisdiction of the District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

COUNT II  
(Negligence — AWS)

42. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

43. As a provider of reproductive health services, AWS owed a duty to its patients, including Mrs. Kilic, to exercise the degree of care and skill required of

providers in the same class to it belongs, and acting under the same or similar circumstances.

44. In several respects, AWS breached its duty of care and was negligent in its treatment of Mrs. Kilic, including but not limited to the following ways:

- a. failing to appropriately treat the perforation of the wall of Mrs. Kilic's reproductive system;
- b. failing to provide appropriate medical attention while Mrs. Kilic was in the waiting room after Dr. Hooper temporarily stopped the procedure;
- c. failing to properly supervise Mrs. Kilic in the waiting room during the medically inappropriate delay ordered by Dr. Hooper;
- d. delaying to promptly call for an ambulance to transport Mrs. Kilic to a hospital emergency department for proper treatment; and
- e. failing generally to exercise that care and skill that is ordinarily and customarily exercised by providers of similar reproductive health services in like circumstances.

45. AWS's failure to comply with the applicable standards of care proximately caused the serious and permanent injuries summarized herein and great mental anguish. As a result, Mrs. Kilic has been required to receive additional, extensive medical care and treatment; prevented from engaging in her normal activities, duties and pursuits; and



otherwise injured and damaged. All such injuries were caused by the negligence of AWS without any contributory negligence on the part of Mrs. Kilic or Mr. Berraoui.

WHEREFORE, Mrs. Kilic requests that this Honorable Court enter a judgment that exceeds the limit of the concurrent jurisdiction of the District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

COUNT III  
(Respondeat Superior — AWS)

46. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

47. At all times relevant to the allegations of this Complaint, Dr. Hooper and other medical staff involved in Mrs. Kilic's abortion procedure were employed by, or the agents or representatives of, AWS.

48. The employees or agents of AWS, specifically including, without limitation, Dr. Hooper, failed to comply with the applicable standards of care, thereby negligently causing Mrs. Kilic and Mr. Berroui the mental anguish and the serious and permanent injuries described herein.

49. The employees or agents of AWS, specifically including, without limitation, Dr. Hooper, committed the acts and omissions described herein within the scope of their employment and in furtherance of AWS's interests.

WHEREFORE, Claimant Sandra Kilic brings this action against Professional Medical Services, P.C., (t/a American Women's Services) for compensatory damages in

an amount which exceeds the limits of the concurrent jurisdiction limit of the District Court, plus interest and costs, and for any such other relief as the Panel deems just and proper.

COUNT IV  
(Loss of Consortium — Dr. Hooper and AWS)

50. Plaintiffs reallege and incorporate herein each and every allegation contained in all paragraphs of this Complaint, as if fully set forth herein.

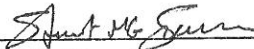
51. At all times relevant hereto, Sandra Kilic and Kamal Berraoui were, and they still are, husband and wife.

52. The negligent conduct of Dr. Hooper and AWS described herein has caused injury to the plaintiffs' marital relationship, including a loss of society, affection, assistance, companionship, and sexual relations.

WHEREFORE, Mrs. Kilic and Mr. Berraoui request that this Honorable Court enter a judgment that brings this action against Dr. Hooper and AWS, jointly and severally, for an amount which exceeds the limits of the concurrent jurisdiction of the District Court, plus interest and costs, and for any such other relief as the Court deems just and proper.

Dated: May 13, 2008.

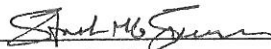
Respectfully submitted,

  
\_\_\_\_\_  
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Attorneys for Plaintiffs  
Sandra Kilic and Kamal Berroui

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial in this action.

  
\_\_\_\_\_  
Stuart M.G. Seraina

**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: Sandra Kilic and Kamal Berraoui v Professional Medical Services, P.C., et al.  
Plaintiff Defendant  
JURY DEMAND:  Yes  No Anticipated length of trial: \_\_\_\_\_ hours or 3 days  
RELATED CASE PENDING?  Yes  No If yes, Case #(s), if known: \_\_\_\_\_

**Special Requirements?**  Interpreter/communication impairment Which language \_\_\_\_\_  
(Attach Form 1-332 if Accommodation or Interpreter Needed) Which dialect \_\_\_\_\_  
 ADA accommodation: \_\_\_\_\_

**NATURE OF ACTION** **DAMAGES/RELIEF**  
(CHECK ONE BOX)

<p><b>TORTS</b></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><b>LABOR</b></p> <input type="checkbox"/> Workers' Comp <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other _____ <b>CONTRACTS</b> <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other _____ <b>REAL PROPERTY</b> <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other _____ <b>OTHER</b> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other _____	<p><b>A. TORTS</b></p> <p><b>Actual Damages</b></p> <input type="checkbox"/> Under \$7,500 <input checked="" type="checkbox"/> Medical Bills <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> > \$ 50,000 _____ <input type="checkbox"/> \$50,000 - \$100,000 <input type="checkbox"/> Property Damages <input checked="" type="checkbox"/> Over \$100,000 \$ _____ <input checked="" type="checkbox"/> Wage Loss <input type="checkbox"/> > \$ 50,000 _____	
		<p><b>B. CONTRACTS</b></p> <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000	<p><b>C. NONMONETARY</b></p> <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 <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	C. Settlement Conference <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
B. Arbitration <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	D. Neutral Evaluation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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.*

<input type="checkbox"/> ½ day of trial or less	<input type="checkbox"/> 3 days of trial time
<input type="checkbox"/> 1 day of trial time	<input type="checkbox"/> More than 3 days of trial time
<input type="checkbox"/> 2 days of trial time	

**PLEASE SEE PAGE TWO OF THIS FORM FOR INSTRUCTIONS PERTAINING TO THE BUSINESS AND TECHNOLOGY CASE MANAGEMENT PROGRAM AND ADDITIONAL INSTRUCTIONS IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY.**

Date 5/13/08 Signature [Signature]

**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  
Defendant's response

**Standard**  
Trial - 18 months of  
Defendant's response

EMERGENCY RELIEF REQUESTED \_\_\_\_\_  
*Signature* \_\_\_\_\_ *Date* \_\_\_\_\_

**IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, 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 seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgments.
- Standard-Medium Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.
- Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- Lead Paint Fill in: Birthdate of youngest plaintiff \_\_\_\_\_
- Asbestos Events and deadlines set by individual judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

**CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY**

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

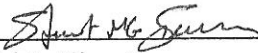
- Liability is conceded.
- Liability is not conceded, but is not seriously in dispute.
- Liability is seriously in dispute.

**CIRCUIT COURT FOR BALTIMORE COUNTY**

- Expedited (Trial Date-90 days) Attachment Before Judgement, 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, Intentional 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.

Dated: May 13, 2008.

Respectfully submitted,

  
\_\_\_\_\_  
David J. Shuster  
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(410) 539-1269 Facsimile

Attorneys for Plaintiffs  
Sandra Kilic and Kamal Berroui

DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial in this action.

  
\_\_\_\_\_  
Stuart M.G. Seraina