

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

EMMA JEAN BUTLER, Individually and Mother
and Next Friend of [REDACTED], a Minor
41475 Norris Street, Apt.11
Leonardtown, Maryland 20650

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Plaintiffs

vs.

* Case No.: _____
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PLANNED PARENTHOOD METROPOLITAN
WASHINGTON, D.C., INC.
1108 16TH Street , N.W.
Washington, D.C. 20036

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SERVE: Rick T. Clark, Resident Agent
1108 16th Street, N.W. *
Washington, D.C. 20036

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Defendants

COMPLAINT

COMES NOW, Emma Jean Butler, Individually and as Mother and Next Friend of [REDACTED], a minor, by and through counsel, John P. Valente, III, Thomas V. Mike Miller, Jr., P.A., who sues Defendant, Planned Parenthood Metropolitan Washington, D.C., Inc., and in support states:

I. JURISDICTION AND VENUE

1. That at all times relevant, Plaintiff, Emma Jean Butler, resided in Charles County, Maryland, and is the natural mother of the minor Plaintiff, [REDACTED], born September 1, 1992, who also resided with her mother in Charles County, Maryland, at all times relevant herein.

2. That at all times relevant, the minor Plaintiff, [REDACTED], was provided care and treatment by Defendant, Planned Parenthood Metropolitan Washington, D.C., Inc., (hereinafter "Planned Parenthood"), by and through its agents, apparent agents, servants, physician employees and/or employees, at Planned Parenthood of Metropolitan Washington, D.C., located at 1108 16th Street, N.W., Washington, D.C. 20036.

3. That at all times relevant, Defendant, Planned Parenthood, owned, operated and/or maintained a facility at 1108 16th Street, N.W., Washington, D.C. 20036, which was at all times relevant herein Defendant's principal place of business.

4. That at all times relevant, Defendant, Planned Parenthood, and its agents, apparent agents, servants, physician employees and/or employees, held themselves out to the public as competent healthcare providers capable of providing appropriate and reasonable medical care and treatment.

5. That the minor Plaintiff, [REDACTED], was treated at Defendant's facility in Washington, D.C., on or about September 7, 2006, and sustained severe, life threatening, life altering and permanent injuries while under the care of Defendant and its agents, apparent agents, servants, physician employees and/or employees.

6. That this Honorable Court has jurisdiction over this case, pursuant to 28 USCS, Section 1332, as the matter in controversy exceeds the value of \$75,000, exclusive of interest and costs, and is between citizens of two (2) different states.

7. That venue is proper before this Honorable Court, pursuant to 28 USCS, Section 1391, for Defendant resides and does business in the District of Columbia and a substantial part of the events and omissions given rise to this claim occurred in the District of Columbia.

II. STATEMENT OF FACTS

8. That the minor Plaintiff, [REDACTED] was raped in 2006 at thirteen (13) years of age.

9. That the minor Plaintiff, [REDACTED] subsequently became pregnant in 2006.

10. That after consultation with her family and healthcare professionals, Plaintiff and the minor Plaintiff decided to abort the pregnancy.

11. That Plaintiff and the minor Plaintiff presented to Defendant for a pregnancy termination which was performed by Defendant, by and through its agents, apparent agents, servants, physician employees and/or employees, on or about September 7, 2006.

12. That Defendant, by and through its agents, apparent agents, servants, physician employees and/or employees, performed a suction dilation and curettage on the minor Plaintiff, [REDACTED], to terminate the pregnancy.

13. That subsequent to the termination procedure performed by Defendant, by and through its agents, apparent agents, servants, physician employees and/or employees on September 7, 2006, the minor Plaintiff, [REDACTED], was discharged from Defendant's facility and was advised to return in two (2) weeks for a post operative checkup.

14. That within twenty-four (24) hours of her discharge from Defendant's facility after the termination procedure, the minor Plaintiff, [REDACTED] became very ill.

15. That on or about September 8, 2006, the minor Plaintiff, [REDACTED] presented to the emergency room at Civista Medical Center with severe abdominal pain and peritonitis.

16. That a CT scan of the minor Plaintiff's abdomen on September 8, 2006, showed a significant amount of bleeding in the abdomen with free air. Consequently, the minor Plaintiff underwent immediate emergency surgery to evacuate the large abdominal bleeding the day after the termination procedure performed by Defendant, by and through its agents, apparent agents, servants, physician employees and/or employees.

17. That during the surgery on September 8, 2006, it was discovered, intra-operatively, that the minor Plaintiff, [REDACTED], had suffered the following injuries as a direct and proximate result of the termination procedure performed by Defendant, by and through its agents, apparent agents, servants, physician employees and/or employees on or about September 7, 2006:

- a. severe abdominal bleeding;
- b. severe vaginal injury;
- c. severe injury to the cervix;
- d. significant uterine perforation; and
- e. a small bowel tear.

18. That a significant portion of the fetus that was allegedly removed from the minor Plaintiff, [REDACTED], during the pregnancy termination performed by Defendant, was also found inside the minor Plaintiff's abdomen on September 8, 2006.

19. That the minor Plaintiff, [REDACTED], is now infertile for the rest of her life due to the injuries sustained during the termination procedure performed by the Defendant, by and through its agents, servants, apparent agents, physician employees and/or employees, on September 7, 2006.

COUNT I
(Medical Negligence)

20. That the Plaintiff hereby repeats and realleges as set forth fully herein the allegations contained in paragraphs 1 through 19 of this Complaint.

21. That on or about September 7, 2006, Defendant and its agents, apparent agents, servants, physician employees and/or employees undertook to provide health and medical care to the minor Plaintiff, [REDACTED]

22. That in undertaking such care, Defendant and its agents, apparent agents, servants, physician employees and/or employees agreed to provide health and medical care to the minor Plaintiff, [REDACTED], consistent with all applicable standards of care.

23. That at all times relevant, Defendant and its agents, apparent agents, servants, physician employees and/or employees owed a duty to Plaintiff and minor Plaintiff to provide medical care and treatment consistent with all applicable standards of care.

24. That notwithstanding the aforesaid duties owed to Plaintiff and minor Plaintiff, Defendant, Planned Parenthood, and its agents, apparent agents, servants, physician employees and/or employees were negligent, careless, reckless and deviated from the applicable standards of care, and generally breached their duties owed to Plaintiff and the minor Plaintiff by, amongst other things:

- a. failing to adequately and properly treat the minor Plaintiff, [REDACTED];
- b. failing to recognize a uterine perforation intra-operatively;
- c. failing to recognize a severe vaginal injury intra-operatively and/or before discharging the minor Plaintiff, [REDACTED];
- d. failing to recognize an injury to the cervix intra-operatively and/or before discharging the minor Plaintiff, [REDACTED];
- e. failing to recognize an incomplete abortion;
- f. injuring the bowel of the minor Plaintiff, [REDACTED], due to negligently performing the suction dilation and curettage;
- g. performing the suction dilation and curettage procedure in a negligent manner; and
- h. otherwise providing medical care and treatment in a negligent manner and in violation of the applicable standards of care.

25. That as a direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, as described above, the minor Plaintiff, [REDACTED], is no infertile for her entire life.

26. That as a direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, as described above, the minor Plaintiff, [REDACTED], suffered, amongst other things:

- a. a severe vaginal injury;
- b. a severe injury to the cervix;
- c. a significant uterine perforation;
- d. a bowel tear; and
- e. abdominal bleeding.

27. That as a direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, as described above, the minor Plaintiff, [REDACTED], suffered, and will continue to suffer, great pain and suffering, as well as severe mental anguish.

28. That as a direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, the minor Plaintiff, [REDACTED], received severe, painful and permanent injuries to her body, as well as severe and protracted shock to her nervous system, all of which have caused and will continue to cause her great pain and mental anguish.

29. That as a further direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, the Plaintiff, Emma Jean Butler, has been forced to expend, and she and the minor Plaintiff, [REDACTED], will continue to expend in the future, large sums of money for hospitalization, surgeries, diagnostic studies, doctors, nurses, medical treatment and medications for the above-stated injuries to the minor Plaintiff, [REDACTED].

30. That as a further and direct and proximate result of the negligent acts of Defendant, Planned Parenthood, and its agents, servants, apparent agents, servants, physician employees and/or employees, the Plaintiff, Emma Jean Butler, and the minor Plaintiff, [REDACTED], have suffered and will continue to suffer in the future great economic and non-economic damages.

WHEREFORE, the Plaintiffs, Emma Jean Butler, Individually and as Mother and Next Friend of [REDACTED], a Minor, demand judgment against Defendant, Planned Parenthood, in the amount of Fifty Million Dollars (\$50,000,000), plus costs.

Respectfully submitted:

THOMAS V. MIKE MILLER, JR., P.A.

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Counsel for Plaintiff

JURY DEMAND

The Plaintiffs demand trial by jury in the above-captioned matter.

John P. Valente, III