



On the stick

Lacrosse superstar becomes million-dollar man. **3A**

Rules of engagement

Public-private partnership guidelines bill advances in Senate. **5A**

THE DAILY RECORD

Thursday, March 28, 2013

Volume 124 | Number 119

Online at TheDailyRecord.com



ALISSA GULIN

The air traffic control tower at Martin State Airport, which is operated by Kansas-based contractor Midwest Air Traffic Control Service Inc., is one of five towers in Maryland scheduled to close as part of budget cuts by the Federal Aviation Administration.

'It's all up in the air'

Private airport controllers fear impact of tower closures

By ALISSA GULIN
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In about six weeks, Bill Penna will be out of work. He didn't botch a project or offend a supervisor. He simply happens to work in the wrong air traffic control tower.

At a small airport in Salisbury, Penna manages one of the 149 control towers across the country set to close as part

of the federal budget cuts known as sequestration. After 14 years at his job, following two decades honing his skills in the U.S. Navy, the 54-year-old Delaware resident is out of luck — and he's not alone.

In addition to Penna's colleagues at Salisbury-Ocean City Wicomico Regional Airport, the controllers at four other Maryland airports, about 30 people in all, will also be out

of work when their towers go dark. Martin State Airport, Frederick Municipal Airport and Easton/Newnam Field Airport are scheduled to close on April 21; Salisbury and Hagerstown Regional Airport will close May 5.

"We're all trying to figure out what's going on," Penna said. "This came completely out of left field, and now every-

See AIRPORTS 8A

CSA restores stroke verdict

Evidence was sufficient for award to man diagnosed with carpal tunnel syndrome

By BETH MOSZKOWICZ
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An Edgemere man whose stroke symptoms were diagnosed as carpal tunnel syndrome has convinced an appellate court to reinstate the \$1.1 million verdict a jury awarded him in his medical malpractice suit.

The Court of Special Appeals said the trial judge erred in granting the defendants' motion for judgment notwithstanding the verdict in May 2011. Attorneys for the defendants argued there was no evidence presented during a nine-day trial that showed their clients caused David Barnes' injuries, and Baltimore City Circuit Court Judge Ruth Ann Jakubowski agreed.

The appellate court, however, said an expert witness for Barnes and his wife "provided sufficient evidence to create a jury question on whether Mr. Barnes would have been admitted to the hospital and received appropriate tests if [the doctor and nurse] had complied with the standard of care."

The expert testified that the standard of care required that Barnes be admitted to the hospital to have a full stroke workup.

"This testimony rises above mere speculation and hypothesis," Judge Robert A. Zarnoch wrote for the court.

Michael Schwartzberg, a spokesman for Greater Baltimore Medical Center Inc., said in an emailed statement that the hospital intends to seek review by the Court of Appeals.

Lost note

Barnes went to see his primary care physician, Dr. Allen Halle, on Jan. 26, 2005, because he was experiencing weakness in his right hand grip, numbness and tingling in his right arm.

Halle was concerned that Barnes was having a mini-stroke or was in the beginning phases of a stroke, so he called Barnes' wife, Laura Barnes, and told her that her husband needed to go to the hospital immediately.

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IN THIS ISSUE

Bankruptcy court approves airline merger

American Airlines gets the OK to combine with US Airways to form the world's biggest airline. **5A**

States' rights issue could doom DOMA

If the justices find the federal law to be unconstitutional, the legal effect will be felt in areas from employment and tax rules to federal benefits and survivor rights. **9A**

BDC to weigh \$100M tax break for Harbor Point

By MELODY SIMMONS
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A request for a \$100 million tax break to help develop the local headquarters for Exelon Corp. at Harbor Point is scheduled to be considered by the Baltimore Development Corp.'s board of directors Thursday morning.

But the tax increment financing, or TIF, bid will be met with opposition if it should reach City Hall, a councilman said Wednesday.

"I will not support it," said Carl Stokes, chairman of the council's Taxation, Finance and Economic Develop-

ment Committee, which will hold hearings this spring on the TIF request by Michael Beatty, president of Beatty Development Group and a former development partner of H&S Bakery magnate John Paterakis, who developed Harbor East.

"The city and the taxpayers have been supportive of Harbor East," Stokes said of other tax breaks granted to luxury developments near Harbor Point, which have led to its nickname "Gold Coast."

"At Harbor East, at this point they can stand on their own without other taxpayer support. There are other areas

around town that need support, and we don't have endless resources. I congratulate Michael Beatty on his work there, and we expect they will be willing to stand on their own."

A spokesman for Beatty released an optimistic statement about the TIF proposal Wednesday afternoon.

"We appreciate the City's leadership in infrastructure financing for a project that will create thousands of jobs, generate more than \$1 billion in private investment and produce tens of millions of dollars in new city tax revenue annu-

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LAW BRIEFS

Baltimore officer indicted in shooting of recruit

(AP) A Baltimore police officer has been charged in the accidental shooting of a police trainee last month. A Baltimore County grand jury on Wednesday indicted William S. Kern on charges of second-degree assault and reckless endangerment. Kern has been with the department for 18 years and was a training academy instructor at the time of the Feb. 12 shooting at the Rosewood Center in Owings Mills. The recruit for the University of Maryland, Baltimore police department was critically wounded. Baltimore police officials have said they weren't aware of the training exercise and temporarily suspended its training academy. Maryland State Police said Kern turned himself in Wednesday. It wasn't immediately clear if Kern has a lawyer. Baltimore Police Com-

missioner Anthony Batts said the department is continuing to cooperate.

Bill on rental housing discrimination sent back

(AP) The Maryland Senate has voted to send a measure aimed at addressing rental housing discrimination back to committee, likely ending its chances of passing this year. After debate that spanned three days, the Senate voted 23-22 to send the bill back for more work. Since there is less than two weeks left in the session with much other work to be done, supporters concede the bill is effectively dead for the year. A primary focus of the measure was to prevent landlords from declining to rent to people who get government assistance for housing. Supporters argued the bill would stop discrimination against the poor. Opponents contended the measure failed to

sufficiently consider the position of landlords and forced them to participate in a government program.

D.C. lottery contract spurs \$100M lawsuit

(AP) A developer is suing a D.C. Council member over a Metro real estate project linked to the district's lottery contract. The \$100 million federal suit filed Monday by Baneker Ventures also names a competing developer and Metro as defendants. The suit alleges Council Member Jim Graham engaged in bid suppression and bid rigging. Graham issued a statement describing the suit as meritless and saying the developer is responsible for losing the contract. The D.C. Council voted overwhelmingly last month to reprimand Graham for his intervention in the lottery contract process. Investigations have found that in 2008, Graham told

a developer that he would support his bid for the lottery contract in exchange for the developer dropping out of a project around a Metro station. Graham served on the Metro board at the time.

Md. man pleads guilty to thefts from Goddard

(AP) A Caroline County man has pleaded guilty to stealing tools and aluminum scaffolding from the Goddard Space Flight Center in Greenbelt. Brandon Scott Gauss, 28, of Preston pleaded guilty to theft of government property Tuesday in federal court in Baltimore. He faces a maximum sentence of 10 years in prison at sentencing July 2 and will be required to pay more than \$11,000 in restitution. According to his plea agreement, Gauss, a contract employee at NASA, was an engineering technician at Goddard.

Stroke >> Expert testimony supported jury's finding of causal connection

Continued from 1A

Laura Barnes picked up her husband and drove him to Greater Baltimore Medical Center. Halle also gave her a note with instructions for Barnes to have a "stroke work-up."

The intake nurse attached the note to Barnes' chart, but a second or "triage" nurse said she never saw it. The triage nurse sent him to the nearby "urgent care" facility, designed for less serious conditions, instead of the ER.

At the urgent care facility, Barnes was evaluated as a low-priority patient with numbness in his right hand. Dr. Jose V. Rustia Jr. ordered an X-ray of Barnes' right hand, and he was discharged at 6:20 p.m. with a diagnosis of carpal tunnel syndrome.

After the original intake nurse saw that Barnes had been released without a stroke work-up, he was called and asked to return to the ER that night.

Although tests revealed stroke-like symptoms, Barnes could not be admitted to GBMC without authorization from a Kaiser Permanente health plan physician, the defendants said. That physician was called but never arrived, Zarnoch wrote.

Finally, Barnes asked to go home. He was discharged at around 1 a.m. on Jan. 27 with instructions to see his physician the next day, according to



Christian A. Lodowski was lead counsel for the plaintiffs.

the defendants.

Barnes had the stroke the next day, before he got to the doctor's office, the opinion said.

Christian A. Lodowski, of the Law Offices of Christian A. Lodowski P.A. in Towson, was the Barnes' lead attorney.

"The court was very sound when it analyzed [our expert's] testimony and said there was a causal connection," Lodowski said. "Had [the hospital and doctor] done their job, he would have

been admitted and would have been worked-up for a stroke."

Lodowski said that, as a result of the ensuing stroke, Barnes' right side is "deadened" and he cannot "process certain information in his brain that requires reasoning."

"He is essentially a prisoner in his own body," he said. "His wife can't rely on him to cook and she can't leave him alone."

Andrew H. Baida, an attorney at Rosenberg Martin Greenberg LLP in Baltimore, represented the Barneses on appeal. Baida said Wednesday that is "a very gratifying outcome because the trial court in our view overlooked pertinent testimony from our expert in finding that, had Barnes been treated properly, he would not have had a stroke."

He said it is rare for a judge to set aside a jury verdict.

"The judge was supposed to view

the evidence in light most favorable to the Barneses, and the Court of Special Appeals recognized this," Baida said.

Ronald U. Shaw, an attorney at Shaw, Morrow & Joseph P.A. in Hunt Valley, and M. Natalie McSherry, an attorney at Kramon & Graham P.A. in Baltimore represented defendants Greater Baltimore Medical Center, Rustia and Charles Emergency Physicians P.A.

Shaw and McSherry did not return calls requesting comment.

"GBMC extends sympathy to Mr. Barnes, who left [the hospital's] emergency department without waiting to be admitted and suffered a stroke the following day," said Schwartzberg, the hospital's spokesman. "GBMC believes that the trial judge who reversed the original jury's verdict was correct in doing so, because that verdict was based on sympathy for the Barnes family rather than the evidence."

WHAT THE COURT HELD

Case: David A. Barnes, et al. v. Greater Baltimore Medical Center, Inc. et al. CSA No. 0789, September Term 2011. Argued Oct. 9, 2012. Filed March 21, 2013. Opinion by Zarnoch, J.

Issue: Did the lower court err in granting the hospital and Rustia's motion for judgment notwithstanding the verdict based on insufficient causation evidence?

Holding: Yes. The court said an expert witness for the couple "provided sufficient evidence to create a jury question on whether Mr. Barnes would have been admitted to the hospital and received appropriate tests if [the doctor and nurse] had complied with the standard of care."

Counsel: Christian A. Lodowski, the Law Offices of Christian A. Lodowski, P.A. and Andrew H. Baida, Rosenberg Martin Greenberg LLP for appellants; Ronald U. Shaw, Shaw, Morrow & Joseph P.A., and M. Natalie McSherry, Kramon & Graham P.A., for appellees.

RecordFax #13-0321-01 (34 pages).

Texas man guilty in murder case with previous wrongful conviction

Associated Press

SAN ANGELO, Texas — A West Texas jury on Wednesday convicted a man for the murder of an Austin woman whose husband was wrongfully convicted of her slaying and spent nearly 25 years in prison before being exonerated.

Jurors in San Angelo found Mark Alan Norwood guilty of capital murder for the 1986 beating death of Christine Morton, who was attacked in her north Austin home. Prosecutors said Norwood beat and sexually as-

saulted the woman. He was sentenced to life in prison, but is eligible for parole after 15 years. Jurors deliberated for about three hours before returning their verdict.

Morton's husband, Michael, was initially convicted in her death in 1987, but he was exonerated and freed in 2011 after new DNA testing was done on a bloody bandanna found near the couple's home. Investigators said the DNA evidence led them to Norwood, whose DNA was in a national database as a result of his long criminal history.

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