

Abortion Malpractice Settlement



Rochester Area Right To Life

Abortion Doctor Settles Malpractice Suit Failed to Inform Patient of Breast Cancer Risk from Abortion Procedure

PHILADELPHIA - Represented by attorney Joseph P. Stanton, a Pennsylvania teenager who sued abortionist Charles Benjamin and the Cherry Hill Women's Center successfully settled her medical malpractice case on October 17, the eve of trial, in a Philadelphia County court. Her case is the first medical malpractice lawsuit in the United States to reap a settlement based on a claim for the failure of an abortionist and clinic to inform a woman of the increased risk of breast cancer due to abortion. The clinic required that the settlement amount be kept confidential.

When "Sarah" (not her real name) was 17, her high school guidance counselor facilitated her second-trimester abortion in New Jersey without her parents' knowledge. Now 22, Sarah has suffered tremendously in the aftermath of her abortion. While Sarah is not currently diagnosed with breast cancer, it has been shown that an abortion increases the statistical odds of developing breast cancer in two ways: 1) it delays first term pregnancies; and 2) increases the number of cancer-vulnerable breast cells due to estrogen overexposure early in pregnancy.

Estrogen is connected with the development of most breast cancers. It stimulates the increase of normal and cancer-vulnerable breast cells. An abortion causes a woman to lose the benefit of a third trimester protection process, which would have neutralized estrogen overexposure by maturing her breast cells into milk-producing, cancer-resistant tissue. Thus, abortion leaves her with more cancer vulnerable cells than what she had before her pregnancy began.

Sarah's claims for compensation were based, in part, on her current need, rather than at age 40, as normally recommended, for medical monitoring (mammograms, etc.) for early detection of breast cancer. Doctors estimated that cost to be \$1,500 annually. Sarah was also diagnosed with post-traumatic stress syndrome following the abortion. The settlement proceeds will help Sarah to obtain the early medical screening for breast cancer and the future psychological counseling that she needs.

Linda Rosenthal, an attorney with the Center for Reproductive Law and Policy (CRLP) in New York, petitioned this Philadelphia court to permit her to participate as a lawyer in the case on the side of the defendant doctor and clinic against this young woman plaintiff! The CRLP is a national public interest law firm devoted to protecting the "constitutional rights" of women seeking abortions. Sarah was disappointed that this organization chose unfettered and

unregulated access to abortion and the legal interests of those performing abortions over her legal and medical interests as a vulnerable teenage victim!

Sarah was financially supported by the Women's Injury Network, Inc. (WIN) in her case. WIN, a national charity founded by attorney Amy T. McInerney, helps abortion-injured women by providing case expenses in medical malpractice lawsuits. Susan Marie Gertz, attorney and Executive Director of WIN, commented, "Abortion malpractice lawsuits help expose the deceptive practices of the abortion industry and hold doctors legally and financially accountable to the women they've harmed. Thanks to the generosity of WIN supporters, this young woman was able to fight back against the industry which deceived her. We are proud of this historic win for this teenage victim and for WIN!"

For more information visit www.womensinjurynetwork.org or contact Ms. Gertz at (513) 588-8368.

Press release of Womens Injury Network. October 20, 2003

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