Ashley Partlow 3014 Matthews Street Baltimore, MD 21218	* *	IN THE CIRCUIT COURT
Plaintiff	*	FOR
vs.	*	BALTIMORE CITY
Ruth Marie Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust 231 N. Duncan Street Baltimore, MD 21231	* * *	
and	*	
The Estate of Ruth Marie Mayo 231 N. Duncan Street Baltimore, MD 21231	* *	
and	*	
George A. Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust 231 N. Duncan Street Baltimore, MD 21231	* * *	
and	*	
The Estate of George A. Mayo 231 N. Duncan Street Baltimore, MD 21231	* *	
and	*	
George and Marie Mayo Living Trust 231 N. Duncan Street Baltimore, MD 21231	* *	
and	*	
Linden Lakeview Properties, Inc. 2517 Linden Avenue Baltimore, MD 21217	* *	

and *

Max Slaybough, Individually and as
President of Linden-Lakeview *
Properties, Inc.
2517 Linden Avenue *
Baltimore, MD 21217
*

and
*

The Estate of Max Slaybough
2517 Linden Avenue *
Baltimore, MD 21217
*

and
*

Lawrence M. Polakoff
1906 E. Federal Street *
Baltimore, MD 21213
*

and
*

CFOD-2 Limited Partnership
1906 E. Federal Street *
Baltimore, MD 21213
*

and
*

Chase Management Inc.
1906 E. Federal Street *
Baltimore, MD 21213
*

and
*

CFSP Limited Partnership
1906 E. Federal Street *
Baltimore, MD 21213
*

and
*

Kennedy Krieger Institute, Inc.
(a Maryland Corporation) *
707 N. Broadway
Baltimore, MD 21205 *

and *

Environmental Restorations, Inc. *
301 Commerce Drive, Suite 107
Baltimore, MD 21227 *

and *

The Johns Hopkins Hospital *
600 N. Wolfe Street
Baltimore, MD 21205 *

and *

Johns Hopkins University *
3400 N. Charles Street
Baltimore, MD 21218 *

and *

Johns Hopkins University School *
of Medicine
3400 N. Charles Street *
Baltimore, MD 21218
*

and
*

Johns Hopkins University School
of Public Health *
3400 N. Charles Street
Baltimore, MD 21218 *

Defendants *

* * * * * * * * * * * *

COMPLAINT

Come now the Plaintiff(s), by their Attorney, Saul E. Kerpelman, and sue the Defendant(s).

FIRST COUNT

1. For that all of the time mentioned herein the Defendant, Ruth Marie Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust,

owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 231 N. Duncan Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 231 N. Duncan Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was

aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and

adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was

hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

SECOND COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, Ruth Marie Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

THIRD COUNT

1. For that all of the time mentioned herein the Decedent of the Defendant, The Estate of Ruth Marie Mayo, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 231 N. Duncan Street, in the City of Baltimore, State of Maryland which the Decedent either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Decedent, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Decedent at the 231 N. Duncan Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Decedent had either caused or allowed the continued existence of paint

containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Decedent in applying lead based paint in the dwelling.

b) The negligence of the Decedent and/or the Decedent's agents in failing to warn the Plaintiffs of the lead hazard which the Decedent and/or the Decedent's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Decedent in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Decedent and/or the Decedent's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and

peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Decedent in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Decedent or his agents knew or had reason to know that the paint was lead based paint and the Decedent or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Decedent and/or the Decedent's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Decedent and/or the Decedent's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Decedent in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Decedent and/or the Decedent's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Decedent and/or the Decedent's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Decedent or the agent, servant or employee of the Decedent who managed the property for the Decedent was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Decedent was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Decedent's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Decedent and/or workmen/agents of the Decedent visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Decedent and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Decedent was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving

aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Decedent.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

FOURTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Decedent, The Estate of Ruth Marie Mayo, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland

and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Decedent and/or the Decedent's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Decedent therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Decedent's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

FIFTH COUNT

1. For that all of the time mentioned herein the Defendant, George A. Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 231 N. Duncan Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said

property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 231 N. Duncan Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant

and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property

owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

SIXTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, George A. Mayo, Individually and as Trustee of the George and Marie Mayo Living Trust, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

SEVENTH COUNT

1. For that all of the time mentioned herein the Decedent of the Defendant, The Estate of George A. Mayo, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 231 N. Duncan Street, in the City of Baltimore, State of Maryland which the Decedent either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Decedent, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Decedent at the 231 N. Duncan Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Decedent had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Decedent in applying lead based paint in the dwelling.

b) The negligence of the Decedent and/or the Decedent's agents in failing to warn the Plaintiffs of the lead hazard which the Decedent and/or the Decedent's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Decedent in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Decedent and/or the Decedent's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Decedent in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Decedent or his

agents knew or had reason to know that the paint was lead based paint and the Decedent or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Decedent and/or the Decedent's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Decedent and/or the Decedent's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Decedent in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Decedent and/or the Decedent's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Decedent and/or the Decedent's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Decedent or the agent, servant or employee of the Decedent who managed the property for the Decedent was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Decedent was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Decedent's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Decedent and/or workmen/agents of the Decedent visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Decedent and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Decedent was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Decedent.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

EIGHTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Decedent, The Estate of George A. Mayo, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Decedent and/or the Decedent's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Decedent therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Decedent's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

NINTH COUNT

1. For that all of the time mentioned herein the Defendant, George and Marie Mayo Living Trust, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 231 N. Duncan Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 231 N. Duncan Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or

illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or

inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the

Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body,

is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

TENTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, George and Marie Mayo Living Trust, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of

Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

ELEVENTH COUNT

1. For that all of the time mentioned herein the Defendant, Linden-Lakeview Properties, Inc., owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 2517 Linden Avenue, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said

property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 2517 Linden Avenue dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant

and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property

owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

TWELFTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, Linden-Lakeview Properties, Inc., by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

THIRTEENTH COUNT

1. For that all of the time mentioned herein the Defendant, Max Slaybough, Individually and as President of Linden-Lakeview Properties, Inc., owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 2517 Linden Avenue, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 2517 Linden Avenue dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his

agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

FOURTEENTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, Max Slaybough, Individually and as President of Linden-Lakeview Properties, Inc., by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the

dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

FIFTEENTH COUNT

1. For that all of the time mentioned herein the Decedent of the Defendant, The Estate of Max Slaybough, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 2517 Linden Avenue, in the City of Baltimore, State of Maryland which the Decedent either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Decedent, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Decedent at the 2517 Linden Avenue dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born

December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1988 - 1994.

4. Both before and after the time the Plaintiff moved into the dwelling, the Decedent had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Decedent in applying lead based paint in the dwelling.

b) The negligence of the Decedent and/or the Decedent's agents in failing to warn the Plaintiffs of the lead hazard which the Decedent and/or the Decedent's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Decedent in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Decedent and/or the Decedent's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Decedent in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Decedent or his agents knew or had reason to know that the paint was lead based paint and the Decedent or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Decedent and/or the Decedent's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Decedent and/or the Decedent's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Decedent in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Decedent and/or the Decedent's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which

foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Decedent and/or the Decedent's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Decedent or the agent, servant or employee of the Decedent who managed the property for the Decedent was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Decedent was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the

sources of knowledge listed above in the preceding paragraph. Or the Decedent's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Decedent and/or workmen/agents of the Decedent visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Decedent and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Decedent was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused

permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a

direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Decedent.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

SIXTEENTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Decedent, The Estate of Max Slaybough, by marketing, and otherwise making available to the public for lease, the dwelling described herein

impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Decedent and/or the Decedent's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Decedent therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Decedent's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

SEVENTEENTH COUNT

1. For that all of the time mentioned herein the Defendant, Lawrence M. Polakoff, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 1906 E. Federal Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said

property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 1906 E. Federal Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1994 - 1995.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant

and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property

owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

EIGHTEENTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, Lawrence M. Polakoff, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

NINTEENTH COUNT

1. For that all of the time mentioned herein the Defendant, CFOD-2 Limited Partnership, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 1906 E. Federal Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 1906 E. Federal Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1994 - 1995.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his

agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

TWENTIETH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, CFOD-2 Limited Partnership, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

TWENTY FIRST COUNT

1. For that all of the time mentioned herein the Defendant, Chase Management, Inc., owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 1906 E. Federal Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 1906 E. Federal Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1994 - 1995.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or

illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or

inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the

Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body,

is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

TWENTY SECOND COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, Chase Management, Inc., by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland

and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

TWENTY THIRD COUNT

1. For that all of the time mentioned herein the Defendant, CFSP Limited Partnership, owned and/or controlled and/or managed, either individually or by the use of agents, servants and/or employees, a lot of ground known as 1906 E. Federal Street, in the City of Baltimore, State of Maryland which the Defendant either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

2. It is alleged alternatively that the Defendant, if sued in the capacity of a present or former corporate officer of a corporation which owned the said property, did personally participate in, inspire and/or induce the tortious acts or omissions complained of herein.

3. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendant at the 1906 E. Federal Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10, 1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1994 - 1995.

4. Both before and after the time the Plaintiff moved into the dwelling, the Defendant had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

5. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

6. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendant in applying lead based paint in the dwelling.

b) The negligence of the Defendant and/or the Defendant's agents in failing to warn the Plaintiffs of the lead hazard which the Defendant and/or the Defendant's agents knew or should have known or had reason to know existed in the premises.

c) The negligence of the Defendant in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

d) The negligence of the Defendant and/or the Defendant's agents in undertaking to paint the premises prior to and/or during the child's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

e) The negligence of the Defendant in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendant or his agents knew or had reason to know that the paint was lead based paint and the Defendant or his agents had a reasonable opportunity to perform these repairs.

f) The negligence of the Defendant and/or the Defendant's agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendant and/or the Defendant's agents had been advised or was aware or should have been aware either personally or through agents.

g) The negligence of the Defendant in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

h) The negligence of the Defendant and/or the Defendant's agents in performing the lead abatement in such a fashion as to increase, rather

than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

i) The Defendant and/or the Defendant's agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendant failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

7. At all times mentioned herein the Defendant or the agent, servant or employee of the Defendant who managed the property for the Defendant was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance

industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendant and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

8. And the Defendant was otherwise negligent.

9. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

10. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the

property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

11. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

12. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain

development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

13. The Plaintiff was otherwise injured and damaged.

14. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendant.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims Five Million Dollars damages.

TWENTY FOURTH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendant, CFSP Limited Partnership, by marketing, and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendant and/or the Defendant's agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendant therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendant's violations of the act.

Wherefore the Plaintiff claims Five Million Dollars Damages.

TWENTY FIFTH COUNT

1. In 1992 Kennedy-Krieger Institute, Inc. ("Kennedy") with the collaboration of the Johns Hopkins University School of Public Health commenced a research study funded and sponsored by the U.S. Environmental Protection

Agency's Office of Pollution Prevention and Toxics ("EPA") and the Maryland Department of Housing and Community Development known as the Lead-Based Paint Abatement and Repair and Maintenance Study ("the study"). The Baltimore City Health Department and Maryland Department of the Environment also collaborated in the study. The study was approved by the Joint Committee on Clinical Investigation of the Johns Hopkins University School of Medicine and the Johns Hopkins Hospital. ("JCCI"). Thomas R. Hendrix, M.D. was chairman of the JCCI and approved the study under an expedited review procedure.

2. Agents, servants and employees of Defendants Kennedy, Johns Hopkins Hospital, Johns Hopkins University School of Medicine and Johns Hopkins University School of Public Health all participated in the design, approval and implementation of the Study.

3. In 1993, the EPA awarded Contract 68-D4-001, entitled "Evaluation of Efficacy of Residential Lead Based Paint and Repair and Maintenance Interventions" to Kennedy. Kennedy was to receive $200,000 for performing its responsibilities under the contract.

4. The purpose of this research study was to characterize and compare the short and long term efficacy of comprehensive lead paint abatement and less costly and potentially more cost-effective Repair and Maintenance interventions for reducing levels of lead in residential house dust which in turn should reduce lead in children's blood.

5. The study was specifically designed to do less than full lead paint abatement in order to study any potential long term effectiveness of lesser levels of

repair, factored in terms of reducing lead exposure in house dust and children's blood lead levels. The ultimate aim of the research was to find a less than complete level of abatement that would be relatively safe, but economical, so that Baltimore landlords with lower socio-economical rental units would not abandon the units.

6. To implement the study, Kennedy recruited landlords owning properties in Baltimore City through the Property Owners Association.

7. In 1993 Lawrence Polakoff was one of the landlords who Kennedy solicited, and he volunteered his property 1906 E. Federal Street to be a part of the Study.

8. Kennedy required that for any property to qualify for the Study, including 1906 E. Federal Street, if must have been built before 1941, have documented lead-based paint in the unit and have elevated levels of lead in dust in at least two sites in the house greater than the clearance criteria standard in Maryland.

9. In December of 1993 Kennedy had 1906 E. Federal Street tested by an outside contractor. The house tested positive for lead in paint dust throughout the house. Kennedy then determined that the house qualified for the Study.

10. Once a property qualified for the Study, Kennedy randomly divided the properties into three groups. Each group of properties was to undergo a different type of repair and maintenance intervention. Group One received the lowest level of repair. This level of intervention had a cost cap of $1650. Group Two was given a slightly higher level of repair. This level of intervention had a cost

cap of $3500. Group Three was given the highest level of repair. This level of intervention had a cost cap of $6000-$7000. In addition to the repair and maintenance of these three groups, the study also included two other groups. These two additional groups included homes identified as having been previously abated of lead paint and modern urban dwellings constructed after 1980. Neither of these two groups was to receive any repair and maintenance and each was to serve as a control group.

11. 1906 E. Federal Street was randomly assigned a level two intervention. The intervention included replacing the entryway mat, reducing friction in the window sashes against the window jams, floors were made smooth and cleanable with some type of covering, re-hanging of doors to avoid scraping of the door and the door jamb, removal of loose and peeling paint to the limit of the funding budget and HEPA vacuuming to remove particles from the air. This treatment was not a full abatement of lead, and was limited in scope due to the funding limit of $3500 from the Maryland Department of the Environment.

12. Kennedy's staff developed the plan for the specific repairs to the house and obtained agreement with the property owner and contractor with regard to the limited nature of these repairs.

13. Kennedy approved the Contractor Environmental Restorations, Inc. to perform the repairs developed by Kennedy. Kennedy performed a walk-through inspection of the property 1906 E. Federal Street at the inception of the Study and informed Lawrence Polakoff and Environmental Restorations, Inc. as to what needed to be done to conform to a level two intervention.

14. The cost of repairs was paid for by special loan funds made available by the Maryland Department of Housing and Community Development. Lawrence Polakoff applied for the $3500 loan fund and he personally did not expend any money for the repairs.

15. All repairs were completed to 1906 E. Federal Street in approximately April of 1994. Once repairs were completed Kennedy performed immediate post intervention samples of the dust. On May 17, 1994 Kennedy obtained this first post intervention dust sample.

A composite sample of dust from the first level floor was 533 micrograms per square foot that was above the Maryland clearance level of 200 micrograms per square foot. A composite sample of a first level windowsill was 2274 micrograms per square foot that was above Maryland clearance level of 500 micrograms per square foot. A composite sample of the interior entrance was 1530 micrograms per square foot that was also above the Maryland clearance level.

16. Pursuant to the Study protocol, once repairs were completed Lawrence Polakoff was required to lease the property to a family with at least one young child in order for Kennedy to evaluate the effects of the partial repairs on the child's health. Kennedy only wanted children to participate who did not have any type of mental retardation or severe handicap that would limit their physical movement. Kennedy did not want participating subjects to move from the home because Kennedy was interested in following the family over a period of years. Once the family moved into the home Kennedy sought to periodically test the lead

in the dust and the lead level in the children's blood at close intervals to compare these levels.

17. During the Spring of 1994 Jacqueline Martin along with her friend Catina Higgins were looking for a home to reside with their several young children, including the Plaintiff, Ashley Partlow. She located the property 1906 E. Federal Street from an advertisement in the newspaper. The management company that rented the property to Ms. Martin and Ms. Higgins is Chase Realty. Chase Realty's principal is Lawrence Polakoff. Mr. Polakoff is a professional owner and operator of rental properties in Baltimore City who by 1994 had been in the rental business for many years and was active in the Property Owners Association. Chase Realty through its principal Lawrence Polakoff leased the property 1906 E. Federal Street to Ms. Martin and Ms. Higgins pursuant to requirements of the Study protocol as determined by Kennedy, Johns Hopkins Hospital, Johns Hopkins University School of Medicine and John Hopkins University School of Public Health.

18. Jacqueline Martin and Catina Higgins, along with their young children, including Ashley Partlow moved into 1906 E. Federal Street in May of 1994. At the time of moving into 1906 E. Federal Street Jacqueline Martin was unaware that the property ever contained lead-based paint. At the time of moving into 1906 E. Federal Street no one had ever informed Ms. Martin that this home was part of a research study.

19. Not until after the Martin and Higgins families moved into the property did agents, servants and employees of Kennedy approach the residents of 1906 E. Federal Street with Clinical Investigation Consent Forms (consent forms).

Defendants enrolled Ms. Martin's younger daughter, Anquenette Partlow (DOB: 9/3/91) in the study as well as Ms. Higgins son Myron Higgins (DOB: 12/23/89) in the study through their mothers and guardians. Ms. Martin signed a consent form on her own behalf that allowed Defendants and their agents, servants and employees into the Study home to test the home and on behalf of her younger daughter Anquenette Partlow that allowed Defendants and their agents, servants and employees to test Anquenette Partlow's blood. To the best of Plaintiff's knowledge, information and belief, Kennedy did not obtain a signed consent form for Ashley Partlow, a minor child who resided in the Study home along with her mother and sister and who was also exposed to the toxic environment of the Study home.

20. Although the Consent Form states: "Lead poisoning in children is a problem in Baltimore City", the form never explained the specific dangers and risks associated with lead poisoning. It never listed the permanent injuries that children could be subject to by living in a home containing high levels of lead in paint and dust, including permanent cellular destruction and retardation of cellular development, permanent and severe brain damage, diminution in IQ, learning disabilities, extreme difficulty reading, shortened attention span, impulsivity, behavioral and hyperactivity disorder, visual and spatial motor control problems, diminution in stature, to name just a few.

21. The Consent form never stated that 1906 E. Federal Street contained lead-based paint and high levels of lead in dust. The form did not list the specific hazardous areas of the home that contained lead-based paint and leaded dust of

which Kennedy, Johns Hopkins and their agents, servants and employees were aware from their extensive testing. Ms. Martin was not warned that by continually residing at this property it was foreseeable that her children may be exposed to lead-based paint and dust and they might develop lead poisoning. The Consent form never warned that by residing in the home her children might suffer any type of permanent and irreversible harm from exposure to the lead in the paint and dust.

22. The Consent form never stated the specific limited nature of the repairs to the home and that the Study's main purpose was to observe the effects of limited repair on children's health versus a more complete abatement of lead on children's health. The Informed Consent form failed to provide an adequate description of the different levels of repair and maintenance work to be done in the homes under the research protocol. Ms. Martin was never made aware that the other homes in the Study had received a much more extensive repair and some homes in the study were fully abated or modern dwellings without any lead. Ms. Martin was never made aware that children living in the home were being "studied" to observe whether they would receive a more harmful level of exposure to lead versus children residing in study homes with more extensive levels of lead abatement. Ms. Martin was never made aware that the limited nature of repairs made to her home was experimental in reducing a child's exposure to lead, and in fact no information existed as to whether these repairs would actually reduce exposure or in fact may increase lead in household dust. Ms. Martin was also never informed that an alternative and scientifically proven form of treatment to

reduce children's lead exposure would be to remove them from the lead infested property and move into a fully abated or modern lead free home.

23. Kennedy and Johns Hopkins by their agents, servants and employees expressly promised in the Consent Form to, among other things, financially compensate the families for their participation in the Study; collect lead dust samples from the Study home; collect blood samples from children enrolled in the Study; analyze the samples; discuss the results with Ms. Martin, and discuss steps that could be taken which could reduce exposure to lead. Plaintiff Ashley Partlow as a minor child of Ms. Martin and a resident of the Study home was a third party beneficiary of this contractual obligation on the part of the Defendants.

24. While Defendants were aware that the home contained high levels of lead in paint from its XRF testing in December 1993, it never informed Ms. Martin or Ms. Higgins of this information.

25. Although prior to obtaining any Informed Consent Defendants were aware that they did not remove all the lead paint in the home and that the home still contained high levels of lead in dust above the clearance criteria in Maryland for abated homes, as evidenced by its post intervention testing on May 17, 1994, Defendants never informed Ms. Martin or Ms. Higgins of this pertinent information. To the contrary, letters Kennedy sent the families over one month after its dust testing, informing them of the results of the post intervention dust testing failed to warn Ms. Martin or Ms. Higgins or any areas containing lead dust and gave a misleading impression that the home did not contain any lead in the dust samples.

26. On July 25, 1994 Kennedy performed a second dust testing of the home and found many areas of the home to contain increases in lead dust from May 17, 1994. Kennedy did not send a warning letter to Ms. Martin or Ms. Higgins until four months after the family moved into the home on September 14, 1994. Nonetheless, only one area of the home was cited as containing lead dust. The letter failed to inform them of the other areas of the home containing lead dust as evidenced by Kennedy's testing, the significance of this increase in lead dust, the areas in the home of greatest exposure, nor did the letter inform them of the considerable health hazard to their young children from exposure to this increase in lead dust.

27. These significant new findings developed during the course of the research related to Ms. Martin's willingness to continue participation in the Study. At this point Defendants had an obligation to confirm the Informed Consent when serious findings came to light that likely effected her willingness to participate. Defendants failed to ever confirm the Informed Consent during its ongoing research.

28. Instead of getting adequate informed consent in a study with a known risk to human health and safety, Defendants gave the participants small incentives to participate. Families were given $5.00 to allow testers into their home and $15.00 every time they completed a questionnaire. The parents were informed that their home would be tested for free and their children enrolled in the Study would receive free blood-work. The children were given prizes, gifts, toys and clothing

such as t-shirts in the summer and hats and gloves in the winter, and other types of incentives such as coupons for groceries were given to the families.

29. The Defendants, and their agents, servants and employees, as required by the Study protocol, exercised charge, care, and/or control over 1906 E. Federal Street during the tenancy of the Plaintiff. In order to carry out the Study, the Defendants were required to, and undertook to decide which homes, including 1906 E. Federal Street, would receive interventions and what type of interventions each home would receive, Defendants and/or their agents, servants and employees undertook to solicit bids from contractors to perform the interventions, inspect the interventions made, and, upon completion pay the contractors for the work performed. By controlling the decisions about the scope of the repairs, the manner and means of repairs and the level of interventions to be performed, the Defendants exercised charge, care, and/or control over 1906 E. Federal Street during the Plaintiff's tenancy. 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.

30. Pursuant to Article 13, Section 310(a) of the Baltimore City Housing Code, the Defendants, as operators were responsible for ensuring 1906 E. Federal Street was maintained in compliance with all provisions of the Housing Code during the tenancy of the Plaintiff.

31. Environmental Restorations, Inc. is a corporation organized and existing under the laws of the state of Maryland, having its principal place of business in Baltimore City, Maryland, having its principal place of business in

Baltimore City, Maryland, which charter upon information and belief has been forfeited since October 2, 1997.

32. Under Kennedy Krieger Institute, Johns Hopkins Hospital, Johns Hopkins University School of Medicine, Johns Hopkins University School of Public Health, and their agents, servants and employees' direction and control work was done by Environmental Restorations, Inc. in order to bring the property to experimental standards set by these Defendants.

33. Kennedy Krieger Institute, Johns Hopkins Hospital, Johns Hopkins University School of Medicine, Johns Hopkins University School of Public Health, and Environmental Restorations, Inc. by their agents, servants and employees were negligent in undertaking to abate, paint and repair the premises prior to the minor Plaintiff's occupancy and doing so in an unreasonable, incomplete, unworkmanlike and/or illegal manner.

34. Kennedy Krieger Institute, Johns Hopkins Hospital, Johns Hopkins University School of Medicine, Johns Hopkins University School of Public Health, and Environmental Restorations, Inc. by their agents, servants and employees were negligent in performing the lead abatement in such a fashion as to increase rather than decrease the children's exposure to lead, including, but not limited to, performing the abatement using methods which foreseeably increased the lead dust in the premises, performing improper or inadequate abatement and cleanup, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

35. Kennedy Krieger Institute, Johns Hopkins Hospital, Johns Hopkins University School of Medicine, Johns Hopkins University School of Public Health, and their agents, servants and employees knew or should have known that the partial abatement methods used in the R&M study were not sufficient to remove the lead-based paint hazards in as much as Defendants had previously conducted studies indicating that lead-based paint dust remained in homes and/or returned to homes which received only partial abatements.

36. All Defendants failed to warn the Plaintiff or the Plaintiff's guardian of the lead hazard, which Defendants or their agents, servants and employees knew or should have known, or had reason to know existed in the premises.

37. At all times mentioned herein and material hereto, the defendants Kennedy Krieger Institute Inc., Johns Hopkins Hospital, Johns Hopkins University School of Medicine, and Johns Hopkins University School of Public Health, by and through their separate and respective agents, servants, workmen, representatives, physicians, nurses, staff, contractors, medical personnel, medical assistants and employees of these institutions, each of them respectively, jointly and severally, were charged with the professional responsibility of protecting the safety, health and welfare of children residing in the Study home, as the Study was designed, reviewed, conducted and approved by these institutions, the Study home was controlled by these institutions, and these institutions undertook contractual obligations benefitting the residents of the Study home.

38. To ensure the safety of the children residing in the Study home these Defendants and their agents, servants and employees were charged with assessing the protocols of the Study to determine whether the Study itself was appropriate, and safe, whether the consent procedures were adequate, whether the methods to be employed met proper ethical standards, codes and regulations, whether reporting requirements were sufficient and assessment of various other aspects of the research. These Defendants were further charged with conveying all foreseeable risks as they became known and stopping the experiment once it became known that the experiment may result in unreasonable harm to residents of the Study home.

39. That as a result of careless, negligent and reckless conduct of the Defendants, herein by breaching duties arising out of contract, special relationships and regulations and codes by instituting the study in the first instance, failing to adequately warn or inform the residents of the Study home of all the inherent risks of the Study and the experimental nature of the Study, and failing to timely notify the residents of the Study home of pertinent information about the condition of the home as it became known, and failing to protect the safety, health and welfare of children residing in the Study home, Ashley Partlow was caused to suffer harmful elevated blood lead levels from ingestion and consumption of the paint and paint dust in the dwelling.

40. Defendants together, and each of them respectively jointly and severely, by and through their separate and respective agents, servants, work

men, representatives, physicians, nurses, staff, contractors, medical personnel, medical assistants and employees were careless, negligent and reckless in:

a. designing a non-therapeutic research protocol that inherent in its design foreseeably may bring higher than minimal risk of harm to young children;

b. instituting a non-therapeutic research protocol that exposed young children to greater than minimal risk;

c. instituting a research protocol that anticipated the possible accumulation of lead in the blood of otherwise health children as a result of the experiment;

d. designing a research study that measured the success of abatement procedures by measuring the extent to which children's blood was being contaminated with a neurotoxin;

e. failing to conform their conduct to ethical guidelines in research established by International ethical codes, including but not limited to the Declaration of Helsinki, the Nuremberg code and the Belmont Report;

f. failing to conform their conduct to the prescribed standard of care upon researchers;

g. failing to reasonably and properly assess the risks and benefits of the research Study;

h. failing to disclose all information to residents of the Study home about the true nature of the experiment and the knowledge the researchers were attempting to gain;

i. failing to adequately warn prospective residents of the Study home prior to moving into the Study home as to the true experimental nature of the Study , the purpose of the Study, the researchers hypothesis in conducting the Study, the various levels of intervention in the Study homes, the foreseeable risks of residing in the Study home, the specific dangers and risks of exposure to lead in paint and dust, and the actual existence of lead paint and dust in the Study home so as to allow the children's parents to make an informed decision as to the appropriateness of residing in the Study home and participation in the Study;

j. failing to obtain proper informed consent from the plaintiff's guardian;

k. failing to adequately inform the residents of the Study home as to significant new findings developed during the course of the research, which related to the subjects willingness to continue residing in the Study home and participation in the Study;

l. failing to give timely notice as to the elevated blood lead levels of children residing in the Study home and enrolled in

the Study and the significance of these levels to the plaintiff's health, safety and welfare;

m. failing to give timely notice as to the results of lead dust testing in the Study home and the significance of these results to the plaintiff's health, safety and welfare;

n. failing to stop the experiment and remove the plaintiff from the Study home when children residing in the Study home began to suffer lead poisoning;

o. approving the experiment under expedited review procedures when review of the research did not meet the requirements of expedited review because it involved greater than minimal risk to children residing in the Study home and involved the taking of blood from minor children;

p. approving the Study when it failed to meet the standards for obtaining informed consent;

q. approving the Study when the IRB lacked professional competence necessary to review the Study in that it lacked a pediatrician or anyone familiar with lead paint poisoning;

r. encouraging participation in the Study and continual residence in the Study home and failing to minimize the possibility of coercion or undue influence by offering incentives such as food, money and clothing to subjects of low socioeconomic status;

s. failing to consider the vulnerable nature of the children and their guardians necessitating special considerations when designing the Study and soliciting participants;

t. failing to exercise reasonable care under all of the circumstances, in accordance with the accepted practices and procedures in the research community in which the defendants practiced;

u. failing to follow and abide by guidelines set forth by various governmental agencies;

v. failing to gain approval for the Study from the judicial branch of Maryland State Government when the research put at risk the health, safety and welfare of young children in Maryland;

w. failing to provide the children residing in the Study home maximum protection against risk.

41. And the Defendants were otherwise negligent.

42. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs – spleen, liver, kidneys – and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused

permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. Lead is released from bone over years. Thus leaving aside the actual, period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

43. Because of the disruption of normal cellular processes during critical stage of development of the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitation time and expense.

44. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

45. As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earning and diminution of earning capacity.

46. As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

47. The infant was otherwise injured and damaged.

48. The infant Plaintiff avers that all of these damages were and are due solely to the fraudulent, intentional wanton, willful, outrageous conduct and wrongful and negligent acts and omissions of the Defendants.

WHEREFORE, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims of Defendants and each of them respectively, jointly and severally five million dollars compensatory damages and one hundred million dollars punitive damages.

TWENTY SIXTH COUNT
(LACK OF INFORMED CONSENT)

1. Plaintiff incorporates by reference paragraphs 1 through 48 of Count 25 as is fully set forth at length herein.

2. Defendants, and each of them respectively, failed to inform the Plaintiff's guardian of the risks of the research Study so as to afford the Plaintiff's guardian the opportunity to make an informed decision as to the appropriateness of participation in the Study.

3. The lack of informed consent includes, but is not limited to:

a. failing to state the risks of the toxic effects of childhood exposure to lead-based paint and dust;

b. failing to state the researchers hypothesis in conducting the Study;

c. failing to state all procedures utilized in the Study;

d. failing to state the various levels of intervention in the Study homes;

e. failing to state the exact limited nature of the repairs to the Study home;

f. failing to state the researchers' knowledge as to the existence of hazardous levels of lead-based paint and dust in the Study home;

g. failing to state the true experimental nature of the Study;

h. failing to state the purpose of the Study;

i. failing to state the foreseeable risks to the minor Plaintiff of residing in the Study home;

j. failing to state the specific dangers and risks of exposure to lead in paint dust in the Study home;

k. misrepresenting the fact that the home had received "special repairs" that made the Study home safe to live in;

l. misrepresenting the direct benefits of residing in the Study home and failing to adequately describe the risks associated with residing in the Study home;

m. failing to adequately describe the purpose of the Study to find cheaper cost-effective ways to do minimal repair to lead infected homes to benefit property owners;

n. failing to adequately disclose the financial interest that the researchers and the institutions had in the research Study;

o. failing to adequately describe the extent to which the researchers and the institutions had a conflict of interest;

p. failing to state that the research to be conducted was designed, in significant part, to measure the success of the abatement procedures by measuring the extent to which the children's blood while residing in the study home was being contaminated by a neurotoxin;

q. failing to state that the research protocol anticipated the possible accommodation of lead in the blood of otherwise healthy children.

4. As a result of the intentional tortious conduct of all the defendants named herein, and each of them respectively, by and through their separate and respective agents, servants, workman, representatives, physicians, nurses, staff,

contractors, medical personnel and employees, the minor Plaintiff was caused to suffer severe and permanent personal injuries and pain and suffering.

5. That as a result thereof and of the ingestion and consumption by the infant Plaintiff, of the paint dust in the dwelling, the infant Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

6. That the Plaintiff was exposed to toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs – spleen, liver and kidneys – and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body, is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released form bone over years.

Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

7. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff

was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitation time and expense.

8. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity and extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered, the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

9. The Plaintiff was otherwise injured and damaged.

10. The infant Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendants.

WHEREFORE, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claim of Defendants and each of them respectively, jointly and severally five million dollars compensatory damages and 100 million dollars punitive damages.

TWENTY SEVENTH COUNT
(COMMON LAW FRAUD/ INTENTIONAL MISREPRESENTATION)

1. Plaintiff incorporates by reference paragraphs 1 though 48 of Count Twenty Five and paragraphs 1 through 10 of Count Twenty Six as fully set at length herein.

2. Defendants made the following intentional misrepresentations and committed common law fraud in:

a. intentionally misrepresenting the risks of the toxic effects of exposure to lead-based paint and lead dust in the Study home;

b. intentionally failing to state the researchers hypothesis in conducting the Study;

c. intentionally failing to state all procedures utilized in the Study;

d. intentionally failing to state the various levels of intervention in the Study homes;

e. intentionally failing to state the exact limited nature of the repairs to the Study home;

f. intentionally failing to state the researchers knowledge as to the existence of hazardous levels of lead-based paint and lead dust in the Study home;

g. intentionally failing to state the true experimental nature of the Study;

h. intentionally failing to state the purpose of the Study;

i. intentionally failing to state the foreseeable risks to the Plaintiff of residing in the Study home;

j. intentionally failing to state the specific dangers and risks of exposure to lead in paint and dust in the Study home;

k. intentionally misrepresenting the fact that the home had received "special repairs" that made the home safe to live in;

l. intentionally misrepresenting the direct benefits to the Plaintiff of residing in the study home and failing to adequately describe the risks associated with residing in the study home;

m. intentionally failing to adequately describe the purpose of the Study to find cheaper cost-effective ways to do minimal repair to lead infested homes to benefit property owners;

n. intentionally failing to adequately disclose the financial interest that the researchers and the institutions had in the Research Study.

o. intentionally failing to adequately describe the extent to which the researchers and the institutions had a conflict of interest;

p. intentionally failing to state that the research to be conducted was designed, in significant part, to measure the success of the abatement procedures by measuring the extent to which the children's blood while residing in the study home was being contaminated by a neurotoxin;

q. intentionally failing to state that the research protocol anticipated the possible accumulation of lead in the blood of otherwise healthy children;

r. intentionally encouraging participation in the Study and maximizing the possibility of coercion or undue influence by offering incentives such as food, money and clothing to subjects of low socioeconomic status, rather than focusing on protection of children residing in the study home;

s. intentionally aiding researchers in not complying with regulations designed to protect children used as subjects in non-therapeutic research;

t. intentionally misrepresenting the characteristics of the Study in order to avoid the responsibility inherent in non-therapeutic research involving children;

u. intentionally suggesting to the researchers a way to miscast the characteristics of the Study in order to avoid compliance with regulations designed to protect children used as subjects in non-therapeutic research;

v. intentionally approving the Study under expedited review, and avoiding a full panel review, when it was known the Study did not meet the requirements of expedited review;

w. intentionally failing to inform the prospective residents of the study home about the research Study until after they moved into the Study homes;

x. intentionally misrepresenting to the Study subjects that the research was therapeutic and of direct benefit to residents of the study home rather than non-therapeutic and experimental in nature;

y. intentionally failing to follow the Study protocol to timely inform participants of results and to perform additional repairs if lead dust levels increase;

z. intentionally misrepresenting that the study home complied with all applicable statutes, codes and regulations at the inception and throughout Plaintiff's residency, that the

study home was fit for human habitation and that the study home was safe for the residents to reside therein.

3. The intentional misrepresentations set forth above were done with intent to deceive and to induce the Plaintiff's guardian to participate in the research study along with her minor children.

4. The intentional misrepresentations set forth above were done with intent to deceive to gain institutional and governmental approval of the Study and avoid compliance with regulations designed to protect children used as subjects in non-therapeutic research.

5. The misrepresentations set forth above were done with the knowledge that the misrepresentations were false when made.

6. The Plaintiff's guardian justifiably and detrimentally relied upon the misrepresentations set forth above in making the decision as to whether to continue residence in the study home with her minor children and participate in the research Study.

7. As a direct and proximate result of Defendants' intentional and material misrepresentations as set forth above, the Plaintiff's guardian continued to reside in the study home with her minor children and participated in the research Study which ultimately resulted in severe and permanent personal injury and pain and suffering to the Plaintiff.

WHEREFORE, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claim of Defendants and each of them respectively, jointly

and severally five million dollars compensatory damages and one hundred million dollars punitive damages.

TWENTY EIGHTH COUNT
(ADDITIONAL GROUNDS FOR PUNITIVE DAMAGES)

1. Plaintiff incorporates by reference paragraphs 1 through 48 of Count 25, paragraphs 1 through 10 of Count 26 and paragraphs 1 through 7 of count 27, as is fully set forth at length.

2. Defendants' actions as set forth above were fraudulent, intentional, wanton, willful, knowing, deliberate, outrageous, and done with an intent to deceive. Defendants were grossly negligent, and acted with reckless disregard of and with deliberate, callous and reckless indifference to the rights, interests, welfare and safety of the Plaintiff.

3. Defendants fraudulent, intentional, wanton, willful, knowing, deliberate, deceptive and outrageous actions consisted of, but are not limited to:

a. intentionally misrepresenting the risks of the toxic effects of exposure to lead-based paint and lead dust in the Study home;

b. intentionally failing to state the researchers hypothesis in conducting the Study;

c. intentionally failing to state all procedures utilized in the Study;

d. intentionally failing to state the various levels of intervention in the Study homes;

e. intentionally failing to state the exact limited nature of the repairs to the Study home;

f. intentionally failing to state the researchers knowledge as to the existence of hazardous levels of lead-based paint and lead dust in the Study home;

g. intentionally failing to state the true experimental nature of the Study;

h. intentionally failing to state the purpose of the Study;

i. intentionally failing to state the foreseeable risks to the Plaintiff of residing in the Study home;

j. intentionally failing to state the specific dangers and risks of exposure to lead in paint and dust in the Study home;

k. intentionally misrepresenting the fact that the home had received "special repairs" that made the home safe to live in;

l. intentionally misrepresenting the direct benefits of residing in the Study home and failing to adequately describe the risks associated with residing in the Study home;

m. intentionally failing to adequately describe the purpose of the Study to find cheaper cost-effective ways to do minimal repair to lead infested homes to benefit property owners;

n. intentionally failing to adequately disclose the financial interest that the researchers and the institutions had in the Research Study.

o. intentionally failing to adequately describe the extent to which the researchers and the institutions had a conflict of interest;

p. intentionally failing to state that the research to be conducted was designed, in significant part, to measure the success of the abatement procedures by measuring the extent to which the children's blood while residing in the study home was being contaminated by a neurotoxin;

q. intentionally failing to state that the research protocol anticipated the possible accumulation of lead in the blood of otherwise healthy children;

r. intentionally encouraging participation in the Study and maximizing the possibility of coercion or undue influence by offering incentives such as food, money, and clothing to subjects of low socioeconomic status, rather than focusing on protection of children residing in the study home.

s. intentionally aiding researchers in not complying with regulations designed to protect children used as subject in non-therapeutic research;

t. intentionally misrepresenting the characteristics of the Study in order to avoid the responsibility inherent in non-therapeutic research involving children;

u. intentionally suggesting to the researchers a way to miscast the characteristics of the Study in order to avoid compliance with regulations designed to protect children used as subjects in non-therapeutic research;

v. intentionally approving the Study under expedited review, and avoiding a full panel review, when it was known the Study did not meet the requirements of expedited review;

w. intentionally failing to inform the prospective residents of the study home about the research Study until after they moved into the Study homes;

x. intentionally misrepresenting to the Study subjects that the research was therapeutic and of direct benefit to residents of the study home rather than non-therapeutic and experimental in nature;

y. intentionally failing to follow the Study protocol to timely inform participants of results and to perform additional repairs if lead dust levels increase.

z. intentionally failing to conform to standards, codes and regulations designed to protect children at risk in non-therapeutic research;

aa. intentionally failing to conform to universal ethical codes designed to protect children at risk in non-therapeutic research including but not limited to the Declaration of Helsinki, the Nuremberg Code and the Belmont report.;

bb. intentionally failing to obtain proper informed consent from the plaintiff's guardian.

4. The misrepresentations set forth above were done with actual malice, intent to deceive and the knowledge that the misrepresentations were false when made.

5. Defendants fraudulent, intentional, wanton, willful, knowing, deliberate, deceptive and outrageous conduct was the direct result of defendants decision to sacrifice the health, safety and welfare of the children residing in the subject home in exchange for the fame, glory and monetary remuneration which defendants anticipated obtaining if this Study and follow up studies were successful.

6. By reason of the fraudulent, intentional, wanton, willful, knowing, deliberate, deceptive and outrageous conduct of defendants, as aforesaid, the minor Plaintiff was caused to sustain severe and permanent personal injuries and pain and suffering.

WHEREFORE, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claim of Defendants and each of them respectively, jointly and severally five million dollars compensatory damages and one hundred million dollars punitive damages.

TWENTY NINTH COUNT

1. Plaintiff incorporates by reference paragraphs 1 through 48 of Count 25, paragraphs 1 through 10 of Count 26 paragraphs 1 through 7 of count 27, and paragraphs 1 through 6 of count 28 as is fully set forth at length.

2. For that all of the time mentioned herein the Defendants, Kennedy Krieger Institute, Inc., The Johns Hopkins Hospital, Johns Hopkins University, Johns Hopkins University School of Medicine, and Johns Hopkins University School of Public Health, operated and/or controlled, either individually or by the use of agents, servants and/or employees, a lot of ground known as 1906 E. Federal Street, in the City of Baltimore, State of Maryland which the Defendants either individually or by agents, servants or employees, managed, supervised, maintained and rented to tenants.

3. The Defendants as required by the Study protocol, exercised charge, care and/or control over 1906 E. Federal Street prior to and during the tenancy of the Plaintiff.

4. Pursuant to Article 13, Section 310 (a) of the Baltimore City Housing Code, the Defendants, as operators were responsible for ensuring that 1906 E. Federal Street was maintained in compliance with all provisions of the Housing Code during the tenancy of the Plaintiff.

5. The mother of the Plaintiff, Jacqueline Martin, was a tenant of the Defendants in their capacity as an operator, manager and/or controller of the 1906 E. Federal Street dwelling and paying rental therefore, or was otherwise a lawful resident or invitee, and the Plaintiff, Ashley Partlow, born December 10,

1988, lived in the dwelling or frequented the dwelling as an invitee of the tenant during 1994 -1995.

6. Both before and after the time the Plaintiff moved into the dwelling, the Defendants had either caused or allowed the continued existence of paint containing lead pigment on its interior and exterior walls, doors, floors, ceilings and woodwork and knowingly allowed said paint to chip and flake thereby rendering the dwelling dangerous and unfit for human habitation, especially for children of tender years.

7. During the time the Plaintiff resided in the dwelling, the Plaintiff ingested and consumed paint and dust containing lead and lead pigment thereby causing the Plaintiff to suffer the injuries, illness and infirmities herein alleged.

8. That the injuries, illness and infirmities of the Plaintiff were due alternatively or cumulatively to:

a) The negligence of the Defendants and/or the Defendants' agents, servants or employees in failing to warn the Plaintiffs of the lead hazard which the Defendants and/or the Defendants' agents, servants or employees knew or should have known or had reason to know existed in the premises.

b) The negligence of the Defendants in providing the premises to the Plaintiffs with already chipping, peeling and/or flaking surfaces in violation of the Baltimore City Housing Code and the Maryland Consumer Protection Act.

c) The negligence of the Defendants and/or the Defendants' agents in undertaking to paint and/or repair, and/or abate the premises prior to and/or during the child's occupancy and doing so in an unreasonable,

incomplete, unworkmanlike and/or illegal manner, which foreseeably resulted in the paint soon chipping, flaking and peeling or to remain chipping, flaking and peeling and exposing the child to the hazardous conditions complained of herein.

d) The negligence of the Defendants in failing to correct the condition of the loose, flaking paint in the dwelling, after notice either actual or constructive that the paint was in need of repair, when the Defendants or his agents knew or had reason to know that the paint was lead based paint and the Defendants or his agents had a reasonable opportunity to perform these repairs.

e) The negligence of the Defendants and/or the Defendants' agents in failing to completely and safely eradicate a lead paint hazard on the premises of which the Defendants and/or the Defendants' agents had been advised or was aware or should have been aware either personally or through agents.

f) The negligence of the Defendants in failing to promptly abate the lead hazard after notice, actual or constructive, of the same.

g) The negligence of the Defendants and/or the Defendants' agents in performing the lead abatement in such a fashion as to increase, rather than decrease, the child's exposure to lead, including, but not limited to, performing the abatement while the Plaintiff was still in the dwelling, failing to warn the Plaintiff or the Plaintiff's adult caretaker of the danger of the abatement and the need to vacate the dwelling, using abatement methods which foreseeably increased the lead dust in the premises, performing improper or

inadequate clean up, leaving lead debris on the premises or in the vicinity of the premises accessible to the child.

h) The Defendants and/or the Defendants' agents failing to properly maintain the common areas of the dwelling so as to be free of loose, flaking lead based paint, or lead paint easily accessible to children.

j) The Defendants failed to obey the provisions of the Maryland Lead Poisoning Prevention Act, Maryland Code Environment 6-801 et seq.

9. At all times mentioned herein the Defendants or the agent, servant or employee of the Defendants who operated the property for the Defendants was aware of the dangers of lead paint and that older houses often contain lead paint and that the instant premises was an older house.

Further, at the time of the child's poisoning the general state of knowledge was such - as a result of legislative enactments, medical research announcements, public health education undertaken by Federal, State and Local governments and public health organizations, general media publicity in print, radio and television, publicity by trade and professional organizations of property owners and publicity and insurance premium adjustments by the insurance industry - that landlords in general knew or had reason to know or should have known of the dangers of lead based paint in older houses to children.

The Defendant was also aware of these dangers as a result of prior lead violations at this property, at other properties; as a result of prior or other lead paint claims or lead paint suits; and as a result of personal exposure to all of the sources of knowledge listed above in the preceding paragraph. Or the

Defendant's agents possessed such knowledge as a result of all the sources listed preceding.

In addition the Defendant and/or workmen/agents of the Defendant visited the premises before and/or during the time the Plaintiff was there and at that time loose, flaking deteriorated paint was obvious and easily visible to a passerby on the interior and/or exterior of the dwelling and was seen or should have been seen by the person or persons visiting the dwelling.

Complaints regarding the deteriorated paint were also made to the Defendants and/or his agents before and/or after the child was poisoned and adequate repairs were not made in response in a timely and workmanlike fashion.

10. And the Defendant was otherwise negligent.

11. That as a result thereof and of the ingestion and consumption by the Plaintiff, of the paint and paint dust in the dwelling, the Plaintiff contracted and was caused to suffer harmful elevated blood lead levels.

12. That the Plaintiff was exposed to the toxic conditions complained of herein on each and every instance in which the Plaintiff was present at the property. Each and every instance of exposure resulted in the introduction of lead into the Plaintiff's bloodstream. This lead in the Plaintiff's bloodstream caused immediate permanent cellular damage in each instance. Lead was deposited in the Plaintiff's internal organs - spleen, liver, kidneys - and in the Plaintiff's brain and bones. In addition to the aforesaid immediate injury, the lead also caused permanent continuing chronic injury. Lead, once introduced into the human body,

is very, very slowly eliminated. There is medical evidence from autopsy that in the brain it is never eliminated. Lead is released from bone over years. Thus, leaving aside the actual period of exposure, even after exposure ceased the Plaintiff continued with lead throughout the Plaintiff's body and during that entire following period the Plaintiff continued to suffer injury, disruption of normal bodily functions, and cellular destruction and retardation.

13. Because of the disruption of normal cellular processes during critical stages of development the Plaintiff suffered severe and permanent brain damage. The Plaintiff suffered physical pain and mental anguish. The Plaintiff was hospitalized and separated from home and family at a time in the Plaintiff's development when the Plaintiff was vulnerable to permanent psychological injury as a result. And such injury did result. The Plaintiff was subjected to a harrowing course of medical therapy by painful deep muscle needle injection over the course of many days. The Plaintiff required treatment by physicians and follow-up care necessitating time and expense.

14. Throughout the period after the Plaintiff's lead exposure the Plaintiff has endured the pains and humiliations and anguish caused by abnormal brain development and function as a result of brain damage from lead. The Plaintiff is not the person dictated by the Plaintiff's genetic and societal potential. The Plaintiff suffers a learning disability, shortened attention span, impulsivity, hyperactivity, extreme difficulty reading. The Plaintiff's IQ has been diminished significantly. As a direct and proximate result of the underlying physical brain damage suffered the Plaintiff has developed behavioral and emotional problems.

As a result of the preceding the Plaintiff's employment prospects have been permanently altered resulting in lifetime loss of earnings and diminution of earning capacity.

As a result of all the preceding the Plaintiff suffered and suffers loss of the expected enjoyment of life and permanent alteration of reasonable pre-injury life expectations.

15. The Plaintiff was otherwise injured and damaged.

16. The Plaintiff avers that all of these damages were and are due solely to the wrongful and negligent acts and omissions of the Defendants.

WHEREFORE, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claim of Defendants and each of them respectively, jointly and severally five million dollars compensatory damages and 100 million dollars punitive damages.

THIRTIETH COUNT

1. The Plaintiff, Ashley Partlow, born December 10, 1988, incorporates herein the pertinent allegations of the preceding counts.

2. The Maryland Consumer Protection Act, Annotated Code of Maryland, Subtitle 3, Section 13-301 prohibits unfair or deceptive trade practices.

3. The representation that consumer realty has a characteristic, use or benefit that it does not have; or that it is of a particular standard or grade which it is not is an unfair or deceptive trade practice.

4. The Defendants, Kennedy Krieger Institute, Inc., The Johns Hopkins Hospital, Johns Hopkins University, Johns Hopkins University School of Medicine, and Johns Hopkins University School of Public Health, by marketing through agents, servants and/or employees and otherwise making available to the public for lease, the dwelling described herein impliedly represented that the dwelling was in compliance with the Housing Code and other Public Local Laws of Baltimore City and statutes of the state of Maryland and of the United States and thus was fit for human habitation and contained no flaking, loose or peeling paint or plaster, or lead based paint accessible to children.

5. At the time the said dwelling was leased to the Plaintiff's mother, Jacqueline Martin, the Defendants and/or the Defendants' agents knew that the dwelling was not of such quality and contained flaking, loose or peeling paint or plaster or lead based paint accessible to children.

6. The Defendants therefore violated the Consumer Protection Act.

7. Section 13-408 of that act provides a cause of action for damages for violations of the act.

8. The injuries set out in the preceding counts resulted from the Defendants' violations of the act.

Wherefore, the Plaintiff, Ashley Partlow, born December 10, 1988, brings this action and claims of Defendants each of them respectively, jointly and severely

five million dollars compensatory damages and one hundred million dollars punitive damages.

Saul E. Kerpelman, Esquire
10 North Calvert Street, Suite 600
Baltimore, MD 21202
(410) 547-0202

Ashley Partlow	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
Ruth M. Mayo, et al.	*	BALTIMORE CITY
Defendants	*	

* * * * * * * * * * * *

SUMMONS

Mr. Clerk:

Please issue a Summons for each of the named Defendant(s) in

Ruth Marie Mayo, Individually and as Trustee
Of the George and Marie Mayo Living Trust
231 N. Duncan Street
Baltimore, MD 21231

and

The Estate of Ruth Marie Mayo
Serve on: Personal Representative
231 N. Duncan Street
Baltimore, MD 21231

and

George A. Mayo, Individually and as
Trustee of the George and Marie Mayo
Living Trust
231 N. Duncan Street
Baltimore, MD 21231

and

The Estate of George A. Mayo
Serve on: Personal Representative
231 N. Duncan Street
Baltimore, MD 21231

and

George and Marie Mayo Living Trust
231 N. Duncan Street

Baltimore, MD 21231

and

Linden Lakeview Properties, Inc.
Serve on: Max Slaybough, R.A.
2517 Linden Avenue
Baltimore, MD 21217

and

Linden Lakeview Properties, Inc.
Serve on: Ann Slaybough, R.A.
2517 Linden Avenue
Baltimore, MD 21217

and

Max Slaybough, Individually and as
President of Linden-Lakeview
Properties, Inc.
2517 Linden Avenue
Baltimore, MD 21217

and

The Estate of Max Slaybough
Serve on: Personal Representative
2517 Linden Avenue
Baltimore, MD 21217

and

Lawrence M. Polakoff
1906 E. Federal Street
Baltimore, MD 21213

and

CFOD-2 Limited Partnership
Serve on: Lawrence M. Polakoff
1906 E. Federal Street
Baltimore, MD 21213

and

Chase Management Inc.
Serve on: Lawrence M. Polakoff
1906 E. Federal Street
Baltimore, MD 21213

and

CFSP Limited Partnership
Serve on: Lawrence M. Polakoff
1906 E. Federal Street
Baltimore, MD 21213

and

Kennedy Krieger Institute, Inc.
(a Maryland Corporation)
Serve on: James M. Anders, R.A.
707 N. Broadway
Baltimore, MD 21205

Environmental Restorations, Inc.
Serve on: John S. Cobb, R.A.
401 Washington Avenue, Suite 302
Baltimore, MD 21204

and

The Johns Hopkins Hospital
Serve on: Joanne Pollak, Esq., R.A.
600 N. Wolfe Street
Baltimore, MD 21205

and

Johns Hopkins University
Serve on: Steven S. Durham, R.A.
3400 N. Charles Street
Baltimore, MD 21218

and

Johns Hopkins University School
of Medicine
Serve on: Steven S. Durham, R.A.
3400 N. Charles Street
Baltimore, MD 21218

and

Johns Hopkins University School
of Public Health
Serve on: Steven S. Durham, R.A.
3400 N. Charles Street
Baltimore, MD 21218

Saul E. Kerpelman, Esquire
Suite 600, The Equitable Building
10 North Calvert Street
Baltimore, Maryland 21202
(410) 547-0202

Ashley Partlow	*	IN THE
Plaintiff	*	CIRCUIT COURT
v.	*	FOR
Ruth M. Mayo, et al.	*	BALTIMORE CITY
Defendants	*	

* * * * * * * * * * * *

ELECTION FOR JURY TRIAL

Clerk:

The Plaintiffs in the above-entitled case elect to have their case tried before a Jury.

Saul E. Kerpelman, Esquire
10 North Calvert Street
Suite 600, Equitable Bldg.
Baltimore, Maryland 21202
(410)547-0202