

IN THE FRANKLIN COUNTY COURT OF COMMON PLEAS  
COLUMBUS, OHIO  
CIVIL DIVISION

████████████████████	)	CASE NO. _____
████████████████████	)	
COLUMBUS, OH 43206	)	JUDGE _____
	)	
PLAINTIFF,	)	COMPLAINT
	)	
VS.	)	JURY DEMAND ENDORSED
	)	HEREON
DOWNTOWN GYNECOLOGISTS, INC.	)	
C/O ARNOLD S. WHITE, STAT. AGENT	)	
1335 DUBLIN ROAD #201C	)	
COLUMBUS, OH 43215	)	
	)	
AND	)	
	)	
HARLEY BLANK	)	
1243 EAST BROAD STREET	)	
COLUMBUS, OH 43205	)	
	)	
AND	)	
	)	
JOHN DOE CORPORATION	)	
ADDRESS UNKNOWN	)	
	)	
DEFENDANTS.	)	

COMPLAINT

Now comes the Plaintiff, ██████████ ██████████, by and through counsel, and makes the following allegations and Complaint against Defendants Harley Blank, Downtown Gynecologists, Inc., and John Doe Corporation:

JURISDICTION, VENUE AND PARTIES

1. Plaintiff ██████████ (hereinafter "Plaintiff") is an individual residing in Franklin County.

2. Defendant Harley Blank is a licensed medical professional operating out of Founder's Women's Health Center, which is located in Franklin County at 1243 East Broad Street, Columbus, Ohio 43205.
3. Defendant Downtown Gynecologists, Inc. is an Ohio corporation, and the owner of Founder's Women's Health Center, which is in Franklin County at 1243 East Broad Street, Columbus, Ohio 43205. "Founder's Women's Health Center" is the trade name that Defendant Downtown Gynecologists, Inc. has registered with the Ohio Secretary of State's office.
4. Defendant Downtown Gynecologists, Inc. and/or John Doe Corporation is the employer of Harley Blank.
5. Venue in this Court is proper under Ohio Civ. R. 3(B) because the events giving rise to these claims occurred in Franklin County. Jurisdiction is proper in the Franklin County Court of Common Pleas.

**FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

6. On or about December 1, 2012, Plaintiff went to Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center for an abortion. She met with Harley Blank. She was given a "pre-operative consultation" and an ultrasound. She was initially told she may have an ectopic pregnancy. She was then told that she had a pregnancy in her uterus. She was scheduled for a surgical abortion procedure on December 4, 2012.
7. On or about December 4, 2012, Plaintiff returned for the second portion of her abortion procedure – the surgical portion. She was again given an ultrasound. Harley Blank denied that Plaintiff had an ectopic pregnancy. Plaintiff was

again told that she had a pregnancy in her uterus. Based on that information and diagnosis by Dr. Harley Blank and agents of Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center, Defendants went through the motions of an abortion. No abortion was actually done, because the pregnancy was cornual. Plaintiff returned to her home thinking that the pregnancy had been terminated by the abortion.

8. However, there was at least one cornual ectopic pregnancy, and Dr. Harley Blank failed to properly diagnose this and failed to properly advise Plaintiff of her true medical condition. In fact, Dr. Harley Blank had assured Plaintiff on December 4<sup>th</sup>, 2012, prior to the abortion, that there was no ectopic pregnancy, dismissing any concerns raised on the December 1<sup>st</sup> visit. Dr. Harley Blank was aware that the possibility of an ectopic pregnancy existed and yet he failed to exercise due diligence and care in ensuring a proper diagnosis of Plaintiff, and in providing proper medical care and treatment of Plaintiff.
9. On December 11, 2012, Plaintiff suddenly experienced bleeding, extreme pain, and seizures. Plaintiff was rushed by ambulance to the hospital. Upon arrival, the left fallopian tube was already detached from the uterus. The Plaintiff was exhibiting signs of impending hemorrhagic shock, including low blood pressure and fainting.
10. At the hospital, an examination of Plaintiff revealed, among other things, a gestational sac in the left adnexa which demonstrated a heartbeat and fetal pole, compatible with a cornual ectopic pregnancy.

11. Ultimately, Plaintiff was diagnosed with a ruptured cornual pregnancy, right hemoperitoneum, and right hematosalpinx. Plaintiff was also diagnosed with anemia due to acute blood loss.
12. The hospital doctors removed both fallopian tubes (salpingectomy) and part of the ovaries due to the massive damage caused by the rupturing of the ectopic pregnancy. In addition, Plaintiff experienced considerable pain and suffering.
13. Plaintiff was 29 years of age at the time. She will not be able to bear future children because of Defendants' actions. She suffered, and continues to suffer from, medical, vocational, and economic challenges as a result of this.
14. Defendants owed a duty to Plaintiff to properly examine Plaintiff, to properly diagnose Plaintiff, to take appropriate precautions for an ectopic pregnancy given the knowledge Defendants possessed, and to properly provide medical care and treatment to Plaintiff. Defendants owed a duty to warn Plaintiff of the concerns regarding an ectopic pregnancy, and to operate by the proper standards of diagnosis and treatment. Defendants had a duty to ensure that any abortion met the proper standards of care. Defendants deviated from these duties, causing damage to Plaintiff which was foreseeable. This breached the standard of care. The affidavits required pursuant to Ohio Rules of Civil Procedure 10(D) are attached and incorporated by reference.

**FIRST CAUSE OF ACTION – MEDICAL MALPRACTICE**

15. Plaintiff incorporates by reference paragraphs 1 through 14, above, as if fully rewritten herein.

16. There was at least one ectopic pregnancy, and, despite two ultrasounds and indications that Plaintiff may have had an ectopic pregnancy, Dr. Harley Blank, as the licensed medical professional for Plaintiff, failed to properly diagnose Plaintiff and her actual medical condition, including her ectopic pregnancy.
17. Dr. Harley Blank dismissed any concerns raised on the December 1<sup>st</sup> visit, and failed to properly examine, diagnose and treat Plaintiff. Instead, Dr. Harley Blank failed to diagnose and treat the ectopic pregnancy of Plaintiff and instead performed a surgical abortion for an intrauterine pregnancy. He merely went through the motions of an abortion. The pregnancy was actually in the interstitial part of the tube in the right cornua and was not removed by the abortion procedure. Defendants Downtown Gynecologists, Inc. d/b/a Founder's Women's Health Center and Dr. Harley Blank had a duty to diagnose Plaintiff and provide proper medical care and treatment, but Defendants deviated from that duty and breached the standard of care, causing damage to Plaintiff which was foreseeable. As a direct and proximate cause of the Defendants' breach of the duty owed to Plaintiff and the standard of care, Plaintiff suffered serious, foreseeable and avoidable injuries and damages.
18. Based on the above, Defendant Harley Blank has committed medical malpractice. The affidavits required under Ohio Rules of Civil Procedure 10(D) are attached.

SECOND CAUSE OF ACTION – NEGLIGENT INFLECTION  
OF EMOTIONAL DISTRESS

19. Plaintiff incorporates paragraphs 1 through 18 above, as if fully rewritten herein.
20. Based on the above, all three Defendants have committed negligent infliction of emotional distress against Plaintiff, either by their own actions and/or under respondeat superior.

THIRD CAUSE OF ACTION – INTENTIONAL INFLECTION  
OF EMOTIONAL DISTRESS

21. Plaintiff incorporates paragraphs 1 through 20 above, as if fully rewritten herein.
22. Based on the above, Dr. Harley Blank's actions were intentional and/or reckless, and therefore Defendants have committed intentional infliction of emotional distress against Plaintiff, either by their own actions and/or under respondeat superior.

FOURTH CAUSE OF ACTION – NEGLIGENCE

23. Plaintiff incorporates paragraphs 1 through 22 above, as if fully rewritten herein.
24. Based on the above, Defendants Downtown Gynecologists, Inc., John Doe Corporation, and/or Dr. Harley Blank have committed negligence.

FIFTH CAUSE OF ACTION – FAILURE TO WARN

25. Plaintiff incorporates paragraphs 1 through 24, above, as if fully rewritten herein.

26. Based on the above, all three Defendants have committed the tort of failure to warn, as the results of the Defendants' actions were clearly not explained nor disclosed as a result of the abortion procedure.
27. Further, based on the above, Defendants should have warned Plaintiff of the risks of her ectopic pregnancy. Instead, they assured Plaintiff that she did not even have an ectopic pregnancy.

SIXTH CAUSE OF ACTION – NEGLIGENT SUPERVISION

28. Plaintiff incorporates paragraphs 1 through 27 above, as if fully rewritten herein.
29. Base on the above, Defendants John Doe Corporation and/or Downtown Gynecologists, Inc. has committed negligent supervision by not properly supervising the work of Harley Blank.

SEVENTH CAUSE OF ACTION – RESPONDEAT SUPERIOR

30. Plaintiff incorporates by reference paragraphs 1 through 29, above, as if fully rewritten herein.
31. Plaintiff alleges that Defendant(s) Downtown Gynecologists, and/or John Doe Corporation, is the employer of Dr. Harley Blank.
32. Accordingly, Plaintiff claims malpractice against Defendants John Doe and/or Downtown Gynecologists, Inc. for medical malpractice and/or negligent infliction of emotional distress and/or negligence and/or failure to warn, under the theory of respondeat superior.

WHEREFORE, Plaintiff demands judgment against Defendant for an amount not less than \$3,000,000 in compensatory and punitive damages, attorney fees, court costs,

pre and post judgment interest, and any other relief that the Court shall deem good and just.

Respectfully Submitted,

/s/ Philip W. Gerth, Esq.  
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Counsel for Plaintiff

#### JURY DEMAND

Plaintiff hereby demands that a jury hear all issues of the within action.

Respectfully Submitted,

/s/ Philip W. Gerth, Esq.  
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