

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

LAVERNE KNIGHT , Individually, and as the
Personal Representative of the Estate of
AGNES CURTIS, deceased
1718 Green Meadow Court
Severn, MD 21144

and

PAMELA MUHAMMAD
1282 Smallwood Drive
Waldorf, MD 20603

Plaintiffs,

v.

MID-ATLANTIC PERMANENTE MEDICAL
GROUP, P.C.
2101 East Jefferson Street
Rockville, MD 20852

Serve: Resident Agent:
The Prentice-Hall Corporation System, Ma
Suite 1660
7 St. Paul Street
Baltimore, MD 21202

Defendant.

Civil Case No.

Case: 24-CV-006643
CV File No
\$30.00
APPEAR Fee
\$20.00
MLSC
\$33.00
TOTAL \$153.00

COMMENT:
LAVERNE KNIGHT VS
MID ATLANTIC PERMANENTE

Receipt: #201400028702
Cashier: DB CUBCA82
12/01/14 11:26am

COMPLAINT

COME NOW Plaintiffs, Laverne Knight, Individually, and as the Personal Representative of the Estate of Agnes Curtis, and Pamela Muhammad, by counsel, and file this claim against Defendant Mid-Atlantic Permanente Medical Group, P.C. doing business as Kaiser Permanente – Silver Spring Medical Center. In support of their Complaint, Plaintiffs aver as follows:

FACTS RELEVANT TO ALL COUNTS

1. The amount of this claim exceeds \$75,000.00.

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7 St. Paul Street
Baltimore, MD 21202

Defendant.

Civil Case No. 23-01-006043

23-01-006043
CV File Now \$80.00
Appeal Fee \$20.00
MLSC \$35.00
TOTAL \$135.00

COMMENT:
LAVERNE KNIGHT VS
MID ATLANTIC PERMANENTE

Receipt #20140028702
Cashier: DB CCB0762
12/01/14 11:26am

COMPLAINT

COME NOW Plaintiffs, Laverne Knight, Individually, and as the Personal Representative of the Estate of Agnes Curtis, and Pamela Muhammad, by counsel, and file this claim against Defendant Mid-Atlantic Permanente Medical Group, P.C. doing business as Kaiser Permanente – Silver Spring Medical Center. In support of their Complaint, Plaintiffs aver as follows:

FACTS RELEVANT TO ALL COUNTS

1. The amount of this claim exceeds \$75,000.00.

2. The venue of this claim is proper in Baltimore City, Maryland. Baltimore City is the venue in which the Defendant maintains its resident agent, the venue in which the Defendant regularly and continually conducts business, the venue in which the Plaintiffs' decedent received substantial causally related medical treatment and care, the venue in which numerous essential witnesses to this case either reside and/or are employed, the venue in which the Plaintiff died, and the venue in which the autopsy of the Plaintiffs' decedent was performed.

3. Plaintiff Laverne Knight is the adult daughter of Agnes Curtis. Laverne Knight was duly appointed as the Personal Representative of the Estate of Agnes Curtis on April 11, 2014 by the Register of Wills for Prince George's County, Maryland.

4. Plaintiff Pamela Muhammad is the adult daughter of Agnes Curtis.

5. The Defendant at issue is Mid-Atlantic Permanente Medical Group, P.C. doing business as Kaiser Permanente – Silver Spring Medical Center ("Defendant"), a primary care medical facility located at 12201 Plum Orchard Drive, Silver Spring, Maryland 20904.

6. This claim arises from negligent medical care provided to Plaintiffs' decedent, Agnes Curtis, by a physician employee of the Defendant on or about April 4, 2014.

7. Agnes Curtis died on April 8, 2014 in Baltimore City, Maryland.

8. At all times relevant hereto Defendant Mid-Atlantic Permanente Medical Group, P.C. was a Maryland corporation actively doing business in Baltimore City, Maryland.

9. At all times relevant hereto Wendy Rosensweig, M.D. was employed by Defendant Mid-Atlantic Permanente Medical Group, P.C. and was acting in the course and scope of her employment for Defendant Mid-Atlantic Permanente Medical Group, P.C.

10. At all times relevant hereto Defendant Mid-Atlantic Permanente Medical Group, P.C. was responsible for the substandard and negligent acts of its employees and/or agents,

including Dr. Rosensweig, and was, and remains, vicariously liable to Agnes Curtis and Plaintiffs for the negligent acts of its actual and apparent agents, including all of the Defendant's employees, agents, and/or servants pursuant to the doctrine of respondeat superior. All references throughout this Complaint to "Defendant" include, and also refer to, the acts and/or failures to act of the Defendant's employees, agents, and/or servants/contractors, including the Defendant's physician employee, Dr. Rosensweig.

11. At all times relevant hereto Defendant Mid-Atlantic Permanente Medical Group, P.C. agreed to provide professional primary care and/or internal medicine services to Plaintiffs' decedent, Agnes Curtis, and as such owed a duty to Plaintiffs and Agnes Curtis to exercise the degree of skill and care expected of a reasonably competent primary care/internal medicine Defendant/physician in the same or similar circumstances.

12. On November 20, 2014 Plaintiffs filed a Claim Form, Personal Information Certification, Statement of Claim with a supporting Certificate of Merit and Report attached, and an Election to Waive Arbitration with the Health Care Alternative Dispute Resolution Office. Copies of all documents filed with the HCADRO are attached hereto and incorporated herewith, collectively, as Plaintiffs' Exhibit A.

13. On or about April 4, 2014 Agnes Curtis presented to Defendant Mid-Atlantic Permanente Medical Group, P.C. for diagnosis, care, and treatment.

14. Upon her presentation to Defendant Kaiser Permanente's facility, Agnes Curtis came under the care of Dr. Rosensweig who was acting in the course and scope of her employment for the Defendant.

15. Upon her presentation to the Defendant's Kaiser Permanente medical facility, the Defendant was aware that, among other conditions, Agnes Curtis's medical history was

significant for shortness of breath with exertion, orthopnea, diabetes, hypertension, hyperlipidemia, pedal edema, had a family history of heart disease, was obese, and was known to be a high cardiovascular disease risk.

16. Upon her presentation to the Defendant's medical facility on April 4, 2014, Agnes Curtis, age 67, was examined by Dr. Rosensweig.

17. Agnes Curtis provided Dr. Rosensweig a medical history of being short of breath with dyspnea on exertion.

18. Agnes Curtis had an EKG performed which was abnormal.

19. Agnes Curtis had an x-ray taken which was consistent with congestive heart failure.

20. At the conclusion of Agnes Curtis's primary care assessment by Dr. Rosensweig it was suggested that Ms. Curtis undergo a stress test at some point in the future and Ms. Curtis was told to go home.

21. On or about April 7, 2014 Agnes Curtis collapsed at home and was taken by ambulance from her home to Laurel Regional Hospital in Laurel, Maryland.

22. On or about April 7, 2014 Agnes Curtis was transferred from Laurel Regional Hospital to the University of Maryland Medical Center in Baltimore City, Maryland for additional medical care and treatment.

23. Agnes Curtis received substantial causally related medical treatment at the University of Maryland Medical Center in Baltimore City, Maryland.

24. Agnes Curtis died at the University of Maryland Medical Center in Baltimore City on April 8, 2014. The cause of Agnes Curtis's death was determined by the University of Maryland Medical Center Department of Pathology to be myocardial infarction.

COUNT I
(Negligence – Medical Malpractice - Survival Action)

Plaintiffs repeat and re-allege each and every allegation set forth in paragraphs 1 through 24 of this Complaint, as if each allegation was fully set forth herein, incorporate each preceding allegation by reference, and further allege as follows:

25. The Defendant had a duty to provide Agnes Curtis with care in accord with the applicable standards of care and to properly assess, diagnose, monitor, care for, and treat Plaintiffs' decedent.

26. In breach of the applicable standards of care, the Defendant negligently failed to diagnose, assess, monitor, care for, and treat Agnes Curtis.

27. The incidents of medical care provided by the Defendant to Agnes Curtis which breached the applicable standards of care included, but were not limited to, the following:

- a. The Defendant failed to timely, adequately, and appropriately assess, evaluate, diagnose, and treat Agnes Curtis;
- b. The Defendant failed to timely, adequately, and appropriately refer Agnes Curtis to a hospital for the assessment and treatment of a cardiac cause of symptoms;
- c. The Defendant failed to timely, adequately, and appropriately act in response to Agnes Curtis's abnormal x-ray;
- d. The Defendant failed to timely, adequately, and appropriately act in response to Agnes Curtis's abnormal EKG;
- e. The Defendant failed to timely, adequately, and appropriately refer Agnes Curtis to a hospital for the assessment and treatment of a cardiac cause of shortness of breath;

- f. The Defendant failed to timely, adequately, and appropriately appreciate, assess, and treat Agnes Curtis's medical history, symptoms, and test results;
- g. The Defendant failed to timely, adequately, and appropriately involve appropriate medical specialists, including cardiologists and interventional cardiologists, in Agnes Curtis's assessment, treatment, and care; and,
- h. The Defendant was otherwise negligent and in violation of the applicable standards of care in the course of its attempt, by its employee physician(s), to assess, diagnose, monitor, care for, and treat Agnes Curtis.

28. As a direct and proximate cause of the Defendant's negligence, neglect, and multiple violations of the applicable standards of care, Agnes Curtis suffered great pain, discomfort, agony, suffering, required extensive medical treatment, incurred substantial causally related medical expenses, and died an untimely death on April 8, 2014.

WHEREFORE, Plaintiff Laverne Knight, as the Personal Representative of the Estate of Agnes Curtis, demands judgment against the Defendant in an amount in excess of applicable jurisdictional limits, plus interest and costs of this action, and any other appropriate relief.

COUNT II
(Negligence – Medical Malpractice - Wrongful Death Action)

Plaintiffs repeat and re-allege each and every allegation set forth in paragraphs 1 through 28 of this Complaint, as if each allegation was fully set forth herein, incorporate each preceding allegation by reference, and further allege as follows:

29. The aforementioned acts of negligence by the Defendant which constituted breaches of the applicable standards of care directly resulted in the untimely death of Agnes Curtis.

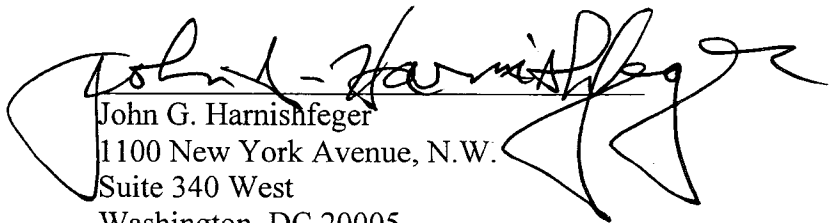
30. Plaintiffs Laverne Knight and Pamela Muhammad, the surviving adult daughters of Agnes Curtis, are entitled by law to recover damages for wrongful death as they are "primary beneficiaries" in this action for wrongful death pursuant to Courts and Judicial Proceedings §3-904(a).

31. As a direct result of the wrongful death of Agnes Curtis, Plaintiffs Laverne Knight and Pamela Muhammad, each individually, suffered mental anguish, emotional pain and suffering, loss of society, loss of companionship, loss of comfort, loss of guidance, loss of attention, grief and sadness, and became obligated for the expenses of the decedent's funeral and burial, and as well as other causally related expenses.

WHEREFORE, Plaintiffs Laverne Knight and Pamela Muhammad, individually, and as statutory beneficiaries, demand judgment against the Defendant in an amount in excess of applicable jurisdictional limits for all injuries and damages they suffered, including, but not limited to, emotional damages, loss of society, loss of companionship, loss of comfort, loss of attention, loss of guidance, grief and sadness, suffering, and other causally related damages as a consequence of the negligence and breaches of the applicable standards of care by the Defendant.

Respectfully submitted,

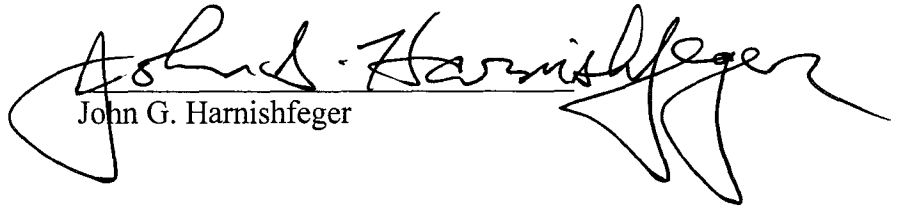
THE COCHRAN FIRM



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Attorney for Plaintiffs

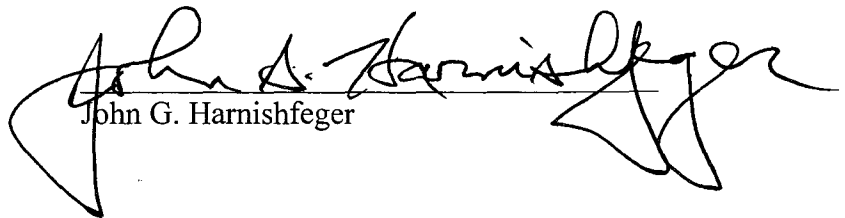
JURY DEMAND

Plaintiffs demand a trial by jury as to all issues raised herein.


John G. Harnishfeger

CERTIFICATE OF GOOD STANDING

I hereby certify that I am a member in good standing of the Bar of the State of Maryland.


John G. Harnishfeger