

STATE OF MICHIGAN

IN THE CIRCUIT COURT OF THE COUNTY OF MACOMB

TRACY ROOSE,

Plaintiff,

Case No. 12-5576-NH

vs.

Hon. Edward A. Servitto

PLANNED PARENTHOOD MID AND
SOUTH MICHIGAN, AMY FITZGERALD
and MARY LOUISE CAMPBELL,

Defendants.

Christopher R. Sciotti (P33501)
Attorney for Plaintiff
100 Maple Park Blvd., Suite 140
St. Clair Shores, MI 48081
Telephone: (586) 646-4600
chrissciotti@ameritech.net

Paul L. Nystrom (P57067)
Matthew Mitchell (P69810)
Attorneys for Defendants Planned Parenthood
Mid and South Michigan and Mary-Louise
Campbell
DYKEMA GOSSETT PLLC
39577 Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304
Telephone: (248) 203-0700
Facsimile: (248) 203-0763
pnystrom@dykema.com
mmitchell@dykema.com

STIPULATED ORDER OF DISMISSAL AS TO DEFENDANT
PLANNED PARENTHOOD MID AND SOUTH MICHIGAN
WITH PREJUDICE AND WITHOUT COSTS

At a session of said Court, held in the
City of Mt. Clemens, County of Macomb
State of Michigan on JUN 5 2014.

PRESENT: HONORABLE EDWARD A. SERVITTO
CIRCUIT COURT JUDGE

Upon stipulation of the parties evidenced by their attorneys' signatures below:

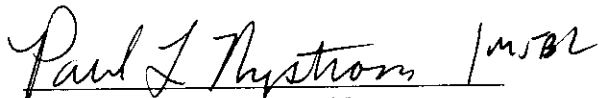
IT IS HEREBY ORDERED that Plaintiff's Complaint against Defendant Planned
Parenthood Mid and South Michigan is dismissed with prejudice and without costs.

This is a final order that resolves the last pending claim and closes the case.

JUN 5 2014


HONORABLE EDWARD A. SERVITTO

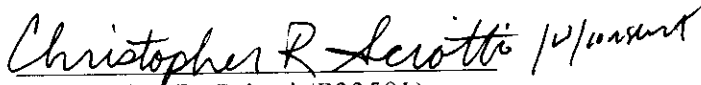
Stipulated to form and substance:



Paul L. Nystrom (P57067)

Attorney for Defendants

Date: June 4, 2014



Christopher R. Sciotti (P33501)

Attorney for Plaintiff

Date: June 4, 2014

BI101-1985618.1
IDXPLN - 101126-0008

THOMAS, GARVEY, GARVEY & SCIOTTI
ATTORNEYS AT LAW
A PROFESSIONAL LIMITED LIABILITY COMPANY

24825 LITTLE MACK • ST. CLAIR SHORES, MICHIGAN 48080-3218
TELEPHONE (586) 779-7810 • FACSIMILE (586) 779-4912

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12-5576-NH

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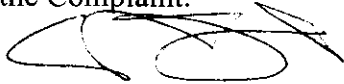
PLANNED PARENTHOOD
MID AND SOUTH MICHIGAN,
AMY FITZGERALD AND
PHYSICIAN "130 WR,"

Defendants.

_____/

Christopher R. Sciotti (P 33501)
Attorney for Plaintiff
24825 Little Mack
St. Clair Shores, MI 48080
(586) 779-7810

There is no other pending or resolved
civil action arising out of the same
transaction or occurrence as alleged
in the Complaint.



_____/

Christopher R. Sciotti
Attorney for Plaintiff

FILED
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COMPLAINT

NOW COMES the plaintiff, Tracy Roose, by and through her attorneys, Thomas, Garvey, Garvey & Sciotti, and as her Complaint against the defendants, Planned Parenthood Mid and South Michigan, Amy Fitzgerald, and Physician "130 WR," states as follows:

1. That plaintiff Tracy Roose is a resident of the City of Washington, County of Macomb, State of Michigan.

2. That defendant Amy Fitzgerald is a duly licensed health care provider practicing in the County of Macomb, State of Michigan.

3. That defendant Physician "130 WR" is a duly licensed physician practicing in the City of Warren, County of Macomb, State of Michigan.

4. That defendant Planned Parenthood Mid and South Michigan is a medical facility which conducts business in the City of Warren, County of Macomb, State of Michigan.

5. That at all times relevant to this cause of action defendants Amy Fitzgerald and Physician "130 WR" were agents and/or employees of defendant Planned Parenthood Mid and South Michigan, and were acting in the course and scope of their employment.

6. That defendant Planned Parenthood Mid and South Michigan is responsible for the actions of defendants Amy Fitzgerald and Physician "130 WR" under the theory of respondeat superior and ostensible agency.

7. That the amount in controversy herein exceeds Twenty Five Thousand Dollars (\$25,000.00) exclusive of costs, interest and attorney fees.

8. That on August 10, 2010 plaintiff Tracy Roose smoked cigarettes on a regular basis. She started a dating relationship and wanted an IUD for birth control.

9. That plaintiff visited Planned Parenthood at Twelve Mile Road and Van Dyke on August 10, 2010 and asked for an IUD. She was examined by a nurse practitioner, Amy Fitzgerald. The nurse practitioner had a discussion with her and convinced her not to obtain an

IUD, but instead prescribed Nora Be, a form of birth control medication. Planned Parenthood and the nurse practitioner were well aware that plaintiff was born on April 11, 1963 and was a smoker.

10. That plaintiff was concerned about the risks of taking birth control medication, given her age and the fact that she was a smoker. Defendant Planned Parenthood and Amy Fitzgerald, the nurse practitioner, assured plaintiff that it would be safe to use this form of birth control.

11. That plaintiff began taking the Nora B for approximately six months.

12. That on January 17, 2011 plaintiff had a stroke (a cerebral vascular accident) which resulted in some persistent and permanent weakness and pain on the left side.

13. That the standard of care required that Planned Parenthood, the nurse practitioner, and Physician "130 WR" carefully review plaintiff's medical history, including her age and the fact that she was a smoker, and prescribe an appropriate method of birth control other than medication, particularly Nora Be.

14. That defendants Planned Parenthood, Amy Fitzgerald, the nurse practitioner, and Physician "130 WR" breached the standard of care in failing to carefully review plaintiff's medical history, including her age and the fact that she was a smoker, and prescribe an appropriate method of birth control other than medication, particularly Nora Be.

15. That the standard of care required that, when plaintiff Tracy Roose inquired as to use of an IUD for birth control, that defendants refrain from prescribing Nora Be birth control pills and instead prescribe the IUD or another appropriate method of birth control.

16. That defendants breached the standard of care when plaintiff Tracy Roose inquired as to use of an IUD for birth control, in prescribing Nora B birth controls rather than the IUD that plaintiff requested, or another appropriate method of birth control.

17. That when plaintiff expressed concern about using Nora Be birth control pills due to her age and smoking history, the standard of care required Planned Parenthood, the nurse practitioner Amy Fitzgerald, and Physician "130 WR" to fully consider plaintiff's history rather than convincing her to take Nora Be birth control medication.

18. That defendants Planned Parenthood, the nurse practitioner Amy Fitzgerald, and Physician "130 WR" breached the standard of care in failing to fully consider plaintiff's history rather than convincing her to take Nora B birth control medication.

19. That as the direct and proximate result of the breaches of the standard of care as hereinbefore specified, on January 17, 2011 plaintiff Tracy Roose suffered a stroke (an ischemic infarction) which has resulted in some persistent and permanent weakness and pain, immobility and impairment on the left side. The ischemic infarction was caused by the use of Nora Be birth control pills, which resulted in an ischemic infarction, which was a cerebral vascular accident, to her brain, resulting in brain damage due to loss of blood supply to the brain. The administration of the Nora Be birth control pills resulted in an acute ischemic stroke caused by a thrombosis or embolism, causing the sudden loss of blood circulation to an area of her brain, resulting in a corresponding loss of neurologic function.

20. The breaches of the standard of practice or care referenced herein also proximately caused plaintiff Tracy Roose to incur medical expenses, medical treatment, past present and future,

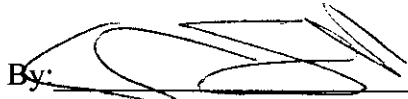
loss of income, outrage, humiliation, severe emotional distress, pain and suffering, and also exemplary damages caused by the outrageous misconduct and egregious error of prescribing Nora B to plaintiff.

21. That finally, as the proximate result of the above listed breaches of the applicable standard of practice or care, plaintiff Tracy Roose claims all economic and noneconomic damages allowed under Michigan Law, and also claims negligent infliction of emotional distress and gross negligence and exemplary damages arising out of the outrageous conduct of defendants.

WHEREFORE, plaintiff prays for Judgment against the defendants for whatever amount above Twenty Five Thousand Dollars (\$25,000.00) that plaintiff is found to be entitled, together with costs, interest and attorney's fees.

Respectfully submitted,

THOMAS, GARVEY, GARVEY & SCIOTTI

By: 
Christopher R. Sciotti (P 33501)
Attorney for Plaintiff
24825 Little Mack
St. Clair Shores, MI 48080
(586) 779-7810

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FILED
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PLAINTIFF'S SECOND AMENDED WITNESS LIST

NOW COMES the plaintiff, Tracy Roose, by and through her attorney, Christopher R. Sciotti, and as her Second Amended Witness List states as follows:

1. Jay Kaner, D.O.

Respectfully submitted,

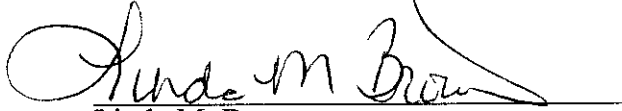
CHRIS SCIOTTI, P.C.

By: *Christopher R. Sciotti*
 Christopher R. Sciotti (P 33501)
 Attorney for Plaintiff
 100 Maple Park Blvd., Suite 140
 St. Clair Shores, MI 48081
 (586) 646-4600

(lmb)

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served on all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses as disclosed on the pleadings on November 6, 2013. I declare that the statement above is true to the best of my knowledge, information and belief.


Linda M. Brown

FILED

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CLERK'S OFFICE