

EXHIBIT A

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P. 02

RECEIVED
CIRCUIT COURT FOR
BALTIMORE CITY

SHAYONNA FEATHERSTONE, Minor IN THE
by Her Mother and Next Friend 2007 MAR 22 PM 3:06
SHARON JACKSON
1636 Ashland Avenue
Baltimore, Maryland 21205

CIVIL DIVISION
CIRCUIT COURT

and

KEONA FEATHERSTONE, Minor,
by Her Mother and Next Friend
SHARON JACKSON
1636 Ashland Avenue
Baltimore, Maryland 21205

FOR

BALTIMORE CITY

Plaintiffs,

v.

CASE NO.: LP

24-C-07-002027

KENNEDY KRIEGER INSTITUTE, INC.
(A Maryland Corporation)
707 North Broadway
Baltimore, Maryland 21205

JURY TRIAL PRAYED

SERVE ON: James M. Anders
707 North Broadway
Baltimore, Maryland 21205

and

CECILIA DAVOLI
707 North Broadway
Baltimore, Maryland 21205

and

JOHNS HOPKINS UNIVERSITY
(A Maryland Corporation)
3400 Charles Street
Baltimore, Maryland 21218
SERVE ON: Stephen S. Dunham
Johns Hopkins University
3400 Charles Street
113 Garland Hall
Baltimore, Maryland 21218

and

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P. 03

THE INSTITUTIONAL REVIEW BOARD
OF THE JOHNS HOPKINS UNIVERSITY SCHOOL
OF MEDICINE'S JOINT COMMITTEE ON
CLINICAL INVESTIGATION

Administration 129
720 Rutland Avenue
Baltimore, Maryland 21205-2196

SERVE ON: Thomas R. Hendrix, M.D.
Chairman JCCI
Administration 129
720 Rutland Avenue
Baltimore, Maryland 21205-2196

and

THOMAS R. HENDRIX
Administration 129
720 Rutland Avenue
Baltimore, Maryland 21205-2196

and

LEWIS C. BECKER
1208 Poplar Hill Road
Baltimore, Maryland 21210

and

DAVID R. CORNBATH
10 Melissa Court
Owings Mills, Maryland 21117

and

PAUL LIETMAN
1750 Circle Road
Towson, Maryland 21204

and

HAYDEN G. BRAINE
2132 Corbett Road
Monkton, Maryland 21111

notified

yes

yes

yes

yes

yes

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P. 04

and

JOHN/JANE DOE
Unknown Member of the JCCIRB

and

N.A.C.I. CORPORATION
A Maryland Corporation
416 East 25th Street
Baltimore, Maryland 21218
SERVE ON: Marc Medin
7955 Starburst Drive
Pikesville, Maryland 21208

and

SHENAN MANAGEMENT, INC.
(A Maryland Corporation)
1900 Lexington Street
Baltimore, Maryland 21228
SERVE ON: Elizabeth Harding
1900 Lexington Street
Baltimore, Maryland 21228

and

MARC MEDIN
7955 Starburst Drive
Pikesville, Maryland 21208

and

NANCY MEDIN
7955 Starburst Drive
Pikesville, Maryland 21208

and

PYTHAGORAS PASSAS
601 Dembytown Road
Joppa, Maryland 21085

and

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P.05

ANNE L. PASSAS
601 Dembytown Road
Joppa, Maryland 21085

and

HELEN HEATH, Individually and Trading As
Lady "H" Enterprises
5317 West North Avenue
Gwynn Oak, Maryland 21207

Defendants

* * * * *

COMPLAINT AND ELECTION FOR JURY TRIAL

COME NOW the Plaintiffs, Shayonna Featherstone and Keona Featherstone, Minors, by and through their mother and next friend, Sharon Jackson, and by and through their attorneys, Evan K. Thalenberg, Nicholas A. Szokoly, and Evan K. Thalenberg, P.A., and sue the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe unknown member of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, NACI Corporation, Shenan Management, Incorporated, Marc Medin, Nancy Medin, Pythagoras Passas, Anne Passas, and Helen Heath, individually and trading as Lady "H" and as grounds therefore respectfully submits the following:

FACTS COMMON TO EACH COUNT

1. The Plaintiffs herein are Shayonna Featherstone, born October 22, 1992, and

Keona Featherstone, born September 11, 1993. The minor Plaintiffs are proceeding through their mother and next friend Sharon Jackson.

2. The Plaintiffs were child research subjects in a non-therapeutic clinical research study known as Treatment of Lead-exposed Children, (TLC), from approximately 1994 through 2001.

3. The TLC study was administered by the Defendants Kennedy Krieger Institute (KKI) and Cecilia Davoli (Davoli) and at all times relevant hereto was to have been reviewed and overseen by the Defendants the Johns Hopkins University, (JHU), the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, Thomas R. Hendrix, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe unknown member of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, (collectively, the IRB).

4. During their participation in the TLC study, the Plaintiffs resided at and/or spent significant periods of time at the below indicated properties for the below indicated time periods:

a. The Plaintiffs resided at and/or spent significant periods of time at 2418 East Jefferson Street, Baltimore, Maryland from approximately 1994 through 1996. The Defendants NACI Corporation, Marc Medin and/or Nancy Medin owned and/or operated the property during the Plaintiffs' tenancy.

b. The Plaintiffs resided at and/or spent significant periods of time at 739 North Milton Avenue, Baltimore, Maryland, from 1996 through 1997. The Defendants Pythagoras Passas and Anne L. Passas owned and/or operated the property during the Plaintiffs'

tenancy.

5. The Defendant Helen Heath, individually, and trading as Lady "H" Enterprises, (hereinafter Lady "H") was an agent of KKI and Davoli throughout the TLC study. Lady "H" was to perform interventions, pursuant to the TLC study, to lead-contaminated homes where child-research subjects, such as the minor Plaintiffs, were to reside. At the direction of KKI and Davoli, Lady "H" performed interventions at the properties set forth in paragraphs 4(a) and 4(b). The interventions were intended by KKI and Davoli to be less than full lead-based paint abatements.

6. The TLC study was conducted by Defendants KKI and Davoli, and approved and reviewed by the IRB, from approximately 1994 to approximately 1998 and was extended as "TLC Plus" through as late as 2001. The TLC study was a double-blind placebo study. The purpose of the study was to evaluate the effect of administering succimer, a chelating agent, to one half of the study participants and a placebo to the remaining participants. The research subjects in the TLC study were children and each child had been previously referred to KKI in order to obtain treatment for lead-poisoning. However, despite the name of the study and the misrepresentations of the Defendants to the parents of research subjects, the child research subjects would not be receiving treatment for lead-poisoning. KKI and Davoli used the subjects as controls in an effort to determine if children receiving succimer would suffer less brain damage and cognitive impairments than children who did not. Succimer was not indicated for prophylaxis of lead poisoning in an environment containing lead hazards and the use of succimer should have been accompanied by identification and removal of the source of the child's lead exposure.

7. Because the study was conducted in a double-blind fashion, neither the child research subjects, their parents, nor the childrens' doctors would know the blood-lead levels of the children in the study during the "treatment phase." Likewise, none of the above could know if their child was actually receiving succimer or simply a sugar pill.

8. The parents of TLC research subjects, including the plaintiffs, were not informed by KKI or Davoli that drugs like succimer should not be used as a substitute for the complete abatement of lead hazards to which the child is exposed nor were they informed that succimer should not be used on a child who continues to be exposed to lead hazards.

9. Via the "informed consent form" (IC) Parents and guardians of the children used in the TLC study were promised that during the "treatment phase" another doctor would know the results of the blood-lead test "in case there [was] a problem," and that the childrens' blood-lead levels would also be reported to the Baltimore City Health Department.

10. Via the IC, Parents and guardians of the children used in the TLC study were promised that the TLC administrators would look carefully at the childrens' homes to identify lead hazards and that information would be communicated to the parents.

11. The Parents and guardians of the children used in the TLC study were promised that if their house did not "qualify" that KKI and Davoli would relocate them to housing free of lead hazards.

12. Via the IC, Parents and guardians of the children used in the TLC study were promised that KKI and Davoli, and/or their agents such as Lady "H" would "clean up the lead" in the homes of study subjects.

13. Via the IC, Parents and guardians of the children used in the TLC study were

promised that KKI and Davoli would "check the amount of lead in [the] child's body carefully."

14. In order to facilitate the recruitment of child research subjects, the parents and guardians of the children were offered cash, gift certificates, and other financial rewards for allowing their children to remain in the study.

15. KKI and Davoli were required, but failed, to obtain valid and fully informed consent, not simply a signed form, of the guardians of the child research subjects in the TLC study and to ensure that the guardians of the child research subject were fully informed of the foreseeable risk of serious harm to the study participants.

16. Pursuant to 45 C.F.R. § 46.101 (2005) approval and oversight by an Institutional Review Board (IRB) is required whenever research on human beings is conducted, supported, or otherwise subject to federal regulation. Maryland Code Health Gen. Art. § 13-2001, *et seq.*, (2005) requires that all research conducted in Maryland on human subjects be conducted in compliance with federal regulations, regardless of the source of funding and/or support for the research.

17. In approving research proposals the IRB's duties include, but are not limited to, ensuring that subjects are protected from risks of harm, ensuring that the risks of harm are reasonable in relation to the anticipated benefits to the subjects, ensuring that the methods employed to select the subjects are equitable, ensuring that the principle investigator and/or the institution sponsoring the research obtains and documents the informed consent of the subject or the subjects' guardian, ensuring that the research plan provides for monitoring the collected data to ensure that safety of the subjects, and including additional safeguards to protect the rights and welfare of vulnerable subjects, such as children.

18. Because the TLC study involved research on children, the IRB had a duty to ensure that additional protections were made of the rights and welfare of the subjects. The IRB had a duty to ensure that the risk of harm to the child research subjects, the potential for direct benefit to the subjects, and the relation between the risk and the benefit were accurately determined. As the risk of harm to the child research subjects in the TLC study was lead poisoning and permanent brain damage. The IRB was responsible for ensuring the safety of the child research subjects in the TLC stud and failed to do so.

19. The homes of study subjects would receive "interventions" performed by Lady "H" and others at the direction of KKI and Davoli. KKI, Davoli, and the IRB knew, or should have known, that the "interventions" performed by Lady "H" and others on the homes of the research subjects were not sufficient to remove the lead hazards contained therein.

20. In order to secure homes for the TLC study, KKI and/or their agents recruited the participation of landlords, including those as set forth in paragraphs 4(a) and 4(b), who operated low-income residential rental properties. In return for permitting the properties to be used in the TLC study and for an agreement that the dwellings would only be rented to tenants with young children and/or that priority would be given to such families in renting the vacant units, KKI assisted the landlords, including those as set forth in paragraphs 4(a) and 4(b), in applying for and receiving grants, forgivable loans, and/or loans of money to be used to perform the requisite interventions.

21. The administration of the TLC study required that small children who had come to KKI seeking treatment for lead poisoning would instead have a 50/50 chance of receiving an unproven therapy for children with similar levels of blood-lead or a sugar pill. At all times

relevant thereto, the children would reside in homes which KKI and/or its agents, Davoli, the IRB, Lady "H" and the landlords as set forth in paragraphs 4(a) and 4(b), knew or should have known contained lead-based paint hazards. There was no direct benefit to the child research subjects from participating in the TLC study and the monitoring procedure employed in the TLC study, including but not limited to "blinding" the results of the Plaintiffs' blood-lead tests, was less beneficial to the child research subjects' well being than the monitoring regime already in place.

22. The Defendants knew or should have known that the lead poisoning of the instant Plaintiffs, which resulted from their use as child research subjects in the TLC study, was both foreseeable and preventable.

23. The IRB assisted the TLC study investigators in concealing the fact that the child research subjects would be placed at serious risk of permanent harm as a result of participating in the study, and concealing that recognized and approved therapies already existed for children with similar lead levels, to wit, **removal from the leaded environment**.

24. Absent from the IC forms used in the TLC study was a clear explanation regarding the various levels of interventions or any explanation of the risk that the child participants could become lead-poisoned as a result of their participation in the study. Further, there was no explanation in the IC of the already accepted and recognized treatment for children with similar blood-lead levels.

25. JHU knew, or should have known, that the IRB members lacked the professional expertise and resources to adequately ensure the safety of the child research participants within the TLC Study.

26. The Defendants knew, or should have known, that partial abatement of lead-based paint hazards used in the TLC study were not sufficient to remove lead-based paint hazards, inasmuch as KKI's own doctors had already discovered as much in two prior studies. The results of the previous studies indicated that lead-based paint dust remained in and/or returned to homes which received only partial abatements over a period of time.

27. The Defendants knew, or should have known, that exposure to lead-bearing dust was particularly hazardous for children because hand-to-mouth activity was a recognized route of entry of lead-based paint dust into a child's body and because, as discovered by KKI's own doctors in prior lead-based paint studies, the absorption of lead is inversely related to particle size.

28. The Defendants knew, or should have known that the ingestion of lead-based paint chips and lead-based paint dust by children causes permanent and irreversible brain damage, diminished intellectual abilities, learning disabilities, behavioral problems, and in sufficient doses, even death.

29. The minor Plaintiff Shayonna Featherstone was diagnosed with an elevated blood-lead level of 32 $\mu\text{g}/\text{dL}$ on or about July 22, 1994. She was subsequently referred by her treating physician to the lead poisoning clinic of Defendant KKI. The Plaintiff's family was recruited into the TLC study soon thereafter by KKI and both minor Plaintiffs became research subjects.

30. The Defendants knew, or should have known, that the properties identified in paragraphs 4(a) and 4(b), contained numerous surfaces covered in lead-based paint. However, KKI, Davoli, and/or their agents nonetheless represented to the Plaintiffs' family, the Plaintiffs'

treating physician, and to the Baltimore City Health Department, hereinafter BCHD, that the homes were free of lead hazards.

31. The Defendants knew, or should have known, that the homes as identified in paragraphs 4(a) and 4(b) were not free of lead hazards, that the dwellings contained numerous lead-based paint hazards, and that it was foreseeable that the minor Plaintiffs would be exposed to those lead-based paint hazards and that they would ingest lead-based paint chips and lead-based paint dust therein.

32. The Defendants did not inform the minor Plaintiffs' mother that the homes identified in paragraphs 4(a) and 4(b) contained numerous areas of lead-based paint, lead-based paint hazards, or that the homes presented an ongoing lead-based paint exposure hazard to the minor Plaintiffs. This information was suppressed by the Defendants in order to secure a signed consent form to allow the minor Plaintiffs' to participate in the TLC study.

33. The Defendants knew, or should have known, that both minor Plaintiffs were placing non-food items into their mouths, including paint chips, on an almost daily basis at the onset of their use as research subjects.

34. The Defendants knew, or should have known, that the homes identified in paragraphs 4(a) and 4(b) contained chipping, peeling, and flaking lead-based paint in windows throughout the home which were accessible to the minor Plaintiffs during their tenancy.

35. The Defendants knew, or should have known, that the lead-based paint covered surfaces within the homes identified in paragraphs 4(a) and 4(b) began to rapidly deteriorate after the "interventions" and during the Plaintiffs' tenancy causing the presence of lead-based paint dust during the tenancy of the minor Plaintiffs, thus constituting a lead-based paint hazard to the

minor Plaintiffs.

COUNT ONE
NEGLIGENCE
Violations of the Baltimore City Housing Code

36. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through thirty-five as if fully stated herein.

37. The Defendants, as required by the study, determined which homes would receive partial lead-abatements (interventions), the degree of those interventions, specified the work to be done by those conducting the interventions, the cost of the intervention, the time and manner in which the interventions were to be conducted, and inspected the completed interventions prior to approving payment to the contractor. By controlling the decisions about the scope of repairs, the manner and means of repairs and the level of interventions to be performed, the Defendants exercised charge, care, and/or control over the dwellings set forth in paragraph 4(a) and 4(b) during the tenancy of the minor Plaintiffs. Pursuant to Article 13, Section 105(hh) of the Baltimore City Housing Code, (the Housing Code), those who exercise charge, care, and/or control of residential rental dwellings are operators.

38. Pursuant to Article 13, Section 310(a) of the Housing Code, the Defendants were responsible for ensuring that the properties set forth in paragraph 4(a) and 4(b) was maintained in compliance with all provisions of the Housing Code during the tenancy of the minor Plaintiffs.

39. The Defendants, as well as their agents, servants and/or employees, caused and allowed the continued existence of peeling, flaking and chipping paint and paint containing lead pigment to be present on the walls, woodwork, doors, door frames, window sills, cornice areas and other areas of the premises thereby rendering the building and premises unsafe and dangerous as well

as unfit for human habitation, especially for infants such as the Plaintiffs.

40. During the years that the Plaintiffs resided in the premises they ingested and consumed paint, and paint dust which was known to the Defendants to contain lead pigment and lead, thereby causing the Plaintiffs to suffer severe and unremitting illness, injury and infirmities hereinafter set forth. The Plaintiffs assert that all of the injuries, damages and infirmities and permanent disabilities sustained by the Plaintiffs are due to the following:

(a) The violation by the Defendants of statutes, rules and regulations, including, but not limited to, Article 13, Sections 702 and 706, of the Housing Code, requiring every dwelling and every part thereof to be maintained by the owner, manager(s) and operator so as to be fit for human habitation and prohibiting the use of paint for interior painting at any dwelling or dwellings, unless such paint is free from any lead pigment. Defendants are liable for said violations under sections of the Housing Code including, but not limited to 105 (jj) and 310.

(b) The violation by the Defendants of statutes, rules and regulations, including, but not limited to, Article 13, Section 703 (c), of the Housing Code, requiring that all walls, ceilings, woodwork, doors, and windows be kept clean and free of any loose or peeling paint and paper. Defendants are liable for said violations under sections of the Housing Code including, but not limited to 105 (jj) and 310.

(c) The fact that notice was provided to the Defendants and their duly authorized agents, servants and/or employees of the flaking condition of the paint at the leased premises. Further, the Defendants had actual notice of the hazardous condition and nevertheless permitted this dangerous condition to go unrepaired and failed in their duty to warn the Plaintiffs and their family of the dangerous and defective condition of the properties and the lead-based paint therein. It is alleged

that the Plaintiffs accumulated dangerous levels of lead in their bodies as a direct and proximate result of the failure on the part of the Defendants to maintain the premises in a safe condition, avoiding the presence of toxic materials which were accessible to the Plaintiffs.

(d) The ongoing negligence of the Defendants in causing, permitting and allowing the premises to become and remain in an unsafe condition despite having the duty both by agreement and by statute to inspect and conduct repairs pursuant to the Housing Code including, but not limited to section 909.

(e) The failure of the Defendants to exercise, on an ongoing basis, reasonable care in the proper maintenance of the premises including, but not limited to, the walls, woodwork, doors, door frames, windows and window sills as well as other areas, and in a continuous failure to undertake suitable and adequate means to eradicate the aforesaid danger caused by ongoing and unremitting flaking, peeling, cracking and the deterioration of the lead-based paint referred to herein above.

(f) The permitting of the lead-based paint to remain within the premises, making same unsafe and dangerous as a place for human residence, especially unsafe for the residence of infant children such as the Plaintiffs herein.

(g) The ongoing failure on the part of the Defendants herein to use reasonable and prudent care to inspect, test and maintain the premises as well as remove and eradicate said lead-based paint which the Defendants knew or by the exercise of due care, should have known had been used and applied in the premises. The Defendants possessed actual notice of the presence of lead-based paint and lead-based paint dust within the premises and the ongoing condition of the premises including, specifically, the presence of flaking, peeling, and cracking lead-based paint, and walls and surfaces coated with lead pigment and lead. The Defendants knew that the continued use and

existence of the premises as it was maintained, rendered it an inherently dangerous place of residence.

41. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful and negligent acts and conduct as well as omissions to act on the part of the Defendants herein, the minor Plaintiffs being in no way contributorily negligent.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants, the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe unknown member of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, NACI Corporation, Shenan Management, Incorporated, Marc Medin, Nancy Medin, Pythagoras Passas, Anne Passas, and Helen Heath, individually and trading as Lady "H", jointly and severally and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT TWO
NEGLIGENT MISREPRESENTATION

Lead-Based Paint Hazards Within the Properties Set Forth in Paragraphs 4(a) and 4(b)

42. The Plaintiffs incorporate by reference in this Count those facts and allegations set forth in paragraphs one through forty-one as if fully stated herein.

43. Prior to the lease of the premises of the properties set forth in paragraph 4(a) and 4(b), Baltimore, Maryland, the Defendants herein negligently made, and/or negligently permitted to be

made, misrepresentations to the Plaintiffs and their family regarding the condition of the premises. Those explicit and implicit negligent misrepresentations included, but were not limited to, (a) that the premises was free of lead-based paint, (b) that the premises was in habitable condition, (c) that the premises would be maintained in a habitable condition throughout the tenancy and/or time spent there, (d) that the premises was in compliance with all applicable statutes, code, and regulations pertaining to rental properties at the inception of Plaintiffs' tenancy, (e) that the premises would be maintained in compliance with all applicable statutes, code, and regulations pertaining to rental properties throughout the Plaintiffs' tenancy, and (f) that the premises was safe for the Plaintiffs to reside in. The Plaintiffs assert that the Defendants made and/or permitted to be made these misrepresentations to the Plaintiffs and their family intending that the Plaintiffs and their family would rely upon the representations, enter into a lease for the premises, and allow the minor Plaintiffs to be used in the TLC Study. Furthermore, the Defendants knew or should have known that the Plaintiffs would rely upon the misrepresentation which, if false, would cause injuries to the Plaintiffs.

44. The Plaintiffs assert that they and their family reasonably and justifiably relied on the misrepresentations of the Defendants herein that the properties set forth in paragraph 4(a) and 4(b) was and would be free of lead hazards and suffered injuries including but not limited to brain injury due to lead-paint poisoning.

45. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful and negligent acts and conduct as well as omissions to act on the part of the Defendants herein, the minor Plaintiffs being in no way contributorily negligent.

WHEREFORE the minor Plaintiffs, Shiyonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, NACI Corporation, Shenan Management, Incorporated, Marc Medin, Nancy Medin, Pythagoras Passas, and Anne Passas, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT THREE
NEGLIGENT MISREPRESENTATION
Risk Of Harm to Plaintiffs

46. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through forty-five as if fully stated herein.

47. The Defendants herein negligently made and/or negligently permitted to be made false representations to the Plaintiffs and their family regarding the risk of harm to the Plaintiffs if they were enrolled in the TLC Study. Despite the knowledge that the properties set forth in paragraph 4(a) and 4(b) contained numerous lead-based paint hazards and the childrens' PICA would almost certainly result in their becoming lead-poisoned, the Defendants herein negligently made and/or negligently permitted to be made false representations to the Plaintiffs' family that the TLC Study posed no more than a minimal risk of harm to the Plaintiffs. The Plaintiffs assert that the Defendants made and/or permitted to be made these false representations to the Plaintiffs and their

family intending that the Plaintiffs and their family would rely upon these representations and allow the minor Plaintiffs to be used in the TLC Study. Furthermore, the Defendants knew or should have known that the Plaintiffs would rely upon the misrepresentation which, if false, would cause injuries to the Plaintiffs.

48. The Plaintiffs assert that they and their family reasonably and justifiably relied on the misrepresentations of the Defendants that their participation in the TLC Study posed no more than a minimal risk and suffered injuries including but not limited to brain injury due to lead-paint poisoning.

49. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful and negligent acts and conduct as well as omissions to act on the part of the Defendants herein, the minor Plaintiffs being in no way contributorily negligent.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants, the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

**COUNT FOUR
NEGLIGENCE**

Failure to Properly Review and Oversee the TLC Study

50. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through forty-nine as if fully stated herein.

Duty to Ensure Safety Based Upon Regulations

51. JHU and the members of the IRB, each owed a duty to the child research subjects in the TLC study by virtue of regulations including, but not limited to, 45 C.F.R. § 46.101, *et seq.* (2005), 45 C.F.R. § 46.401, *et seq.* (2005), and Md. Code Health Gen. Art. § 13-2001, *et seq.* (2005) to exercise reasonable care to ensure the safety of child research subjects, such as the minor Plaintiffs, in the approval and administration of the TLC study.

52. The Defendants herein each knew or should have known that TLC Study posed an unreasonably high risk of serious and irreversible harm to the child research subjects who participated in the study and that the TLC Study protocols deviated from the standard of care for children with levels of lead in their bodies similar to plaintiffs. It was foreseeable that participation in the study would cause subjects such as the minor Plaintiffs to suffer severe and irreversible brain damage and other injuries as set forth herein.

53. The Defendants herein each knew or should have known that the participation of child research subjects, including the Plaintiffs, in the TLC Study would pose no benefit to the children being used in the experiment.

54. The Defendants herein knew or should have known that KKI and Davoli were conducting the TLC experimentation upon child subjects, including the Plaintiffs, without

the valid informed consent of the child research subjects or their guardians.

Duty to Ensure Safety Based Upon Special Relationship

55. JHU and the members of the IRB, each owed a duty to the child research subjects in the TLC Study by virtue of the special relationship created between child research subjects, such as the minor Plaintiffs, and researchers, that was separate and apart from the duties owed by the Defendants KKI and Davoli. JHU and the IRB owed a duty to the Plaintiffs to exercise reasonable care to ensure that the statements and representations made by KKI and Davoli in the administration of the TLC Study were accurate and that the parents and guardians of the child research subjects in the TLC Study, such as the Plaintiffs, were provided with truthful and reliable information concerning the serious risk of harm to the subjects of the experiment and the lack of any discernable benefit.

56. By virtue of that special relationship, JHU and the members of the IRB each owed a duty to ensure that low-income families were not inappropriately and unethically enticed by KKI and Davoli with monetary remuneration and other enticements to enroll their children in a non-therapeutic research study which posed substantially more than a minimal risk of harm.

57. The Defendants herein each knew or should have known that TLC Study posed an unreasonably high risk to the child research subjects which foreseeably would cause subjects such as the minor Plaintiffs to suffer severe and irreversible brain damage and other injuries as set forth herein.

58. The Plaintiffs allege that JHU and the IRB each negligently breached the above duties and permitted KKI, Davoli to mislead the parents and guardians of the minor Plaintiffs as to the actual risks and benefits of the participation of the minor Plaintiffs in the TLC Study, to

improperly and unethically lure and entice low income families with monetary remuneration and other enticements in order to obtain consent to expose the child research subjects, such as the minor Plaintiffs, to unreasonable and serious risks of harm during their participation in the TLC Study, to enroll the minor Plaintiffs in the TLC Study without valid informed consent, and to expose the minor Plaintiffs to an unreasonable risk of harm.

59. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful and negligent acts and conduct as well as omissions to act on the part of the Defendants herein, the minor Plaintiffs being in no way contributorily negligent.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT FIVE
NEGLIGENCE
The IC Form

60. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through fifty-nine as if fully stated herein.

61. The Defendants, KKI, JHU, the IRB, and Davoli, by virtue of the IC

form, entered into an agreement with the Plaintiffs, that in exchange for the Plaintiffs' participation in the TLC study, the Defendants herein assumed a duty to: ensure that all children in the TLC study, including the Plaintiffs, had their homes repaired and/or cleaned to get rid of lead dust and chipped paint, to carefully inspect the properties identified in paragraphs 4(a) and 4(b) to see if they could be repaired and/or cleaned to eliminate lead hazards, if the home did not qualify, the Defendants would assist with relocation to housing that was known to be free from lead-hazards, the Defendants would eliminate any lead hazards in the home, ensure that a doctor would monitor the blood-lead levels of the Plaintiffs and promptly and accurately report those test results to the family of the minor Plaintiffs and to the Baltimore City Health Department, and the Defendants also assumed a duty to provide ongoing medical care of the Plaintiffs' lead-paint poisoning and lead toxicity.

62. The Defendants' actions and omissions including, but not limited to, the failure to promptly and accurately report the existence of lead-based paint hazards to the Plaintiffs at the properties set forth in paragraph 4(a) and 4(b), failure to promptly and accurately report the results of the minor Plaintiffs' blood-lead test results during their participation as child research subjects in the TLC Study, failure to make the properties set forth in paragraph 4(a) and 4(b) free of lead hazards, and the Defendants' failure to provide ongoing medical care of Plaintiffs' lead-paint poisoning and lead toxicity constituted a breach of the Defendants' duties to the Plaintiffs that the Defendants agreed to assume. The Defendants breach of these and other duties was inextricably intertwined with the tortious conduct alleged herein.

63. The minor Plaintiffs allege that the damages suffered by them, as stated herein, were the foreseeable result of the Defendants' breach of their duties to the minor Plaintiffs.

64. In the alternative, the Plaintiffs allege that they were clearly intended to be third-party beneficiaries of the agreement between the Defendants and the parents or guardians of the Plaintiffs and that the damages suffered by them, as stated herein, were reasonably foreseeable by the Defendants as the probable result of the Defendants' material breach of their obligations to the Plaintiffs.

65. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful acts and conduct as well as omissions to act on the part of the Defendants herein.

WHEREFORE the Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT SIX
NEGLIGENCE
ON BEHALF OF PLAINTIFFS AS THIRD PARTY BENEFICIARIES
The MPAA/The Belmont Report

66. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through sixty-five as if fully stated herein.

67. The Defendants KKI and JHU warranted and agreed to the United States

Department of Health and Human Services, hereinafter referred to as DHHS, prior to the constitution of, and during the administration of the TLC Study, that all human research at KKI would be conducted in accordance with the terms of the Belmont Report. See, Ethical Principles and Guidelines for the Protection of Human Subjects of Research, promulgated by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, April 18, 1979. The Defendants agreed to abide by the ethical duties and obligations set forth within the Belmont Report in furtherance of the Defendants' KKI and JHU agreement with DHHS under a Multiple Project Assurance Agreement, hereinafter MPAA. This agreement existed prior to the tortious acts alleged herein.

68. The Belmont Report provides that researchers must ensure that subjects of human research enter into the research voluntarily and with sufficient information. The authors of the Belmont Report likewise recognize that children are not capable of self-determination and their inclusion into a research program requires, in effect strict scrutiny.

69. The Belmont Report also provides that researchers should exercise beneficence towards their human research subjects. Beneficence, within the Belmont Report, incorporates two general rules: first, do no harm, and second, maximize the possible benefits to the human research subject.

70. The minor Plaintiffs allege that the Defendants actions and omissions, as stated herein, were a material breach of their agreement to accept the ethical duties and obligations set forth within the Belmont report, as embodied within the MPAA; and that said breach is inextricably intertwined with the tortious conduct alleged herein.

71. The minor Plaintiffs allege that the Defendants agreed to follow the terms of the

Belmont report in an agreement with DHHS, and that the minor Plaintiffs herein, as child research subjects, were clearly amongst the intended beneficiaries of that agreement. By virtue of the MPAA, KKI and JHU had a duty to ensure that they obtained the informed consent of the child research subjects in the R&M study, to protect the child research subjects from harm, and to maximize the benefit to the research subjects.

72. The minor Plaintiffs allege that the Defendants' failure to ensure that the Plaintiffs were voluntarily enrolled into the study and the failure of the Defendants to ensure that the parents of the Plaintiffs were adequately informed of the risk of harm were material breaches of the MPAA, and thus, of the duty owed by the Defendants to the Plaintiffs.

73. The minor Plaintiffs allege that the Defendants' actions and omissions in placing the success of the study above the health and well being of the child research subjects were material breaches of the MPAA, and thus, of the duty owed by the Defendants to the Plaintiffs.

74. The minor Plaintiffs allege that the damages suffered by them, as stated herein, were reasonably foreseeable by the Defendants and the probable result of the Defendants' material breach of their agreement with DHHS, and thus, of the duty owed by the Defendants to the Plaintiffs.

75. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful acts and conduct as well as omissions to act on the part of the Defendants herein.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants the

Kennedy Krieger Institute, Incorporated and the Johns Hopkins University, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT SEVEN
CIVIL CONSPIRACY
KKI, Davoli, JHU, and the IRB

76. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through seventy-five as if fully stated herein.

77. The minor Plaintiffs allege that the Defendants herein, and each of them, by agreement or understanding agreed to tortiously mislead and/or negligently misrepresent to the parents and/or guardians of the child research subjects used in the TLC Study, including the minor Plaintiffs, as to the serious risk of irreversible harm posed by the TLC Study to the child participants.

78. The minor Plaintiffs allege that the Defendants herein, and each of them, by agreement or understanding agreed to materially breach their duties set forth within the IC to the child research subjects used in the TLC Study, including the minor Plaintiffs.

79. The minor Plaintiffs allege that the Defendants herein, and each of them, by agreement or understanding agreed to materially breach their obligations as set forth within the MPAA and the Belmont Report to the child research subjects used in the TLC Study, including the minor Plaintiffs.

80. The minor Plaintiffs allege that the Defendants herein, and each of them, by agreement or understanding agreed to tortiously fail to perform their duties to the child research subjects used in the TLC Study, including the minor plaintiffs, which arose from the "special relationship" between the minor Plaintiffs as child research subjects in the TLC Study and the

researchers and IRB charged with ensuring their safety.

81. The Plaintiffs allege that the Defendants herein, and each of them, by agreement or understanding agreed to violate regulations designed to protect the safety of the child research subjects used in the TLC Study, including the Plaintiffs, to promote the success of the study over the health and well being of the children the Defendants had a duty to protect from harm.

82. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful acts and conduct on the part of the Defendants herein.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants the Kennedy Krieger Institute, Incorporated, Cecilla Davoli, 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, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jane Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

COUNT EIGHT
BREACH OF FIDUCIARY DUTY

83. The Plaintiffs, incorporate by reference in this Count those facts and allegations set forth in paragraphs one through eighty-two as if fully stated herein.

84. The Plaintiffs allege that the Defendants herein, and each of them, owed the child

research subjects used in the TLC Study, including the minor Plaintiffs, a fiduciary duty by virtue of the agreements, representations, and the position of the parties as stated herein.

85. The Defendants, through their acts and omissions breached their fiduciary duty to the child research subjects used in the TLC Study, including the minor Plaintiffs.

86. The Defendants gained the confidence of the parents and/or guardians of the child research subjects used in the TLC Study, including the minor Plaintiffs, by virtue of Defendant KKI's prestigious reputation for the treatment of children suffering from lead poisoning and coupled with the Defendants' targeted recruitment of children from low-income families for use as research subjects in the TLC Study, including the minor Plaintiffs. It was anticipated by the Defendants that the parents of children used in the TLC Study would reasonably rely upon the Defendants to provide care and aid to the child research subjects and to act in the subject's best interests.

87. The Defendants, and each of them, breached their fiduciary duty to act in the best interests of the children used as research subjects in the TLC Study. Instead, the Defendants, and each of them, placed their own interests in prestige and monetary reward over the interests of the children they used as research subjects.

88. The injuries suffered by the minor Plaintiffs as a result of the Defendants' breach were the foreseeable and probable results of the Defendants' actions and/or omissions.

89. The Plaintiffs assert that all of the injuries, damages and severe permanent disability inflicted upon the Plaintiffs set forth herein are due solely to the wrongful and negligent acts and conduct as well as omissions to act on the part of the Defendants herein.

WHEREFORE the minor Plaintiffs, Shayonna Featherstone and Keona Featherstone, by

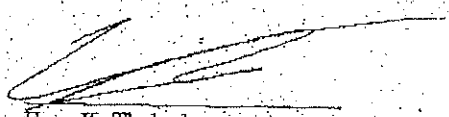
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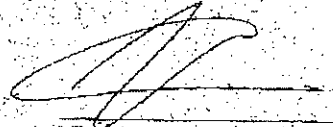
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their Mother and Next Friend, Sharon Jackson, bring this action against the Defendants the Kennedy Krieger Institute, Incorporated, Cecilia Davoli, the Johns Hopkins University, the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, Thomas R. Hendrix, Lewis C. Becker, David R. Cornblath, Paul Lietman, Hayden G. Braine, John/Jaie Doe, individually as members of the Institutional Review Board of the Johns Hopkins University School of Medicine's Joint Committee on Clinical Investigation, jointly and severally, and each Plaintiff claims Two Million Dollars (\$2,000,000.00) damages.

Respectfully submitted,



Evan K. Thalenberg



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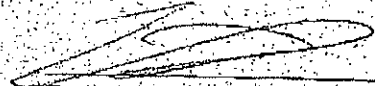
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ELECTION FOR JURY TRIAL

The Plaintiff elects to have this case tried before a jury.


Evan K. Thalenberg

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Circuit Court for Baltimore City

City of County

CIVIL—NON-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: PLAINTIFF DEFENDANT CASE NUMBER: _____
 CASE NAME: Shayonna Featherstone, et al v Kennedy Krieger Institute, et al

JURY DEMAND: Yes No Anticipated length of trial: _____ hours or 5 days

RELATED CASE PENDING? Yes No If yes, Case #(s), if known: _____

HAS ALTERNATIVE DISPUTE RESOLUTION (ADR): Been Tried? Yes No
 Requested? Yes No

If yes, specify: _____

Special Requirements? Interpreter/communication impairment
 Other ADA accommodation: _____

NATURE OF ACTION		DAMAGES / RELIEF	
TORTS <input type="checkbox"/> Motor Tort <input type="checkbox"/> Premises Liability <input type="checkbox"/> Assault & Battery <input type="checkbox"/> Product Liability <input type="checkbox"/> Professional Malpractice <input type="checkbox"/> Wrongful Death <input type="checkbox"/> Business & Commercial <input type="checkbox"/> Libel & Slander <input type="checkbox"/> False Arrest/Imprisonment <input type="checkbox"/> Nuisance <input type="checkbox"/> Toxic Torts <input type="checkbox"/> Fraud <input type="checkbox"/> Malicious Prosecution <input checked="" type="checkbox"/> Lead Paint <input type="checkbox"/> Asbestos <input type="checkbox"/> Other	LABOR <input type="checkbox"/> Workers' Comp. <input type="checkbox"/> Wrongful Discharge <input type="checkbox"/> EEO <input type="checkbox"/> Other CONTRACTS <input type="checkbox"/> Insurance <input type="checkbox"/> Confessed Judgment <input type="checkbox"/> Other REAL PROPERTY <input type="checkbox"/> Judicial Sale <input type="checkbox"/> Condemnation <input type="checkbox"/> Landlord Tenant <input type="checkbox"/> Other OTHER <input type="checkbox"/> Civil Rights <input type="checkbox"/> Environmental <input type="checkbox"/> ADA <input type="checkbox"/> Other	A. TORTS Actual Damages <input type="checkbox"/> Under \$7,500 <input type="checkbox"/> \$7,500 - \$50,000 <input type="checkbox"/> \$50,000 - \$100,000 <input checked="" type="checkbox"/> Over \$100,000 <input type="checkbox"/> Medical Bills \$ _____ <input type="checkbox"/> Property Damages \$ _____ <input type="checkbox"/> Wage Loss \$ _____	B. CONTRACTS <input type="checkbox"/> Under \$10,000 <input type="checkbox"/> \$10,000 - \$20,000 <input type="checkbox"/> Over \$20,000 C. NONMONETARY <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction <input type="checkbox"/> Other

TRACKING REQUEST

With the exception of Baltimore County and Baltimore City, please fill in the estimated LENGTH OF TRIAL THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

- 1/2 day of trial or less
- 1 day of trial time
- 2 days of trial time
- 3 days of trial time
- More than 3 days of trial time

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.

Fax: 4106143678

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IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE COUNTY, PLEASE FILL OUT THE APPROPRIATE BOX BELOW.

CIRCUIT COURT FOR BALTIMORE CITY (check only one)

- Expedited Trial 60 to 120 days from notice. Non-jury matters.
- Standard-Short Trial seven months from Defendant's response. Includes torts with actual damages up to \$7,500; contract claims up to \$20,000; condemnations; injunctions and declaratory judgment.
- Standard-Medium Trial 12 months from Defendant's response. Includes torts with actual damages over \$7,500 and under \$50,000, and contract claims over \$20,000.
- Standard-Complex Trial 18 months from Defendant's response. Includes complex cases requiring prolonged discovery with actual damages in excess of \$50,000.
- Lead Paint Fill in: Birthdate of youngest plaintiff 9-11-93
- Asbestos Events and deadlines set by individual Judge.
- Protracted Cases Complex cases designated by the Administrative Judge.

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY

To assist the Court in determining the appropriate Track for this case, check one of the boxes below. This information is not an admission and may not be used for any purpose other than Track Assignment.

- Liability is conceded.
- Liability is not conceded, but is not seriously in dispute.
- Liability is seriously in dispute.

CIRCUIT COURT FOR BALTIMORE COUNTY

- Expedited (Trial Date-90 days) Attachment Before Judgment, Declaratory Judgment (Simple), Administrative Appeals, District Court Appeals and Jury Trial Prayers, Guardianship, Injunction, Mandamus.
- Standard (Trial Date-240 days) Condemnation, Confessed Judgments (Vacated), Contract, Employment Related Cases, Fraud and Misrepresentation, Intentional Tort, Motor Tort, Other Personal Injury, Workers' Compensation Cases.
- Extended Standard (Trial Date-345 days) Asbestos, Lender Liability, Professional Malpractices, Serious Motor Tort or Personal Injury Cases (medical expenses and wage loss of \$100,000, expert and out-of-state witnesses (parties), and trial of five or more days), State Insolvency.
- Complex (Trial Date-450 days) Class Actions, Designated Toxic Tort, Major Construction Contracts, Major Product Liabilities, Other Complex Cases.