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LUCAS COUNTY
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CLERK OF COURT

IN THE COURT OF COMMON PLEAS, LUCAS COUNTY, OHIO

FRANSHAWN HARRIS
240 E. Streicher
Toledo, Ohio 43608

Plaintiff,

vs.

MARTIN RUDDUCK, M.D.
17 N. Huron Street
Toledo, Ohio 43604

and

CENTER FOR CHOICE II
17 N. Huron Street
Toledo, Ohio 43604

Defendants.

* CASE NO. 96 4095
* JUDGE
* COMPLAINT WITH INTERROGA-
* TORIES, AND REQUEST FOR
* DOCUMENTS ATTACHED, AND
* JURY DEMAND ENDORSED HEREON
*
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* 545 Spitzer Building
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*
* Samuel Z. Kaplan (0062192)
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* Toledo, Ohio 43604
* Telephone: (419) 241-6168
* FAX: (419) 241-4215
*
* Counsel for Plaintiff
*

* * * * *

Plaintiff for her Complaint states as follows:

FIRST CAUSE OF ACTION

1. At all times relevant, Defendant Martin Rudduck, M.D. (hereinafter "Rudduck") was a medical doctor, practicing in Lucas County, Ohio.

2. At all times relevant, Defendant Center for Choice II (hereinafter "CCII") was a corporation, with its offices and facilities located at 17 N. Huron Street, Toledo, Lucas County, Ohio.

3. At all times relevant, CCII held itself out to the public as a facility for the performance of medical procedures to terminate pregnancies.

4. At all times relevant Rudduck was employed by CCII as its Medical Director.

5. At all times relevant Rudduck, in the course and scope of his employment by CCII, performed medical procedures to terminate pregnancies at CCII's facilities.

6. At all times relevant Plaintiff was a patient of CCII and Rudduck.

7. On or about January 5, 1996, Rudduck, deviated from the standard of care in the performance of a medical procedure upon Plaintiff at CCII's facility, negligently causing great and permanent injury as well as pain and suffering to Plaintiff.

8. As a further direct and proximate result of Rudduck's negligence, Plaintiff was required to be hospitalized, undergo emergency surgery for the repair of the injuries inflicted by Rudduck, and incurred substantial medical expense.

SECOND CAUSE OF ACTION

9. Plaintiff incorporates the preceding paragraphs by reference herein.

10. Because of the advanced stage of Plaintiff's pregnancy,

she was at very high risk for suffering great and permanent injury during the procedure performed by Rudduck and CCII, which very high risk was known and appreciated by Rudduck and CCII, or should have been known and appreciated by them.

11. Rudduck and CCII failed to inform Plaintiff of the very high risk for great and permanent injury, and, in fact, advised Plaintiff that the procedure was "very safe" and that the risk of injury to her was "very unlikely," contrary to the facts known, or which should have been known, by them.

12. Rudduck and CCII intended that Plaintiff rely upon their representations of minimal risk.

13. Plaintiff justifiably relied upon Defendants' aforesaid representations.

14. Plaintiff suffered the injuries and damages aforesaid as a direct and proximate result of Defendants' misrepresentations and her reliance thereon.

THIRD CAUSE OF ACTION

15. Plaintiff incorporates the preceding paragraphs by reference herein.

16. Alternative, materially safer, procedures known to Defendants were available at other medical facilities.

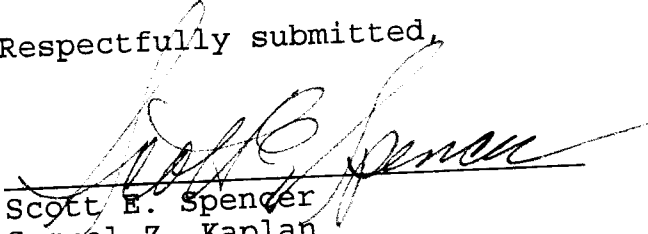
17. Defendants failed to inform Plaintiff of said alternative procedures and of the reduced risk of serious injury to Plaintiff by employing such alternative procedures.

18. Defendants deviated from the standard of care in failing to advise Plaintiff of the alternative procedures.

350 is/are deemed applicable to this action, said provision(s) violate(s) the Constitutions of the State of Ohio and of the United States.

WHEREFORE, Plaintiff prays for judgment against the Defendants, jointly and severally, for compensatory damages in an amount in excess of \$25,000.00, cost of suit herein, expenses, attorneys' fees, prejudgment interest, and such other relief as the Court deems just and proper.

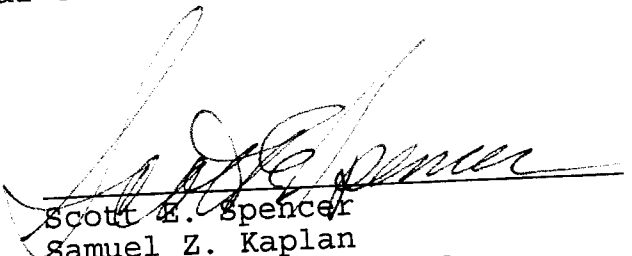
Respectfully submitted,



Scott E. Spencer
Samuel Z. Kaplan
Counsel for Plaintiff

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.



Scott E. Spencer
Samuel Z. Kaplan
Counsel for Plaintiff


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IN THE COURT OF COMMON PLEAS
LUCAS COUNTY

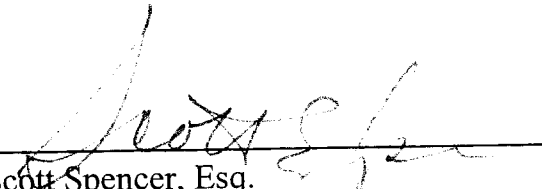
FRANSHAWN HARRIS,)	Case No. 96-4095
)	
Plaintiff,)	JUDGE McDONALD
v.)	
)	
MARTIN RUDDOCK, M.D., et al.,)	
)	<u>STIPULATION FOR DISMISSAL</u>
Defendants.)	

Pursuant to Rule 41(A)(1), and by agreement of the parties, the within matter is hereby settled and dismissed. Each party will pay its own costs.


Respectfully submitted,



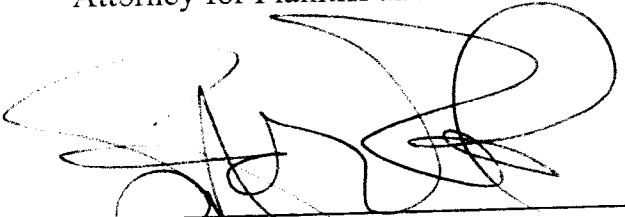
 SCOTT C. SMITH (0039828)
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 II



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COMMON PLEAS COURT
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CLERK OF COURTS
FRANSHAW HARRIS,)
IN THE COURT OF COMMON PLEAS)
LUCAS COUNTY)

Plaintiff,

v.

MARTIN RUDDOCK, M.D., et al.,)

Defendants.)

Case No. 96-4095

JUDGE McDONALD

STIPULATION FOR DISMISSAL

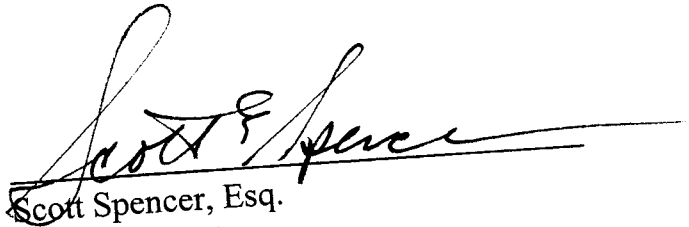
Pursuant to Rule 41(A)(1), and by agreement of the parties, the within matter is hereby settled and dismissed with prejudice. Each party will pay its own costs.

Respectfully submitted,

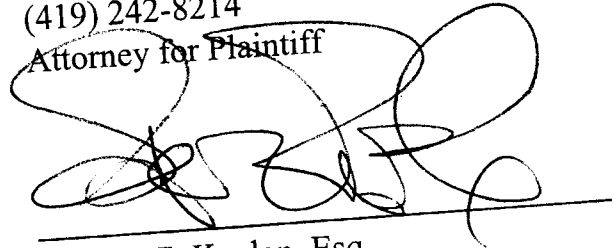


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/s/ Sarah A. McHugh (per phone consent)
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LUCAS COUNTY

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IN THE COURT OF COMMON PLEAS OF LUCAS COUNTY, OHIO

CLERK OF COURTS

Franshawn Harris,
Plaintiff.

vs.

Martin Ruddock, M.D., et al.
Defendant.

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Case No. 96-4095

Judgment Entry

No judgment entry of dismissal having been filed, pursuant to Lucas County Rule 5.05(F), it is Ordered that this case is dismissed for want of prosecution without prejudice and otherwise than on the merits at plaintiff's costs.

3/7/00
Date

Frederick H. McDonald
Judge Frederick H. McDonald

cc: Sam Kaplan
Sara McHugh

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