

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

SHAYONNA FEATHERSTONE, et al.)	
)	
Plaintiffs,)	
)	
v.)	Case No: 1:07-cv-1120
)	
KENNEDY KRIEGER INSTITUTE, INC.,)	
et al.,)	
)	
)	
Defendants)	

DEFENDANTS' AMENDED ANSWER TO PLAINTIFFS' COMPLAINT

Some of the Defendants, The Johns Hopkins University, The Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, Thomas R. Hendrix, M.D., Lewis C. Becker, M.D., David R. Cornblath, M.D., Paul Lietman, M.D., and Hayden G. Braine, M.D., by their undersigned counsel, hereby amends their Answer to the Plaintiffs' Complaint and states:

1. Defendants are without sufficient knowledge and information and cannot admit or deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.
2. Denied.
3. Denied.

4.a. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this sub-paragraph; therefore, by operation of law, this paragraph is deemed denied.

4.b. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this sub-paragraph; therefore, by operation of law, this paragraph is deemed denied.

5. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

6. Denied.

7. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

8. Denied.

9. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

10. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

11. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

12. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

30. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

37. Denied.

38. Denied.

39. Denied.

40. Denied as to this paragraph and all of its subparts.

41. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 41.

42. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

43. Denied.

44. Denied.

45. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 45.

46. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

47. Denied.

48. Denied.

49. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 49.

50. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

51. Denied.

52. Denied.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 59.

60. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

61. Denied.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 65.

66. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

67. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

68. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

69. Defendants are without sufficient knowledge and information and can neither admit nor deny the allegations contained in this paragraph; therefore, by operation of law, this paragraph is deemed denied.

70. Denied.

71. Denied.

72. Denied.

73. Denied.

74. Denied.

75. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 75.

76. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

77. Denied.

78. Denied.

79. Denied.

80. Denied.

81. Denied.

82. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 82.

83. Defendants incorporate by reference the defenses asserted in the foregoing paragraphs.

84. Denied.

85. Denied.

86. Denied.

87. Denied.

88. Denied.

89. Denied.

Defendants deny that the Plaintiffs are entitled to the relief requested in the WHEREFORE paragraph asserted after paragraph 89.

General Defenses

Unless otherwise specifically admitted herein, each and every allegation contained in the Complaint is hereby denied. Defendants reserve the right to rely upon any defenses available in law or in fact and reserve the right to amend their Answer to Plaintiffs' Complaint.

First Affirmative Defense

The Complaint fails to state any claim against Defendants upon which relief may be granted.

Second Affirmative Defense

Plaintiffs' claims are barred by the doctrine of estoppel.

Third Affirmative Defense

Plaintiffs' claims are barred by the doctrine of waiver.

Fourth Affirmative Defense

Plaintiffs' claims are barred by the doctrine of accord and satisfaction.

Fifth Affirmative Defense

Plaintiffs' claims are barred by the doctrine of payment.

Sixth Affirmative Defense

Plaintiffs' claims are barred by release.

Seventh Affirmative Defense

Plaintiffs' claims are barred by preceding, superseding, and/or intervening causation.

Eighth Affirmative Defense

Plaintiffs' failed to join a necessary party and/or parties to the case.

Ninth Affirmative Defense

Defendants have governmental and/or sovereign immunity.

Tenth Affirmative Defense

Plaintiffs' claims are barred by assumption of the risk.

Eleventh Affirmative Defense

Plaintiffs' claims are barred by contributory negligence.

Twelfth Affirmative Defense

Plaintiffs' claims are barred by *res judicata* and/or collateral estoppel.

Thirteenth Affirmative Defense

Defendants have total and/or partial charitable immunity.

Fourteenth Affirmative Defense

Plaintiffs' claims are barred by the statute of limitations.

Fifteenth Affirmative Defense

Plaintiffs' claims are barred by laches.

Sixteenth Affirmative Defense

The Plaintiffs' claims are subject to Maryland's statutory cap on non-economic damages, which is contained in section 11-108 of the Courts and Judicial Proceedings Article.

Seventeenth Affirmative Defense

Defendants reserve the right to raise any additional affirmative or negative defenses.

First Negative Defense

Defendant, The Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, lacks the capacity to be sued. This Defendant is not a legal entity.

Second Negative Defense

Sharon Jackson lacks the authority to sue in a representative capacity.

WHEREFORE, having fully answered the Complaint, Defendants The Johns Hopkins University, The Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, Thomas R. Hendrix, M.D., Lewis C. Becker, M.D., David R. Cornblath, M.D., Paul Lietman, M.D., and Hayden G. Braine, M.D. pray that this Court dismiss, with prejudice, the Complaint and grant such other and further relief as this Court deems just and proper under the circumstances.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of May, 2007, a copy of the foregoing Amended Answer was electronically filed to

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