

WITNESS AFFIDAVIT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

BEFORE ME, the undersigned Notary Public, personally came and appeared MARKETHIA CLARK, who after being sworn, did depose and say:

“My name is MARKETHIA CLARK, and I was employed at the Delta Women’s Clinic in Baton Rouge for over one year, beginning back on July 8, 1998. I am a Certified Nursing Assistant (CNA), and was originally hired at Delta as a ‘scrub tech’. Later, I was promoted to assist with patients’ surgeries. Over the past year, I have worked in every capacity and in every job at the Delta Clinic.

“I have testified previously to the unsanitary conditions and the illegal practices of the Delta Women’s Clinic and its owner and doctors. Among the disturbing events that I witnessed in the past year was the situation involving [Denise Doe]<sup>1</sup>.

“Back in September of last year, Denise came in to have an abortion at Delta. On her first visit to the clinic, she was run through the ‘counseling’ process that we ran all the girls through. This was done in a group, and no individual attention or consultation was given to Denise at all. As usual, the ‘counseling’ lasted about ten minutes, and it consisted of an explanation of the different types of birth control methods that are available. There was no explanation of the abortion procedures themselves or the risks involved.

“After this brief session, Denise and the other girls were given a stack of papers to sign. As

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<sup>1</sup> *Name change inserted here and in remainder of affidavit to protect true identity of Denise Doe.*

usual, the clinic staff had just highlighted certain spots in the stack where a signature was needed. No explanation of the paperwork was provided, and no one at the clinic made any effort to determine whether Denise, or any other girl, was capable of reading or understanding the various documents.

“Denise later returned to the clinic for her second visit, on the day of her scheduled procedure. I remember her procedure well because it was unusually bad. She was there on a day when many others were scheduled for Dr. Eileen White-O'Neill also— about 15 women. Denise was the very last patient of the night, so O'Neill and her staff were all tired and anxious to finish up their work.

“A few minutes after Denise went into the surgery room (after waiting all day), we heard her screaming in pain. We were alarmed, because screaming out loud like that is unusual. I also heard O'Neill yell at her, ‘You better lie still or you’re gonna’ *die* on this table!’ Denise’s mother came into the room at that point, and O'Neill blocked everybody else out. (She never let anyone else come into a room after there was a complication.) Dawn Jackson was the one assisting O'Neill in the surgery. We knew Denise was hurt badly— that something had gone wrong, but I didn’t know what it was.

“Any number of things could have caused Denise’s eventual injuries. For starters, I know that the equipment and surgical instruments that were used on Denise were unsanitary. O'Neill used the same rusted instruments and tools on Denise that she had used on many other patients that night. The canulas and plastic hoses, for example, that are individually packaged in sterile packs and clearly labeled ‘For Single Use Only’ were used repeatedly all night. The surgery room was not properly cleaned before each new patient at all, and since Denise was the last one of the night, it was filthy. The dialators had dried, crusted blood down in the crevices of the numbers engraved on the

side of each one. The surgical tools were so rusted that if you rubbed your hand down it, it would leave a rusty, orange streak on your palm. Those were the same tools used on Denise and all the other girls at the clinic.

“There was also dried up blood on the floor, in the old recliners in the recovery room, and rust on the insides of the surgical trays. The Sydex solution that was used for cold sterilization purposes was hardly ever changed out (even though it clearly says it must be replaced every thirty days).

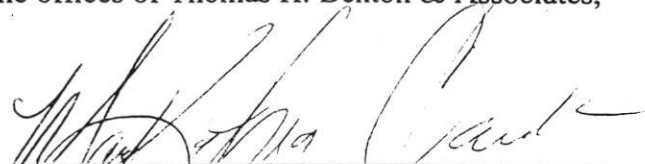
“These conditions were allowed to continue because the clinic’s owner, Leroy T. Brinkley said he didn’t have the money to buy new equipment or pay a professional cleaning service. O’Neill never charted her drugs because she had no DEA license to use them. She and Brinkley instructed us not to report hers, even though she was regularly using Phengren, Nubain, and others at that time. I don’t know how much she used on Denise.

“One strange thing was that Denise didn’t get the normal shot of antibiotic that most girls are given. Usually when O’Neill started a procedure that she wasn’t able to finish, she would give the woman a shot of Rocephin, but she refused to do that to Denise. She later said that she ‘never entered [Denise’s] cervix at all!’

“O’Neill wouldn’t let anyone call an ambulance for Denise that night, so we finally helped get her to her car so her mother could drive her to Earl K. Long [Charity Hospital]. After that, we all left the clinic for the night and went home. Later that night (about 12:45 a.m. or so, while we were still cleaning up to go home), a white male doctor (in his mid 40s, I would guess) drove over to the clinic from Charity Hospital to discuss Denise’s case with O’Neill. She refused to go outside to talk to him, and he got angry and left.

“There were no records or charts produced on Denise’s procedure at the time it was done. About three months later, Brinkley instructed us to fabricate some records to make it look like everything was done properly. We made the records up as we were told and that’s the last I knew of the Denise case.”

I hereby certify that the above statement is true and accurate and was sworn to by me this 22<sup>nd</sup> day of July, 1999, in Baton Rouge, Louisiana, at the offices of Thomas H. Benton & Associates, L.L.C.

  
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**MARKETHIA CLARK**

  
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**NOTARY PUBLIC**

WITNESS AFFIDAVIT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

BEFORE ME, the undersigned Notary Public, personally came and appeared ALLYSON TUNNARD, who after being sworn, did depose and say:

“My name is ALLYSON TUNNARD, and I worked at the Delta Women’s Clinic in Baton Rouge for seven months until I quit late last week. I am 19 years old. I was hired by Sylvia Cochren, who is somewhat of a general manager for the clinic. She works in a kind of ‘secret’ capacity (she is paid in cash, but the income is not reported for taxes or otherwise) for Leroy Brinkley, the clinic’s owner. My job consisted of handling the money and the receptionist and office work at Delta, but like everyone else, I helped with virtually every job in the clinic. I have no medical training, but I was regularly asked to assist in surgeries at the clinic. Also, like all my co-workers, I worked around 60 hours per week in the clinic, six days a week— but was only ever paid for 40 hours worth of work. They refused to pay us overtime.

“During the term of my employment I was often ordered to help hold down ‘second timer’ patients in the surgery rooms. These are the women who are having later term abortions and require two days of procedures (a return visit on the second day after the insertion of laminaria). These women usually require at least four workers to hold them down on the table, because they are screaming out in pain and struggling to get up. Dr. James Whitmore usually has to stuff a gown in their mouth to keep them quiet.

“Recently, there was a rather disturbing event that took place with one of these patients, Denise Cameron. I was in the room helping to hold her down when Dr. Whitmore said, ‘The big

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mama always does it.' He was referring to the largest dialator we had. He was rough with her, as he is with all the patients, and he apparently punctured her uterus. She was heavily sedated and then we moved her to the recovery room. About three hours later, she began to awaken, and he pressed on her belly, and blood came gushing out. She cried out loud. We moved her back to a surgery room and she passed several blot clots as large as my head! Whitmore refused to let anyone call 911 because he was afraid the media might find out about it. It was not until four hours later that he allowed the one of the workers to call Acadian Ambulance. Whitmore had tried to call Dr. D'orsay Bryant to get him to sign off on the patient with his hospital admitting rights (because Whitmore has none), but Bryant wouldn't take his call. (Bryant never takes any calls from Whitmore anymore.)

"The 'A B' forms that are required by the Department of Health and Hospitals are never correctly done. Filling them out was my job— and neither Dr. Whitmore or Dr. O'Neill ever fill them out themselves. In fact, the doctors just pre-signed a large stack of the forms at a time, and left them blank for me to fill out on my own time. I filled each form out exactly the same, and never reported complications or difficulties. (Since I was not in the room for each surgery that was done, I had no way of knowing whether there were complications anyway.) For my whole time of employment at the clinic, I tried to complete a form for every girl that was operated on, but before I was hired, records were not adequately maintained. I, myself, filled out some old forms for abortions that were done back in 1997, etc. I know for a fact that abortions were grossly under-reported for quite some time.

"Every time a girl came into the clinic for her first 'counseling' visit, we were instructed to take \$140 cash or credit card from her. There were no exceptions. This was supposedly to pay for the UltraSound, blood work and counseling, but that was way too much money. For example, the


bloodwork only cost the clinic \$6.00 to complete. The counseling at the clinic was usually done in groups, and that only consisted of an explanation of various birth control methods— never the techniques or risks of the abortion procedures themselves.

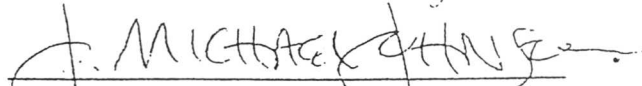
“Anyone in the clinic was allowed to order drugs on the Dr. Whitmore license number, and there were no accurate records kept of what was ordered. Dr. O’Neill instructed all of the clinic employees not to ‘chart’ her drugs because she had no D.E.A. license (until last week, July 12, 1999). Still, for the past year, she was regularly using and prescribing Phenegran, Nubain, Atrophene and others.

“The clinic was always filthy on the inside. They seemed to be in constant violation of health laws and sanitary regulations. For example, both Whitmore and O’Neill re-used the canula and plastic hoses that were labeled ‘For Single Use Only’ over and over again. They instructed the workers to use them at least five times before getting rid of them. Blood was drawn in a room with filthy carpeting, and food was often eaten in that room and in the recovery room in front of the patients. None of the employees were up-to-date with their CPR courses or Hepititus shots, because Mr. Brinkley refused to pay for them. Lab work is still done on site at Delta, even though the clinic is not licensed for it. The clinic lost its membership in C.L.I.A., because no one was certified to draw blood at the time it came up for renewal. They run their own RH factors and HCT (blood work).

“No income taxes have been paid on the clinic for at least two years. And much of the cash money on ‘second timers’ is withdrawn by Whitmore and Brinkley without being reported anywhere.”

I hereby certify that the above statement is true and accurate and was sworn to by me this 20<sup>th</sup> day of July, 1999, in Baton Rouge, Louisiana, at the offices of Thomas H. Benton & Associates, L.L.C.

  
ALLYSON TUNNARD

  
NOTARY PUBLIC



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WITNESS AFFIDAVIT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

BEFORE ME, the undersigned Notary Public, personally came and appeared SANDRA PRICE, who after being sworn, did depose and say:

“My name is SANDRA PRICE, and for over fifteen years I was worked as a medical assistant at the Delta Women’s Clinic in Baton Rouge, Louisiana. I worked continuously at the clinic for fifteen years until 1995, when I quit temporarily due to the premature birth of my child. In January of this year, Mr. Leroy T. Brinkley (the clinic’s owner) asked me to return to my job at the clinic because he badly needed some competent help. They were under increasing pressure from the media at that point. I went back to work at that point as the administrator of the clinic, and stayed there until July 12<sup>th</sup>, when I recently resigned my position.

“My administrator’s job at the Delta Women’s Clinic consisted of: scheduling of employees; working bedside with Dr. James Whitmore and Dr. Eileen White-O’Neill; scheduling patients and paying bills. Essentially the only tasks that was not involved in at the clinic were ordering supplies, drawing blood or working in the scrub room.

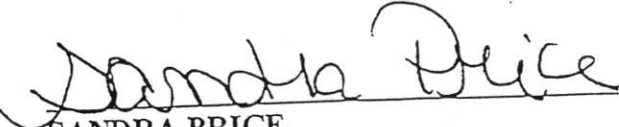
“There are many illicit practices going on inside the Delta Women’s Clinic on a daily basis. For example: the doctors there, specifically Dr. Whitmore, regularly over-sedates his patients and has them physically carried to their cars behind the clinic to be sent home while still completely anesthetized; rusted and unsterilized instruments are repeatedly used in surgeries, and have even been broken off inside of patients; untrained and unlicensed persons are regularly used to assist in surgeries; proper records are not kept or correctly reported to the Department of Health and

Hospitals; the state mandated pre-abortion counseling is not properly given to women; and many women have been physically harmed and/or emotionally taunted while inside the clinic.

“In early February of this year, right after I had returned to work at the clinic, the D.H.H. sent in three investigators to perform a health inspection. We stalled them in the front waiting room of the clinic, while other workers quickly gathered together the unsterilized hoses and re-packaged canulas (labeled “For One Use Only”) and hid them in the “bio-med” box in the scrub room. The investigators were then allowed behind the locked door that separates the waiting room from the surgery rooms, and they walked through and did a quick check of the facility. They failed to report several obvious violations, such as the filthy condition of the carpeting, etc., and left the clinic after about ten minutes. The only things they looked at were what we voluntarily showed them. After they left, we took the hidden (contaminated) hoses and re-packaged canulas back out of the bio-med box and hung the hoses back on the wall, and put the canulas back on the shelf— all for further use.

“I notified Dr. Whitmore that the hoses were not being sterilized and that they were therefore contaminated his surgical trays and his own hands when he touched them, but nothing was ever done about it. We then asked L.T. Brinkley if we could order new supplies and hoses, but he told us that such supplies were not in the budget and not necessary.”

I hereby certify that the above statement is true and accurate and was sworn to by me this 19<sup>th</sup> day of July, 1999, in Baton Rouge, Louisiana, at the offices of Thomas H. Benton & Associates, L.L.C.

  
SANDRA PRICE

  
NOTARY PUBLIC

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WITNESS AFFIDAVIT

PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

BEFORE ME, the undersigned Notary Public, personally came and appeared LISA TEEGARDEN, who after being sworn, did depose and say:

“My name is LISA TEEGARDEN, and I was employed as a ‘scrub tech’ at the Delta Women’s Clinic in Baton Rouge from late September, 1998 to last Thursday [July 15, 1999]. I worked on Wednesdays, Thursdays and Saturdays— just the ‘procedure days’— in the clinic. My job was to handle the surgical instruments. I cleaned, sterilized and set up the trays for the abortion operations.

“I am currently in school and am one year short of my obtaining my LPN licensing. In the past, I was a state certified paramedic and was a scrub tech and paramedic in the Army for six years. I also worked at an abortion clinic in St. Petersburg, Florida for three years. The clinic in St. Petersburg was run correctly, and in a much different fashion than the Delta Women’s Clinic. Because of my experience and training and over 17 years experience in the medical field, there were many practices at the Delta Clinic that I found disturbing.

“I can only really testify to the unsafe practices that related to the preparation and cleaning of the surgical instruments, because that is all I was involved in at Delta. (I was never in a surgery room when an actual procedure was taking place.) Still, there is much I could tell you about the sub-standard procedures there.

“I was always disturbed at attitude of the clinic’s owner and the doctors at Delta. They all had a mindset about saving costs, and they were much more concerned with making money than

with providing safe health care. For example, canulas and hoses that were labeled for individual use were not thrown away appropriately. Instead, we were made to prepare them for repeated use by the doctors on the patients. Since we had no way of gas [heat] sterilizing these plastic items (because they would melt in the auto-clave), we were forced to do a cold sterilization treatment instead. That consisted of soaking the items in a Sydex solution for 20 minutes. The problem was that the Sydex was old and contaminated itself. It was only occasionally changed, instead of every 30 days as required on the label. There was no sterile water available in the clinic at any time, and an employee would sometimes have to purchase a jug of distilled water on their own from time to time, just out of desperation.

“The hoses were used to run from the patient’s vaginal opening to the suction jar. It is a wonder that more women have not contracted HIV, hepatitis or other infections. Also, Whitmore, for example, would seemingly ‘double dose’ his patients with anesthesia. He had a sort of ‘God complex’, and had no compassion for his patients. I saw him become enraged and actually chase a woman down the hall once after she called him a dirty name. The instruments were rusted, and if you ran your hand down them it would leave an orange mark on your palm. The Hern dilators had dried and crusted blood down in the crevices of the engraved numbers. The blood had been there for so long that it was black.

“Also, Dr. Eileen White-O’Neill instructed us not to chart the drugs that she was using. When I asked her about the dosages that she was administering to insure that records were properly included in her patients’ charts, she specifically ordered me not to record anything because she had no DEA license to administer the drugs at all. In fact, we used a detailed colored sticker system to conceal from Dr. James Whitmore [the clinic’s supervising physician] the patients’ charts to whom

Dr. O'Neill had administered sedation. (Because she was using drugs that were ordered under his DEA number. There was no inventory of drugs kept at all.) Once, I also pushed some medication on a patient [gave an injection to sedate the patient] at O'Neill's request because she 'couldn't hit the vein.' I got very nervous about that incident later and refused to assist her in that way ever again.

"Sometimes I would discuss my 'wish list' of the *correct* instruments and new equipment that I thought the clinic needed with co-workers. In truth, the only time we got new supplies at all is when we would sneak around and order them without the owner or the clinic's doctors finding out about it. Overall, based on my experience, I would rate the general condition of the Delta Clinic as 'poor.' It was truly a dangerous situation in the facility.

"On last Wednesday, I learned that the clinic had been operating without an occupational license for two years. In addition, there was a new 'scrub tech' that I was supposed to be training in recent weeks. She had no experience, education or training for such a job, and was continually making mistakes that I thought were critical. When Brinkley [the clinic's owner] prohibited us from having more than one person in the 'scrub tech' room itself (because he said it wasn't necessary) I was no longer allowed to properly train the new girl. I have also become very concerned in recent weeks that my employment at the Delta Clinic would somehow jeopardize my ability to obtain my LPN license in the near future. For these reasons, I decided that enough was enough."

I hereby certify that the above statement is true and accurate and was sworn to by me this 21<sup>st</sup> day of July, 1999, in Baton Rouge, Louisiana, at the offices of Thomas H. Benton & Associates, L.L.C.

  
LISA TEEGARDEN

  
NOTARY PUBLIC