

7/16

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL ACTION NO. 1885CV373C

CELINA CASAS,

Plaintiff

v.

PLANNED PARENTHOOD
LEAGUE OF MASSACHUSETTS, INC.,
TARA KUMARASWAMI, M.D, and
REBECCA KRIEGER, RN,

Defendants

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FILED

JUL 16 2018

ATTEST: *[Signature]* CLERK

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**ANSWER OF THE DEFENDANTS
TO THE SECOND AMENDED COMPLAINT**

As their answer to the Plaintiff's Amended Complaint, Defendants Planned Parenthood League of Massachusetts, Inc., Tara Kumaraswami, M.D. and Rebecca Krieger, RN state as follows:

1. The Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 1 of the Amended Complaint.
2. The Defendants admit the allegations made in Paragraph 2 of the Amended Complaint.
3. The Defendants admit the allegations made in Paragraph 3 of the Amended Complaint.
4. The Defendants admit the allegations made in Paragraph 4 of the Amended Complaint.

5. The Defendants presently lack knowledge or information sufficient to form a belief as to the truth of the allegations made in Paragraph 5 of the Amended Complaint.

6. The Defendants deny the allegations made in Paragraph 6 of the Amended Complaint.

7. The Defendants deny the allegations made in Paragraph 7 of the Amended Complaint.

8. The Defendants deny the allegations made in Paragraph 8 of the Amended Complaint.

9. The Defendants deny the allegations made in Paragraph 9 of the Amended Complaint.

10. The Defendants deny the allegations made in Paragraph 10 of the Amended Complaint.

11. The Defendants deny the allegations made in Paragraph 11 of the Amended Complaint.

COUNT ONE – MEDICAL NEGLIGENCE

Ms. Casas vs. Planned Parenthood, Dr. Kumaraswami and and Nurse Krieger

12. The answers set forth in Paragraphs 1 through 11 are reasserted.

13. The Defendants deny the allegations made in Paragraph 13 of the Amended Complaint.

14. The Defendants deny the allegations made in Paragraph 14 of the Amended Complaint.

15. The Defendants deny the allegations made in Paragraph 15 of the Amended Complaint.

16. The Defendants deny the allegations made in Paragraph 16 of the Amended Complaint.

WHEREFORE, the Defendants demand judgment of dismissal in their favor of the Amended Complaint in its entirety and request an award of costs.

FIRST AFFIRMATIVE DEFENSE

The Second Amended Complaint fails to state a claim against the Defendants upon which relief may be granted and is subject to dismissal pursuant to Rule 12(b)(6) of the Massachusetts Rules of Civil Procedure.

SECOND AFFIRMATIVE DEFENSE

The injuries complained of by the Plaintiff were caused in whole or in part by the Plaintiff's own negligence, and recovery must be barred or reduced accordingly, in accordance with Mass. Gen. Laws, c.231, §85J.

THIRD AFFIRMATIVE DEFENSE

The Defendants did not breach any legal duty owed to the Plaintiff, and any alleged act or omission of these Defendants were not the proximate cause of the Plaintiff's decedent's death.

FOURTH AFFIRMATIVE DEFENSE

The Defendants state that the injuries and damages alleged, if any, were caused by the intervening and/or superseding acts of third persons for which the Defendants are not liable.

FIFTH AFFIRMATIVE DEFENSE

The plaintiff failed to provide notice of intent to file a claim before filing her Complaint, justifying dismissal under M.G.L c. 231 § 60L.

SIXTH AFFIRMATIVE DEFENSE

The Plaintiff's recovery for past medical expenses is limited pursuant to the provisions of

M.G.L. c. 231, section 60G.

SEVENTH AFFIRMATIVE DEFENSE

The Plaintiff's recovery for pain and suffering, embarrassment and other items of general damages, if any, is limited as provided by M.G.L. c. 231, section 60H.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff failed to timely serve the Defendants and therefore this action is barred.

NINTH AFFIRMATIVE DEFENSE

This action has not been brought within the time specified by the General Laws of this Commonwealth and therefore the Plaintiff's claims are barred.

TENTH AFFIRMATIVE DEFENSE

The liability of the corporate defendant is abolished or limited upon the doctrine of charitable immunity.

ELEVENTH AFFIRMATIVE DEFENSE

The action is barred by the doctrine of laches.

TWELFTH AFFIRMATIVE DEFENSE

The Defendants, have not knowingly or intentionally waived any applicable affirmative defenses. The Defendants reserve their right to assert and to rely upon such other defenses as may become available or apparent during the discovery proceedings, and to amend their answer and/or affirmative defenses accordingly.

JURY CLAIM

The Defendants claim a jury trial as to all issues raised by this action.

By Defendants' attorneys,



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Christopher T. Riley, BBO #698086
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CERTIFICATE OF SERVICE

I hereby certify under the penalties of perjury that I have served a copy of the foregoing document upon all parties, by mailing a copy of same to their counsel of record, as follows:

Kevin Donius, Esquire
Sbrogna, Brunelle & Donius, LLP
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Milton, MA 02186



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Date: July 12, 2018

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July 12, 2018

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JUL 16 2018

CLERK OF COURTS
WORCESTER COUNTY

Office of the Civil Clerk
Worcester County Superior Court
225 Main Street
Worcester, MA 01608

Re: Celina Casas v. Planned Parenthood League of Massachusetts,
Inc., and Rebecca Krieger, RN.
Middlesex Superior Court, Civil Action No.: 1881CV00763H

Dear Clerk of Court:

C 188 SCV 373C

Enclosed for filing and docketing, please find the following:

Answer of the Defendants to the Second Amended Complaint.

Thank you for your attention to this matter.

Sincerely,


Eric P. Finamore

Enclosures

cc: Kevin Donius, Esq.