

EDWARD CHAID  
215 Kali Court  
Parkton, Maryland 21220

and

BRENDA CHAID  
215 Kali Court  
Parkton, Maryland 21220

v.

ST. JOSEPH MEDICAL CENTER, INC.  
a/k/a St. Joseph Medical Center  
7601 Osler Drive  
Towson, Maryland 21204

Serve On:

The Corporation Trust  
351 West Camden Street  
Baltimore, Maryland 21201

and

SAINT JOSEPH HOSPITAL, INC.  
a/k/a St. Joseph Medical Center  
7601 Osler Drive  
Towson, Maryland 21204

Serve On:

The Corporation Trust  
351 West Camden Street  
Baltimore, Maryland 21201

and

MARK MIDEI  
15505 Carroll Road  
Monkton, Maryland 21111

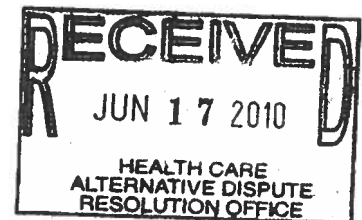
and

MIDATLANTIC CARDIOVASCULAR  
CONSULTANTS, P.A.  
6565 North Charles Street  
Baltimore, Maryland 21204

Serve On:

Sidney O. Gottleib  
109 Beechdale Road  
Baltimore, Maryland 21210

\* IN THE  
\* HEALTH CARE  
\* ALTERNATIVE DISPUTE  
\* RESOLUTION OFFICE  
\*  
\* Claim No.:



and \*

MIDATLANTIC CARDIOVASCULAR \*  
ASSOCIATES, P.A. \*  
1838 Greentree Road, Suite 535 \*  
Baltimore, Maryland 21208 \*

Serve On: \*  
James S. Jacobs, Esquire \*  
One South Street, Suite 1910 \*  
Baltimore, Maryland 21202 \*

Defendant Health Care Providers \*

\* \* \* \* \*

**STATEMENT OF CLAIM**

The Claimants, Edward Chaid and Brenda Chaid, by their attorneys, Andrew G. Slutkin, Jamison G. White and Silverman Thompson Slutkin & White, hereby sue the Defendant Health Care Providers, St. Joseph Medical Center, Inc. a/k/a St. Joseph Medical Center, Saint Joseph Hospital, Inc. a/k/a St. Joseph Medical Center, Mark Midei, M.D., Midatlantic Cardiovascular Consultants, P.A. and Midatlantic Cardiovascular Associates, P.A. (hereafter collectively referred to as the “Defendant Health Care Providers”), and state as follows:

**PARTIES, VENUE AND JURISDICTION**

1. At all times material to this case the Claimants, Edward Chaid (“Mr. Chaid”) and Brenda Chaid (“Mrs. Chaid”), have been residents of the State of Maryland and married to each other.
2. At all times material to this case the Defendant Health Care Provider, Mark Midei, M.D. (“Dr. Midei”), has been engaged in the practice of medicine in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees.
3. At all times material to this case the Defendant Health Care Provider, Midatlantic Cardiovascular Consultants, P.A. (“MCC”), has been a business entity doing business in Maryland,

engaged in the practice of medicine in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees including but not limited to Dr. Midei.

4. At all times material to this case the Defendant Health Care Provider, Midatlantic Cardiovascular Associates, P.A. (“MCA”), has been a business entity doing business in Maryland, engaged in the practice of medicine in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees including but not limited to Dr. Midei.

5. At all times material to this case the Defendant Health Care Provider, Saint Joseph Hospital, Inc. a/k/a St. Joseph Medical Center (“SJH”), has been a business entity doing business in Maryland, engaged in the administration, staffing, operation and supervision of a medical center in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees including but not limited to Dr. Midei.

6. At all times material to this case the Defendant Health Care Provider, St. Joseph Medical Center, Inc. a/k/a St. Joseph Medical Center (“SJMC”), has been a business entity doing business in Maryland, engaged in the administration, staffing, operation and supervision of a medical center in Baltimore County, Maryland, acting individually and/or through actual and/or apparent agents, servants and/or employees including but not limited to Dr. Midei.

7. This claim is instituted for the recovery of damages in excess of Thirty Thousand Dollars (\$30,000.00).

8. Venue is proper in Baltimore County, Maryland.

## FACTS

9. In or about February 2005, Mr. Chaid was 63 years old, had never had any signs and/or symptoms of heart disease and was otherwise healthy.

10. In or about February 2005, Mr. Chaid underwent a routine physical which included an EKG. During the EKG, a potential non-specific abnormality was noted, which resulted in a recommendation for a stress test. The potential abnormality on his EKG is well-known to be a false positive in some people.

11. In or about February 2005, Mr. Chaid underwent a stress test. During the stress test, although Mr. Chaid was asymptomatic and completed a good work-load on the treadmill, the test revealed a potential abnormality which resulted in a recommendation for a cardiac catheterization. The potential abnormality on his stress test also is well-known to be a false positive in some people.

12. On or about February 23, 2005, Mr. Chaid was admitted to St. Joseph Medical Center for cardiac catheterization. There, he came under the care of the Defendant Health Care Providers who selected Dr. Midei to perform Mr. Chaid's cardiac catheterization.

13. During Mr. Chaid's cardiac catheterization, while he was under anesthesia, the Defendant Health Care Providers placed two cardiac stents in Mr. Chaid. Specifically, one stent was placed in Mr. Chaid's left anterior descending artery and another stent was placed in Mr. Chaid's diagonal artery.

14. The Defendant Health Care Providers subsequently created a false medical record that stated that the two stents were necessary because Mr. Chaid's left anterior descending coronary artery supposedly contained a complex 90% obstruction which extended into the large diagonal branch of the artery.

15. Unbeknownst to Mr. Chaid, he did not have any significant obstruction of his coronary arteries and neither of the cardiac stents that the Defendant Health Care Providers placed in Mr. Chaid were medically indicated and/or necessary.

16. After Mr. Chaid awoke from anesthesia, the Defendant Health Care Providers falsely represented to him that he had severe heart disease, that he had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery and that the condition of his coronary arteries necessitated the placement of two cardiac stents.

17. In early 2010, after reading media reports that the Defendant Health Care Providers had unnecessarily performed cardiac stent procedures on hundreds of patients, Mr. Chaid contacted an attorney to investigate whether he is another victim of the Defendant Health Care Providers. In the course of that investigation, a review of Mr. Chaid's medical records and catheterization video by an independent cardiac catheterization expert revealed that Mr. Chaid did not have any significant heart disease in February 2005, that he did not have any significant obstruction of his coronary arteries at that time and that neither of the cardiac stents that the Defendant Health Care Providers placed in Mr. Chaid were medically necessary and/or indicated.

18. Thus, from February 23, 2005 through early 2010, Mr. Chaid was under the false impression, caused by the misconduct and fraud of the Defendant Health Care Providers, that he had severe heart disease, that he had severe obstruction of his coronary arteries and that the cardiac stents placed by the Defendant Health Care Providers placed were medically necessary and/or indicated. Moreover, from February 23, 2005 through early 2010, Mr. Chaid also did not know that he had various causes of action against the Defendant Health Care Providers because of the misconduct and fraud of the Defendant Health Care Providers.

19. As a result of the misconduct and fraud of the Defendant Health Care Providers, Mr. Chaid has been subjected to various non-economic damages including but not limited to severe mental anguish and/or emotional distress; the unnecessary increased risks of late stent thrombosis, in-stent restenosis, unstable angina, acute myocardial infarction and death; and the required use of blood thinning medication for life, which cause Mr. Chaid to experience unwanted side effects including but not limited to bruising.

20. Also as a result of the misconduct and fraud of the Defendant Health Care Providers, Mr. Chaid has been subjected to various economic damages, including but not limited to, the cost of medication and follow-up care that otherwise would not have been necessary without his cardiac stents.

21. Upon information and belief, while Dr. Midei was an actual and/or apparent agent, servant and/or employee of MCC, MCA, SJH and/or SJMC, those defendants had in their possession, custody and/or control sufficient records, information and/or data, and/or the ability to obtain records, information and/or data, such that they knew or should have known that Dr. Midei was placing far more cardiac stents than necessary. Nevertheless, MCC, MCA, SJH and/or SJMC ignored such records, information and/or data, or chose not to review records, information and/or data, which allowed Dr. Midei to continue emplacing unnecessary stents in patients such as Mr. Chaid. Had MCC, MCA, SJH and/or SJMC properly considered such records, information and/or data, MCC, MCA, SJH and/or SJMC would have stopped Dr. Midei from continuing to emplace unnecessary stents in patients such as Mr. Chaid.

22. While Dr. Midei was an actual and/or apparent agent, servant and/or employee of MCC, MCA, SJH and/or SJMC, those defendants improperly failed to have sufficient procedures in place to determine whether Dr. Midei was placing far more cardiac stents than necessary. For

example, MCC, MCA, SJH and/or SJMC allowed Dr. Midei to select which stent cases of his would be reviewed by other physicians and allowed Dr. Midi to keep minutes from that process in his department. This allowed Dr. Midei to continue emplacing unnecessary stents in patients such as Mr. Chaid. Had MCC, MCA, SJH and/or SJMC had proper procedures in place, MCC, MCA, SJH and/or SJMC would have stopped Dr. Midei from continuing to emplace unnecessary stents in patients such as Mr. Chaid.

COUNT I  
(Medical Malpractice)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

23. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

24. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, owed Mr. Chaid a duty to exercise reasonable care in the care and treatment of him.

25. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, breached the above-described duty of care, thereby deviating from the applicable standards of care, and were otherwise negligent in that they, among other things:

- a. Failed to properly care for Mr. Chaid;
- b. Failed to properly treat Mr. Chaid;
- c. Incorrectly determined that Mr. Chaid that had severe heart disease;
- d. Falsely represented to Mr. Chaid that had severe heart disease;

- e. Incorrectly determined that Mr. Chaid had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery;
- f. Falsely represented to Mr. Chaid had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery;
- g. Incorrectly determined that Mr. Chaid required a stent in the left anterior descending artery and a stent in the large diagonal branch of the artery;
- h. Falsely represented to Mr. Chaid that he required a stent in the left anterior descending artery and a stent in the large diagonal branch of the artery;
- i. Placed two unnecessary cardiac stents in Mr. Chaid;
- j. Caused Mr. Chaid to unnecessarily suffer a lifetime of increased medical risks and medical consequences;
- k. Caused Mr. Chaid to unnecessarily have to take blood thinning medications for life;
- l. Failed to properly review sufficient records, information and/or data in their possession, custody and/or control which would have revealed that Dr. Midei was placing far more cardiac stents than necessary; and/or
- m. Failed to have proper procedures in place to determine whether Dr. Midei was placing far more cardiac stents than necessary.

26. As a direct result of the above-described deviations from the standards of care and breaches of duty by the Defendant Health Care Providers, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased



risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

27. Had the Defendant Health Care Providers followed the appropriate and applicable standards of care, Mr. Chaid would not have suffered the above-identified injuries and damages.

28. The injuries and damages herein complained of were directly and proximately caused by the negligence of the Defendant Health Care Providers with no negligence on the part of Mr. Chaid contributing thereto.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT II  
(Negligent Hiring, Retention and/or Supervision)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

29. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

30. An employment relationship existed between Dr. Midei, on the one hand, and MCC, MCA, SJH and/or SJMC.

31. As a direct result of the wrongful conduct of Dr. Midei, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

32. MCC, MCA, SJH and/or SJMC knew or should have known the exercise of diligence and reasonable care that Dr. Midei was cable of inflecting harm of some type.

33. MCC, MCA, SJH and/or SJMC failed to use proper care in selecting, supervising and/or retaining Dr. Midei.

34. MCC, MCA, SJH and/or SJMC's breach of duty proximately caused Mr. Chaid's injuries and damages.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT III  
(Intentional Misrepresentation - Fraud)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

35. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

36. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, asserted false representations of material facts to Mr. Chaid by telling him that he had severe heart disease, that he had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery and that the condition of his coronary arteries necessitated the placement of two cardiac stents.

37. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, knew that the representations were false, or the representations were made with such reckless disregard for the truth that knowledge of the falsity of the statements can be imputed to the Defendant Health Care Providers.

38. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, made the false representations for the purpose of defrauding Mr. Chaid.

39. Mr. Chaid relied with justification upon the misrepresentations.

40. As a direct result of the above-described deviations from the standards of care and breaches of duty by the Defendant Health Care Providers, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, punitive damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT IV  
(Intentional Misrepresentation – non-disclosure)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

41. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

42. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, had a duty to disclose to Mr. Chaid an accurate report of his cardiac catheterization procedure, whether he truly needed cardiac stents and the fact that he did not need cardiac stents.

43. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees failed to disclose material facts by telling him that he had severe heart disease, that he had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery and that the condition of his coronary arteries necessitated the placement of two cardiac stents.

44. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, intended to deceive Mr. Chaid. They knew that Mr. Chaid would act in a different manner had he known of the existence of the undisclosed facts.

45. Mr. Chaid acted in justifiable reliance on the concealment.

46. As a direct result of the above-described deviations from the standards of care and breaches of duty by the Defendant Health Care Providers, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, punitive damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT V  
(Negligent Misrepresentation)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

47. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

48. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, had a duty to disclose to Mr. Chaid an accurate report of his cardiac catheterization procedure, whether he truly needed cardiac stents and the fact that he did not need cardiac stents.

49. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, negligently asserted false statements to Mr. Chaid by telling him that he had severe heart disease, that he had a 90% obstruction of the left anterior descending artery into the large diagonal branch of the artery and that the condition of his coronary arteries necessitated the placement of two cardiac stents..

50. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, intended for Mr. Chaid to act or rely upon the negligent assertions.

51. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, knew that Mr. Chaid probably would rely upon the negligent assertions and statements which, if erroneous, would cause damage.

52. Mr. Chaid relied with justification upon the statements and/or assertions.

53. As a direct result of the above-described deviations from the standards of care and breaches of duty by the Defendant Health Care Providers, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT VI  
(Battery)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

54. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

55. During his cardiac catheterization, Mr. Chaid only consented to medical care that was medically necessary and medically indicated.

56. The Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, emplaced two cardiac stents into Mr. Chaid when such stents were unnecessary and not medically indicated.

57. By placing the medically unnecessary and not medically indicated stents in Mr. Chaid, the conduct of the Defendant Health Care Providers, individually and/or through their actual and/or apparent agents, servants and/or employees, constituted an intentional unpermitted touching of Mr. Chaid and was undertaken deliberately and with actual malice.

58. As a direct result of the above-described deviations from the standards of care and breaches of duty by the Defendant Health Care Providers, Mr. Chaid has suffered a variety of non-economic and economic injuries and damages, including but not limited to: pain, suffering, mental anguish and emotional distress; increased risk of medical risks and medical consequences; increased risk of injuries and/or death; unnecessary past and future medical expenses; and/or lost income, wages and/or benefits.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, punitive damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT VII  
(Intentional Inflection of Emotional Distress)

Mr. Chaid hereby sues the Defendant Health Care Providers and for the cause of action states:

59. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

60. The conduct of the Defendant Health Care Providers was intentional and/or reckless.

61. The conduct of the Defendant Health Care Providers was extreme and outrageous.

62. As a direct result of the above-described intentional, reckless, extreme and/or outrageous conduct of the Defendant Health Care Providers, Mr. Chaid has suffered severe emotional distress.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, punitive damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).

COUNT VIII  
(Loss of Consortium)

Mr. Chaid and Mrs. Chaid hereby sue the Defendant Health Care Providers and for the cause of action state:

63. All of the allegations contained in the above paragraphs are incorporated herein as if those allegations are set forth in this Count.

64. The wrongful conduct of the Defendants, as set forth above, which directly and proximately caused injury to Mr. Chaid, also directly and proximately caused injury to the marital relationship of Mr. Chaid and Ms. Chaid, including a loss of society, affection, assistance, companionship and/or relations.

65. Mr. Chaid and Mrs. Chaid's injuries and damages were directly and proximately caused by the wrongful conduct of the Defendant Health Care Providers.

WHEREFORE, Mr. Chaid requests that a judgment be entered against the Defendant Health Care Providers for compensatory damages, interest and costs in excess of Thirty Thousand Dollars (\$30,000.00).



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