

	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
	*	WICOMICO COUNTY
Defendants	*	Case No.:
* * * * *	* * * * *	* * * * *

PRETRIAL STATEMENT

and by

J. Merriken and Cowdrey Thompson, A Professional Corporation, files this Pretrial Statement and says:

I. Statement of Facts to Be Relied Upon by Defendants

The Defendants propose to prove that the midline approach for the planned total abdominal hysterectomy of _____ was appropriate given Ms.

_____ size, over 300 pounds, the fact that she had undergone two prior C-Sections, and her symptoms from uterine fibroids. _____ also signed a consent form for a total abdominal hysterectomy, which consent indicated that there was a "risk of injury to . . . blood vessels." As such, even though the risk is small, the risk is of an injury of the external left iliac vein and iliac artery, as occurred in this case, is always present in this type of surgery.

The attempted hysterectomy was performed on January 13, 2006. The Defendants concede that _____'s left iliac vein and iliac artery were injured during the surgery,

but contend that the Defendants complied with the applicable standards of care. It is the position of these Defendants that the blood vessels were injured not due to professional negligence as alleged by _____ but as a result of significant abdominal adhesions encountered during the operation requiring dissection, as compounded by approximately eight inches of fat in the operative site, that had to be dealt with utilizing extensive retractors, all of which resulted in the distortion of the operative site and obscured the iliac artery and vein from _____ vision at the time of the injury.

II. Statement of Facts to Be Relied Upon by Third Party Defendant

Not applicable.

III. Amendments Required of Pleadings

No amendments are known to be required at this time.

IV. Limitation of Issues

No limitations of issues are known to be required at this time.

V. Stipulations/Request for Admissions

The Defendants are willing to stipulate to the authenticity of the Plaintiff's medical bills and records, as such records have been exchanged in discovery.

VI. Damages and Relief

As a result of the January 13, 2006 surgery, _____ left iliac artery and iliac vein were injured requiring additional care and numerous subsequent surgeries. Ms.

_____ through counsel, has submitted medical bills in the amount of \$287,289.73. Ms.

_____ is also claiming past lost wages of \$20,342.00 per year, and future economic

damages, according to her economic expert, of \$1,448,316.00.

Past lost wages are actually slightly less than the amount claimed, and future economic damages may be mitigated as per the testimony of defense experts, as Ms.

could return to the workforce in a sedentary type employment upon re-evaluation of her current condition with some retraining.

VII. Documentary Trial Exhibits

The Defendants expect to introduce in evidence binders 1 through 13 of Ms.

medical records amassed to date. A copy of the Table of Contents for each of the binders is attached hereto and incorporated herein by reference.

VIII. Testimony by Deposition

Other than those expected to be used solely for impeachment; the Defendants do not expect to present by means of a deposition the testimony of any witnesses.

IX. Experts

The Defendants may call the following persons as expert witnesses in their indicated specialties:

- (1) (Obstetrics and Gynecology)
- (2) (Obstetrics and Gynecology)
- (3) Rehabilitation and Vocational Expert)
- (4)

X. Other Pretrial Relief

No pretrial relief is known to be required at this time.

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of October, 2008, a copy of

the foregoing Pretrial Statement was mailed first class, postage paid, to:

Rodney M. Gaston, Esquire
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Attorneys for Plaintiff
