



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY

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|---------------------------------------|--------------------------|
| ANITA MOORE, |) C.A. No. |
| |) |
| Plaintiff, |) |
| |) |
| v. |) NON ARBITRATION CASE |
| |) |
| GAILYN B. THOMAS, M.D., individually, |) |
| and as an agent of PLANNED PARENT- |) |
| HOOD OF DELAWARE, INC., and |) |
| PLANNED PARENTHOOD OF |) |
| DELAWARE, INC., a Domestic |) |
| Corporation, |) |
| |) TRIAL BY JURY DEMANDED |
| Defendants. |) |

COMPLAINT

1. At all times pertinent hereto, Plaintiff Anita Moore (hereinafter "Plaintiff") was a resident of the state of Delaware at 66 Tammie Road, Dover, Delaware 19901.
2. Defendant, Gailyn B. Thomas, M.D., is believed to be a resident of the state of Pennsylvania, residing at Four Furness Lane, Wallingford, Pennsylvania 19086.
3. Defendant, Gailyn B. Thomas, M.D., on information and belief, is an agent, servant and/or employee of Defendant Planned Parenthood and for purposes of Service of Process can be served at Planned Parenthood of Delaware, Inc., 625 North Shipley Street, Wilmington, Delaware 19801.
4. Defendant, Planned Parenthood of Delaware, Inc. (hereinafter "Planned Parenthood") is a Delaware corporation who agent for Service of Process

is Planned Parenthood of Delaware, Inc., 625 Shipley Street, Wilmington, Delaware 19801.

5. Defendants, or any or all of them, at all times pertinent hereto, individually and through their employees, agents and/or servants were engaged in providing medical care and were obliged to bring to bear the necessary professional skill, knowledge, equipment and care to provide said services in accordance with reasonably acceptable medical standards in the community.
6. On or about December 15, 2004, Plaintiff Anita Moore was under the impression that she was six (6) weeks or more pregnant and decided to undergo an abortion at a clinic owned and operated by Defendant Planned Parenthood.
7. On that same date, during her initial exam by agents, servants, and/or employees of Defendant Planned Parenthood, an ultrasound was conducted and Plaintiff Anita Moore was told she was under five (5) weeks pregnant and would not require a surgical abortion, which gave the impression that Defendant Planned Parenthood established an intra-uterine pregnancy.
8. On December 15, 2006, Plaintiff Anita Moore was examined by and under the supervision of Gailyn B. Thomas, M.D., individually and as an agent of Defendant Planned Parenthood and Plaintiff Anita Moore was given one (1) pill to be taken by mouth, instructed to go home and on the 17th of December, after having a prescription filled for additional pills,

she was instructed to insert four (4) of the pills into her vagina and that she would cramp and bleed for the next seven (7) or eight (8) days producing loss of the baby.

9. On about January 5, 2005, Plaintiff Anita Moore had a follow up visit with Defendant, Planned Parenthood, and at that time had her urine checked through use of a "dip test", and was subsequently informed by agents, servants and/or employees of Defendant Planned Parenthood that she was no longer pregnant.
10. At the same time and place, Plaintiff Anita Moore was given an ultrasound, again by agents, servants and/or employees of Defendant Planned Parenthood and she was again assured that she was no longer pregnant and that the medical abortion had been successful.
11. By about January 7, 2005, Plaintiff Anita Moore was having problems urinating, was bloated and began experiencing severe pain in her body, and especially in her back and stomach.
12. On about January 8, 2005, Plaintiff Anita Moore was rushed to Kent General Hospital where she again underwent a urine test which showed positive for pregnancy and an ultrasound which confirmed that there was an acute ruptured ectopic pregnancy in her right fallopian tube diagnosed as ruptured right ampullary/corneal ectopic gestation with Hemoperitoneum (an effusion of blood into the peritoneal cavity) requiring an emergency laparoscopy and surgical removal of the right fallopian tube (salpingectomy).

- 13. Defendant Gaylin B. Thomas, M.D., at all times pertinent hereto, and incidental to the aforementioned care being provided to Plaintiff, Anita Moore, was an agent, servant and/or employee, of Defendant Planned Parenthood of Delaware, Inc., acting within the course and scope of her employment and/or authority, negligently and carelessly, and said negligence is imputed to Defendant, Planned Parenthood, pursuant to the Doctrine of Respondeat Superior as the principal, master or employer.**
- 14. The Defendants, or any or all of them, and all agents, servants and/or employees of Defendant Thomas and Defendants Planned Parenthood, were negligent in that they:**

 - a) Failed to diagnose and properly treat an ectopic pregnancy v. an intra-uterine pregnancy on Anita Moore;**
 - b) Failed to properly establish a fetal heartbeat before performing a medical abortion;**
 - c) Failed to implement quantitative blood tests prior to and after the medical abortion in the form of Progesterone level test and a Beta Hcg test;**
 - d) Negligently performed a medical abortion on Plaintiff Anita Moore;**
 - e) Failed to properly follow-up after the medical abortion by implementing Pathology slides for review in the form of a frozen section and/or a permanent section;**

- f) Failed to properly determine if the sac was an intra-uterine or extra-uterine pregnancy on Plaintiff, Anita Moore.**
- g) Negligently performed a pre-abortion ultrasound in that they failed to perform a transvaginal ultrasound v. a transabdominal ultrasound;**
- h) Failed to administer the proper follow up blood tests to establish there was not a pregnancy after the medical abortion;**
- i) Failed to have the ultrasound(s) performed and properly read by a Radiologist or other qualified medical professional on Anita Moore pre-abortion and post-abortion;**
- j) Negligently diagnosed the viability of the pregnancy thereby denying Plaintiff, Anita Moore, the opportunity to have undergone a surgical abortion;**
- k) Failed to properly diagnose and treat a failed medical abortion and ectopic pregnancy which failure to diagnose and treat caused Plaintiff, Anita Moore, to undergo emergency surgery;**
- l) Negligently administered a diagnostic ultrasound on Plaintiff, Anita Moore, in follow up to a previous attempt at a medical abortion;**
- m) Failed to maintain proper upkeep and necessary replacement of the diagnostic equipment used for ultrasounds;**

- n) **Negligently administered and/or interpreted a urine test after the medical abortion in an attempt to determine whether or not pregnancy still existed;**
- o) **Failed to properly administer the appropriate blood test in order to determine whether or not a pregnancy still existed; and**
- p) **On information and belief, failed to follow the protocols established by Defendant Planned Parenthood for administering an abortion.**

15. As a direct and proximate result of the aforesaid negligence, Plaintiff Anita Moore sustained the following damages:

- a) **Excessive and debilitating pain caused by the rupture of an ectopic pregnancy;**
- b) **An extensive emergency surgery necessitating the total removal of the right fallopian tube;**
- c) **The likelihood of not being able to conceive and/or sustain a viable pregnancy for the remainder of her child-bearing years;**
- d) **Permanent scarring of her abdominal area as a result of the emergency surgery;**

16. As a further result of the injuries mentioned above, the Plaintiff, Anita Moore, has sustained physical and emotional pain and suffering in the past and present, all of which have affected her normal activities of daily living, and which injuries may continue into the indefinite future.

17. As a further result of the injuries mentioned above, the Plaintiff, Anita Moore, has incurred medical bills and expenses, which expenses may continue into the indefinite future.
18. As a further result of the injuries mentioned above, the Plaintiff has lost income in the past which may continue into the future.

WHEREFORE, Plaintiff demands judgment against defendants, or any or all of them, in an amount sufficient to compensate her for her pain and suffering, injuries and losses, lost wages and medical expenses, together with interest, attorney's fees and costs of this action.

DAVID P. CLINE, P.A.

BY: /s/ David P. Cline
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