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**Pro-life Side Wins Settlement in Case Connecting Abortion and Breast Cancer, a First in the United States**

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PHILADELPHIA  – An abortion doctor who failed to inform a teenage girl of the connection between abortion and breast cancer was held accountable by the young woman five years after the abortion.  Attorneys for the doctor failed in pretrial motions seeking to dismiss the case and the doctor settled on all claims just before the trial was scheduled to begin.

Alan Sears, president of the Alliance Defense Fund, said this settlement demonstrates that the pro-life movement is alive and well.  "This is what can happen when well-equipped lawyers show up in court to defend women subjected to abortion," Sears said.  The Alliance Defense Fund, America’s largest public interest religious liberty legal alliance, provided essential financial support for the litigation.

Joseph P. Stanton, the Pennsylvania attorney who represented the plaintiff, explained the significance of the settlement.  "This is the first successful case in the United States against an abortion provider for failing to inform its patients of the increased risk of breast cancer due to an abortion."

**The young woman claimed, among other things, that the Cherry Hill Women’s Center and Charles Benjamin, D.O. failed to inform her of the risks and alternatives to the abortion procedure.**According to the lawsuit filed in the Philadelphia Court of Common Pleas:

* The plaintiff, a 17 year old from Pennsylvania, underwent an abortion at the Cherry Hill Women’s Center in Cherry Hill, New Jersey on May 1, 1998.
* The doctor who performed the abortion was the Center’s medical director, Charles Benjamin, D.O.
* Before performing the second trimester abortion, Dr. Benjamin did not speak at all to the girl, let alone advise her of the physical and psychological risks associated with undergoing abortion, including the increased risk for breast cancer.
* The plaintiff claimed that Pennsylvania law, which requires parental consent, applied to this case.  Defendants, who learned of the girl's age and residence prior to the abortion, did not obtain parental consent as required by PA law.

"This case establishes that abortion providers can be successfully sued for battery, if the abortion provider fails to obtain parental consent for abortions on minors from neighboring states with parental consent statutes, even if the state where the abortion is performed does not have a parental consent statute.  The outcome is good for women across the country, as well as for the client," Stanton added.
Five counts were pending against Dr. Benjamin when the trial was scheduled to start:

* Assault and battery.
* Failure to obtain informed consent.
* Falsification of medical records.
* Intentional infliction of emotional distress.
* Negligent infliction of emotional distress.

The abortion facility faced a count of corporate liability for allegedly failing to formulate adopt, and enforce adequate rules and policies to ensue quality care for its patients. The Center and Dr. Benjamin were unsuccessful in pretrial motions seeking the dismissal of the case.  The parties reached a settlement of all claims on October 17, 2003, as the jury trial was about to begin.  The amount of the settlement is confidential.

The Alliance Defense Fund serves people of faith; it provides strategy, training, and funding in the legal battle for religious liberty, sanctity of life, and traditional family values; it works with many allied legal organizations across the United States.