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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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EVELYN ESCALANTE
162 Zenith St.
Chula Vista, CA 91911
(619) 426-4291

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

EVELYN ESCALANTE

- vs -

Case No. '03 CV 00182L (RBB)

JOHN PAUL MCHUGH, M. D., and
FRAN BUTLER-COHEN, A
CHIEF EXECUTIVE OFFICER OF
LOGAN HEIGHTS FAMILY HEALTH
CENTER OF SAN DIEGO

On April 12, 2001 a total abdominal hysterectomy was performed on myself at Mercy Hospital of San Diego, by Dr. John Paul McHugh. During surgery, Dr. McHugh negligently 'created' a "fistula" (a 5 mm opening between the posterior wall of the bladder and the fornix of the vagina). The bladder drains through the vagina via the "fistula", causing me urinary incontinence.

On, or after June 12, 2001 I was hired by an employment agency to start working in the San Diego area with a good salary wage. I was not able to start, because the damage to my bladder was confirmed by then, and further options of surgical remedy was going to be presented to me, for future bladder repair.

Surgery # 2, was performed on 7-31-01 at UCSD of California for the first bladder repair-via vaginal. (without success).

Surgery # 3, was performed on 10-02-01 at UCSD of California for the second bladder repair-via vaginal with a "martius flap

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1/28/03

[Signature]

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3
4 EVELYN ESCALANTE

5 - vs -

6 JOHN PAUL MCHUGH, M.D. and
7 FRAN BUTLER-COHEN

8 Case No. _____

9 "martius flap" approach:

10 (a removal of scar tissue of the left labia of the
11 vagina). The surgery was very painful and left my vaginal
12 area very uncomfortable to the touch, soared and unable to
perform sexual function to-date, because of the removal of
vital tissue of the vagina). (the fistula, persisted....)

13 Surgery # 4, was performed on 5-14-02 at UCSD of California,
14 for the third bladder repair-via vaginal (without success).

15 Surgery # 5, expected in two or three more months after pelvic
16 and bladder exams are completed. My body is very exhausted;
17 there is nothing that can alleviate the pain and discomfort
18 of my actual physical condition. I am not capable to go to the
bathroom in a usual and normal way. I have to wear pads or
19 DIAPERS every single day. Doctors cannot guarantee any chance
of cure, they are trying to repair what it seems to be an
20 irreversible damage that could leave myself with AN ENDLESS
HOPE OF RECOVERY AND PERMANENTLY INJURED FOR THE REST OF MY
LIFE...

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27 1/28/03
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by law, except as provided by local rules of court. This form, approved by the United States Conference of Judicial Officers in September 1997, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS **EVELYN ESCALANTE**
FILED
03 JAN 28 PM 12:27
SAN DIEGO
 (EXCEPT IN U.S. PLAINTIFF CASES)
 SOUTHERN DISTRICT OF CALIFORNIA

DEFENDANTS **JOHN PAUL MCHUGH, M.D.**
and FRAN BUTLER-COHEN, a CHIEF
EXECUTIVE OFFICER OF LOGAN HEIGHTS
FAMILY HEALTH CENTER OF SAN DIEGO
 County of Residence of First Listed **SAN DIEGO**
 (IN U.S. PLAINTIFF CASES ONLY)
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
EVELYN ESCALANTE
162 ZENITH ST.
CHULA VISTA, CA 91911

Attorneys (If Known)
'03 CV 00182L (RBB)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
 1 U.S. Government Plaintiff
 2 U.S. Government Defendant
 3 Federal Question (U.S. Government Not a Party)
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
 Citizen of This State 1 1
 Citizen of Another State 2 2
 Citizen or Subject of a Foreign Country 3 3
 DEF 1 1
 DEF 4 4
 DEF 5 5
 DEF 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)
 1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multidistrict Litigation
 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
2671 **28:1381mm**
Dr. John Paul McHugh performed a hysterectomy on myself on 4-12-01. During surgery, Dr. McHugh NEGLIGENTLY 'created' a "fistula" (an opening) between the bladder and the vagina, causing me URINARY INCONTINENCE...

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
 CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
1/28/03
JUDGE
E
DOCKET NUMBER

DATE **1/28/03**
SIGNATURE OF ATTORNEY OF RECORD
FOR OFFICE USE ONLY
RECEIPT # 90834 **AMOUNT \$2815.00** **APPLYING IFP** **JUDGE** **MAG. JUDGE**
1/28/03 RD