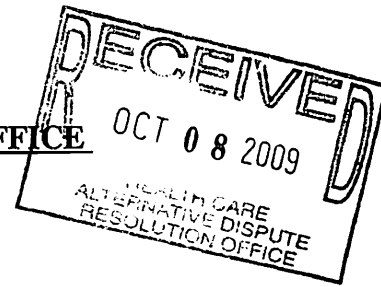


IN THE HEALTH ALTERNATIVE DISPUTE RESOLUTION OFFICE  
OF MARYLAND



HELEN TAYLOR &  
RICHARD W. TAYLOR \*  
5862 Cloverdale Road \*  
Hurlock, MD 21643 \*

Claimant, \*

v. \*

2009-511

HCA No.: \_\_\_\_\_

CHERYL DANIELS ORTEL, M.D.,P.A. \*  
598 Cynwood Drive, Suite 103 \*  
Easton, MD 21601 \*

Serve On: Resident Agent \*  
Cheryl D. Ortel \*  
598 Cynwood Dr. \*  
Easton, MD 21601 \*

and \*

CHERYL DANIELS ORTEL, M.D., \*  
Individually, and/or as Agent, Servant \*  
and/or Employee of CHERYL DANIELS \*  
ORTEL, M.D., P.A. \*  
598 Cynwood Drive, Suite 103 \*  
Easton, MD 21601 \*

Defendant Health Care Providers

\* \* \* \* \*

STATEMENT OF CLAIM

NOW COMES the Claimant, Helen Taylor & Richard W. Taylor her husband, *pro se* (hereinafter "Claimants") and brings this complaint against the above Defendant Health Care Providers, and in support thereof state as follows:

1. Venue is proper in Talbot County, Maryland
2. That the amount in controversy is in excess of Thirty- Thousand Dollars (\$30,000.00) as required by Md. Courts & Jud. Proc. §3-2A-02(b).
3. That at all times relevant to this claim, Defendant, Cheryl Daniels Ortel,

M.D., P.A. (or other alias, hereinafter referred to collectively as "Defendant P.A.") was a corporation and/or an entity organized under the laws of the State of Maryland and licensed to provide medical and other services to the public and to Claimants. At all times relevant to this claim there were other as yet to be named agents, servants and/or employees of Defendant P.A. who represented to the public and to Claimants that they were licensed and/or authorized to practice and provide certain health care services. At all times relevant herein, Defendant P.A. through its agents, servants and/or employees represented to the public and to the Claimants that it possessed that degree of skill, knowledge and ability ordinarily possessed by reasonably prudent and competent facilities practicing medicine and other related health care services through its agents, servants and/or employees and owed a duty to Claimants to exercise that care, skill and judgment exercised by reasonably prudent and competent medical facilities in treating and caring for the Claimant's.

4. That at all times relevant to this claim, Defendant Cheryl Daniels Ortel, M.D., (hereinafter "Defendant Ortel ") was a physician licensed to practice in the State of Maryland and was acting individually and/or as an agent, servant and/or employee of Defendant Bon Secours. At all times relevant herein, Defendant Ortel represented to the public and to the Claimants that she possessed that degree of skill, knowledge and ability ordinarily possessed by reasonably prudent and competent physicians practicing medicine in the same and/or similar circumstances and owed a duty to Claimants to exercise that care, skill and judgment exercised by reasonably prudent and competent physicians in treating and caring for the Claimants.

5. On or about February 16, 2006, Claimants presented to the Defendants for her annual GYN examination. During the exam, she complained of night sweats and joint pain. On examination, however, it was noted by the Defendants that Claimants had abdominal pain in

the left lower quadrant of her abdomen. Defendant noted that sonogram should be obtained to rule out diverticulitis, but no order or referral was given to the Claimants by the Defendants and a sonogram was never performed. A Lyme disease test was ordered, which was interpreted in March 2006 by Defendants as positive for Lyme disease, but a separate and independent test taken by Claimant's primary care provided confirmed that the Claimants was negative for Lyme's disease.

6. On August 19, 2006, Claimants presented to another gynecologist, Jason Evans, M.D., who noted that Claimants had complaints of LLQ abdominal pain. An examination revealed the presence of a 9cm mass in the vicinity of Claimant's left ovary, and Dr. Evans recommended an exploratory laparoscopy with bilateral salpingo- oophorectomy. This was scheduled for September 12, 2006, but the surgery was postponed to October 9, 2006, after Claimants suffered a transient ischemic attack just before the September surgery date. Exploratory surgery occurred on October 9, 2006, revealing an ovarian mass which was diagnosed as stage IIc epithelial ovarian cancer and it was removed.

7. As a result of the delay in diagnosing the ovarian cancer, the mass grew in size and metastasized, decreasing her chances of survival below fifty (50%). In addition, she has undergone radiation and adjuvant chemotherapy in order to control the advanced disease. Recently, she has had a reoccurrence of the cancer, requiring another course of painful adjuvant chemotherapy. Had the Defendants simply followed through with the order for the sonogram, the growing mass would have been discovered and she would have been worked up much sooner than occurred.

**COUNT I - NEGLIGENCE - SURVIVORSHIP ACTION**

Claimants, Helen Taylor, adopts and incorporates by reference paragraphs one (1) through seven (7) of the Statement of Claim as if fully set forth herein and further allege as follows:

8. At all times relevant to this claim each of the Defendants and their agents, servants and/or employees failed to conform to the standards of care in their care and treatment of Claimants in that they negligently failed to perform all appropriate tests, cultures, and/or screens; negligently failed to timely and/or properly diagnose ovarian cancer; negligently failed to timely perform and/or order a sonogram; negligently monitored and/or observed claimant; negligently failed to perform and/or timely perform proper tests, screenings, and diagnostic studies; negligently interpreted tests which were ordered; negligently failed to order, recommend and/or perform appropriate tests, studies, examinations and/or procedures to correctly and timely diagnose the Claimant's compromised condition; negligently administered and/or failed to administer appropriate medication for the Claimants; negligently failed to immediately and aggressively diagnose and treat the Claimants; and, were further and otherwise negligent in the management, care and treatment of Claimants.

9. As a direct and proximate result of the failure of each of the Defendants as set forth above, Decedent and Claimants suffered excruciating and unremitting pain, extreme emotional pain and suffering, mental anguish and was otherwise damaged and injured.

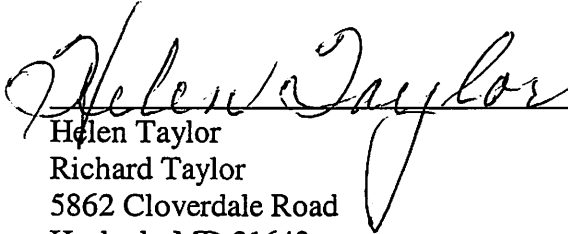
10. That furthermore, as a direct and proximate result of the above described negligence of each of the Defendants and/or their actual and/or apparent agents, servants and/or employees, the Claimants suffered excruciating and unremitting conscious pain and suffering,

incurred hospital and medical expenses, and were otherwise damaged and injured. Had these Defendants adhered to the standards of care, the Claimants would not have suffered said injuries.

11. That each of the damages and injuries sustained by Claimants are a direct and proximate result of the negligence of each of the Defendants named herein and/or their actual and/or apparent agents, servants and/or employees without any negligence of the Claimants contributing thereto.

WHEREFORE, Claimants, Helen Taylor, brings this action against the above named Defendants and/or their agents, servants and/or employees and claim compensatory damages in excess of thirty thousand dollars (\$30,000) plus costs, and for such other and further relief as may be necessary and proper.

Respectfully submitted,



Helen Taylor  
Richard Taylor  
5862 Cloverdale Road  
Hurlock, MD 21643  
(410) 943-3626

Claimant Pro Se

**COUNT III - LOSS OF CONSORTIUM**

Claimants Michele and Dennis McDonald, hereby incorporate by reference paragraphs one (1) through eleven (11) of the Statement of Claim as if fully set forth herein and further allege as follows:


12. Claimant Helen Taylor and Claimant Richard Taylor were, at all times relevant to this claim, Husband and Wife.

13. The Defendants' negligence directly and proximately caused and continues to cause the Claimants to suffer loss of consortium, loss of services, support, affection, guidance, comfort, society, and companionship, and/or other damages to the permanent detriment of their marital relationship

14. The Claimants' injuries and/or damages were directly and proximately caused by the Defendants' negligence as aforesaid, without any negligence or assumption of the risks on the part of either of the Claimants causing or contributing thereto.

WHEREFORE, Claimants, Helen and Richard Taylor, bring this action against the above named Defendants and/or their agents, servants and/or employees and claim compensatory damages in excess of thirty-thousand (\$30,000.00) plus costs, and for such other and further relief as may be necessary and proper.

Respectfully submitted,

  
Helen Taylor  
Richard Taylor  
5862 Cloverdale Road  
Hurlock, MD 21643  
(410) 943-3626

Claimant Pro Se