

GEORGE EDWARD HARDY, JR.
259 Beckenham Circle, Unit 204
Bel Air, Maryland 21014

: IN THE
: CIRCUIT COURT

And

: FOR

JUDITH A. HARDY
259 Beckenham Circle, Unit 204
Bel Air, Maryland 21014

: BALTIMORE COUNTY

Case No.: C-13-652

Plaintiffs

:

v.

:

ANTHONY CHIARAMONTE, III, M.D.
7253 Ambassador Road
Baltimore, Maryland 21244

:

:

and

:

BIJAN KERAMATI, M.D.
7253 Ambassador Road
Baltimore, Maryland 21244

:

:

and

:

ADVANCED RADIOLOGY, P.A.
7253 Ambassador Road
Baltimore, Maryland 21244

:

:

Serve on Resident Agent:
David I. Safferman, M.D.
7253 Ambassador Road
Baltimore, Maryland 21244

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:

:

and

CHARLES ROSS ECK, JR., M.D.
9 Schilling Road, Suite 102
Hunt Valley, Maryland 21031

:

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and

:

KAISER FOUNDATION HEALTH PLAN :
OF THE MID-ATLANTIC STATES, I :
2101 E. Jefferson Street :
Rockville, Maryland 20852 :

HC
CC
state board of
musician

we

J

Serve on Resident Agent:
Prentice-Hall Corporation System :
7 St. Paul Street, Suite 1660
Baltimore, Maryland 21202 :

Defendants :

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COMPLAINT

COUNT I

COMES NOW the Plaintiff, George Edward Hardy, Jr., by his attorneys, Jonathan Schochor, Philip C. Federico, and Schochor, Federico and Staton, P.A. and sues, Anthony Chiaramonte, III, M.D., Bijan Keramati, M.D., Advanced Radiology, P.A., Charles Ross Eck, Jr., M.D., and Kaiser Foundation Health Plan of the Mid-Atlantic States, I, Defendants:

1. At all times of which the Plaintiff complains, the Defendants Anthony Chiaramonte, III, M.D. (hereinafter referred to as "Chiaramonte"), Bijan Keramati, M.D. (hereinafter referred to as "Keramati"), and Charles Ross Eck, Jr., M.D. (hereinafter referred to as "Eck"), represented to the Plaintiff and the public that they possessed the degree of skill, knowledge and ability possessed by reasonably competent medical practitioners, practicing under the same or similar circumstances as those involving the Plaintiff.

2. The Plaintiff alleges that the Defendants Chiaramonte, Keramati and Eck herein, including duly authorized agents and/or employees of the Defendant Advanced Radiology, P.A. and/or the Defendant Kaiser Foundation Health Plan of the Mid-Atlantic States, I, owed to the Plaintiff the duty to exercise the degree of care, skill and judgment expected of a competent medical practitioner acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and

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

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

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

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

6. The Plaintiff alleges that the Defendant Kaiser Foundation Health Plan of the Mid-Atlantic States, I (hereinafter referred to as "Kaiser"), through its agents, servants and employees, owed to the Plaintiff a duty to exercise a degree of care, skill and judgment expected of a competent medical corporation acting in the same or similar circumstances, which duty included the performance of adequate and proper diagnostic tests and procedures to determine the nature and severity of the Plaintiff's condition, careful diagnosis of such condition, employment of appropriate procedures, tests, surgery and/or treatment to correct such conditions without inflicting injury upon the Plaintiff, continuous evaluation of the Plaintiff's condition and effects of such treatment, and the adjustment of the course of treatment in response to ongoing surveillance and evaluation -- all of which the Defendant failed to do.

7. The Defendant Kaiser, through its agents, servants and/or employees, was negligent in that it failed to employ appropriate treatment, surgery and/or procedures, failed to carefully and thoroughly evaluate the Plaintiff's condition, failed to thoroughly evaluate the effects and results of any tests, treatment and/or procedures performed, failed to adjust the

Plaintiff's treatment in response to appropriate evaluation of the effects of treatment, failed to properly monitor the course of the Plaintiff's condition and treatment, failed to employ adequate and proper diagnostic procedures and/or tests to determine the nature and extent of the Plaintiff's condition, failed to diagnose the Plaintiff's condition and was otherwise negligent. At all times referred to herein, the Defendants Chiamonte and Keramati acted for themselves and as duly authorized agents and/or employees of the Defendant Advanced Radiology, P.A., acting within the scope of their respective authority; and at all times referred to herein, the Defendant Eck acted for himself and as a duly authorized agent and/or employee of the Defendant Kaiser, acting within the scope of his authority.

8. As the direct and proximate result of the negligence of these Defendants and each of them, the Plaintiff has suffered unending physical pain, emotional anguish as well as fear and anxiety, and faces an ominous prognosis as is more fully described, hereinbelow.

9. On April 24, 2007, the Plaintiff, George Edward Hardy, Jr., then age 64, presented to the Defendant Advanced Radiology, P.A. for a computed tomography (CT) scan of the abdomen and pelvis, with contrast. The purpose of the study was to monitor the progress of a mass located in the area of the Plaintiff's abdomen. It is alleged that the Defendant Chiamonte negligently interpreted the study diagnosing the mass as representing a stable, partially calcified mesenteric root. In reality, had the Defendant interpreted the study properly, he would have reported out a mass (tumor) with features of a mesenteric carcinoid -- essentially reporting out the presence of a mesenteric carcinoid versus mesenteric fibrosis.

10. Had the Defendant Chiamonte conformed with the applicable standards of care and reported the mass appropriately, it is alleged that required follow-up studies and biopsy would have been completed which would have detected the presence of an early malignant mass

-- *in situ* -- which would have been removed resulting in a cure for the Plaintiff. However, due to the negligence of the Defendant Chiamonte in misinterpreting the CT scan in 2007, the mass was left to grow, extend and ultimately metastasize. Because of the negligence of the Defendant Chiamonte, no intervention was provided.

11. On April 28, 2008, the Plaintiff underwent an additional CT scan of the abdomen and pelvis, with and without contrast, at the Defendant Advanced Radiology. The radiologist reported a lobular mass measuring 3.1 x 2.1 centimeters present within the central mesentery with focal calcifications. When compared to the prior study completed in April of 2007, the radiologist noted that the tumor had been present since 2006 and had grown. He properly concluded that the lesion represented a carcinoid tumor versus mesenteric fibrosis.

12. It is alleged that the findings of the 2008 CT scans were specifically reported to the Plaintiff's primary care physician, the Defendant Eck. It is alleged that at all times referred to herein, the Defendant Eck acted as the Plaintiff's primary care physician, and was employed with and an agent for the Defendant Kaiser. Tragically, it is alleged that the Defendant Eck ignored the radiology report issued by the Defendant Advanced Radiology, P.A. As the direct and proximate result of the continuing negligence of the Defendant Eck, no further studies and no intervention whatsoever was provided to the Plaintiff as a result of the 2007 study.

13. On February 16, 2010, a repeat CT scan was performed at the Defendant Advanced Radiology. The Defendant radiologist Keramati interpreted that study and reported a focal area of retroperitoneal fibrosis with calcification that had remained "stable" since the prior examination in April of 2008. Again, tragically, the Defendant Keramati negligently interpreted this study. Had he done so in conformity with the standards of care, he would have correctly indicated that the mass had grown in size, reflected more regional lymphadenopathy, involved

the mesentery which was being pulled in by the mass, revealed calcifications, and was highly suspicious for being a carcinoid -- a form of malignancy. However, it is alleged that the Defendant Keramati, negligently failed to properly interpret or report any of that information. He negligently called the mass a retroperitoneal fibrosis. As a result of the continuing negligence, the Plaintiff was provided with no further studies and no intervention as required by the standards of care.

14. On December 30, 2011, the Plaintiff was again seen by his primary care physician with complaints of abdominal pain and vomiting. A CT scan of the abdomen and pelvis, with contrast, was performed and revealed a spiculated soft tissue mass which was partially calcified in the area of the small bowel mesentery measuring 6.4 centimeters which was suspicious for a carcinoid tumor just as all of the preceding studies reflected. As a result, the Plaintiff finally underwent an exploratory laparotomy by a general surgeon on December 31, 2011, which revealed the expected presence of a mass that extended retroperitoneally into the area of the inferior vena cava, the superior mesenteric vein and portal vein. Two separate portions of small bowel had to be removed along with the mass and an end-to-end anastomosis created.

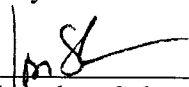
15. Pathology confirmed that the specimens removed represented endocrine neoplasm (cancer) that had invaded through the muscularis propria and involved the subserosal tissue as well as the mesentery.


16. It is alleged that as a direct and proximate result of the ongoing negligence of these Defendants and each of them, the small carcinoid that had been present since 2007 was left to grow, extend, and ultimately metastasize. Accordingly, the Plaintiff's prognosis went from one of absolute cure to an ominous prognosis -- since cure was not available when the malignancy was finally diagnosed and removed.

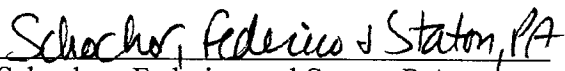
17. It is alleged that the Plaintiff has in the past, is presently, and will in the future continue to suffer excruciating physical pain, emotional anguish as well as fear and anxiety over his condition. Additionally, the Plaintiff has in the past, is presently, and will in the future continue to incur hospital, surgical, physiotherapeutic, pharmacological, nursing, custodial and other losses and expenses for which claim is made. He has lost his ability to seek and hold gainful employment, and has had the quality of his life essentially destroyed through the ongoing negligence of these Defendants.

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

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


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Attorneys for the Plaintiffs

COUNT II

COMES NOW the Plaintiff, Judith A. Hardy, by her attorneys, Jonathan Schochor, Philip C. Federico, and Schochor, Federico and Staton, P.A. and sues, Anthony Chiaramonte, III, M.D.,


Bijan Keramati, M.D., Advanced Radiology, P.A., Charles Ross Eck, Jr., M.D., and Kaiser Foundation Health Plan of the Mid-Atlantic States, I, Defendants:

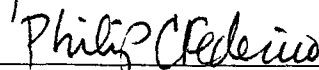
1. The Plaintiff incorporates in this Count those facts set forth in Count I hereinabove by reference thereto intending that each and every allegation hereinabove be deemed part hereof as if the same were repeated herein.


2. The Plaintiffs allege they are husband and wife. As the result of the negligence of these Defendants, the Plaintiffs assert that their marriage and marital relationship was interrupted and continues to be interrupted.

3. The severe, unremitting pain from which the Plaintiff, George Edward Hardy, Jr., suffers as well as the permanent disability sustained as a result of the negligence of these Defendants, has permanently interrupted and damaged the Plaintiffs' marriage and the Plaintiff, George Edward Hardy, Jr.'s ability to function as a normal husband.

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


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Philip C. Federico


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