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Legal Document

District Of Columbia District Court
Case No. 1:08-cv-00231-RBW

**BUTLER et al v. PLANNED PARENTHOOD
METROPOLITAN WASHINGTON, D.C., INC.**

Document 1



View Document



View Docket

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, Shantese Butler, 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, Shantese Butler, was raped in 2006 at thirteen (13) years of age.

9. That the minor Plaintiff, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, became very ill.

15. That on or about September 8, 2006, the minor Plaintiff, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler.

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, Shantese Butler, 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, Shantese Butler;
- 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, Shantese Butler;
- d. failing to recognize an injury to the cervix intra-operatively and/or before discharging the minor Plaintiff, Shantese Butler;
- e. failing to recognize an incomplete abortion;
- f. injuring the bowel of the minor Plaintiff, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler, 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, Shantese Butler.

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, Shantese Butler, 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 Shantese Butler, 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.

John P. Valente, III
Bar No.: 22233
8808 Old Branch Avenue
P.O. Box 219
Clinton, Maryland 20735
(301) 856-3030
Counsel for Plaintiff

JURY DEMAND

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

John P. Valente, III

CIVIL COVER SHEET

JS-44

(Rev. 1/05 DC)

I (a) PLAINTIFFS
 Emma Jean Butler, Individually and as Mother and Next Friend of Shantese Butler, a Minor

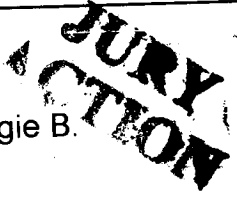
DEFENDANTS
 Planned Parenthood Metropolitan Washington, D.C., Inc.

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) 88888

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY) 11001
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
 John P. Valente, III, Esq. (301) 856-3030
 Thomas V. Mike Miller, Jr., P.A.
 P.O. Box 219/8808 Old Branch Avenue
 Clinton, Maryland 20735

ATTORNEYS (IF KNOWN)
 Case: 1:08-cv-00231
 Assigned To: Walton, Reggie B.
 Assign. Date: 2/12/2008
 Description: PI/Malpractice



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 PARTIES (PLACE AN x IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) FOR DIVERSITY CASES ONLY!

	PTF	DFT		PTF	DFT
Citizen of this State	<input type="radio"/> 1	<input type="radio"/> 1	Incorporated or Principal Place of Business in This State	<input type="radio"/> 4	<input checked="" type="radio"/> 4
Citizen of Another State	<input checked="" type="radio"/> 2	<input type="radio"/> 2	Incorporated and Principal Place of Business in Another State	<input type="radio"/> 5	<input type="radio"/> 5
Citizen or Subject of a Foreign Country	<input type="radio"/> 3	<input type="radio"/> 3	Foreign Nation	<input type="radio"/> 6	<input type="radio"/> 6

IV. CASE ASSIGNMENT AND NATURE OF SUIT

(Place a X in one category, A-N, that best represents your cause of action and one in a corresponding Nature of Suit)

A. Antitrust

B. Personal Injury/Malpractice

C. Administrative Agency Review

D. Temporary Restraining Order/Preliminary Injunction

Any nature of suit from any category may be selected for this category of case assignment.
 (If Antitrust, then A governs)

E. General Civil (Other) OR F. Pro Se General Civil

<p>Real Property</p> <p><input type="checkbox"/> 210 Land Condemnation</p> <p><input type="checkbox"/> 220 Foreclosure</p> <p><input type="checkbox"/> 230 Rent, Lease & Ejectment</p> <p><input type="checkbox"/> 240 Torts to Land</p> <p><input type="checkbox"/> 245 Tort Product Liability</p> <p><input type="checkbox"/> 290 All Other Real Property</p> <p>Personal Property</p> <p><input type="checkbox"/> 370 Other Fraud</p> <p><input type="checkbox"/> 371 Truth in Lending</p> <p><input type="checkbox"/> 380 Other Personal Property Damage</p> <p><input type="checkbox"/> 385 Property Damage Product Liability</p>	<p>Bankruptcy</p> <p><input type="checkbox"/> 422 Appeal 28 USC 158</p> <p><input type="checkbox"/> 423 Withdrawal 28 USC 157</p> <p>Prisoner Petitions</p> <p><input type="checkbox"/> 535 Death Penalty</p> <p><input type="checkbox"/> 540 Mandamus & Other</p> <p><input type="checkbox"/> 550 Civil Rights</p> <p><input type="checkbox"/> 555 Prison Condition</p> <p>Property Rights</p> <p><input type="checkbox"/> 820 Copyrights</p> <p><input type="checkbox"/> 830 Patent</p> <p><input type="checkbox"/> 840 Trademark</p> <p>Federal Tax Suits</p> <p><input type="checkbox"/> 870 Taxes (US plaintiff or defendant)</p> <p><input type="checkbox"/> 871 IRS-Third Party 26 USC 7609</p>	<p>Forfeiture/Penalty</p> <p><input type="checkbox"/> 610 Agriculture</p> <p><input type="checkbox"/> 620 Other Food & Drug</p> <p><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881</p> <p><input type="checkbox"/> 630 Liquor Laws</p> <p><input type="checkbox"/> 640 RR & Truck</p> <p><input type="checkbox"/> 650 Airline Regs</p> <p><input type="checkbox"/> 660 Occupational Safety/Health</p> <p><input type="checkbox"/> 690 Other</p> <p>Other Statutes</p> <p><input type="checkbox"/> 400 State Reapportionment</p> <p><input type="checkbox"/> 430 Banks & Banking</p> <p><input type="checkbox"/> 450 Commerce/ICC Rates/etc.</p> <p><input type="checkbox"/> 460 Deportation</p>	<p><input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations</p> <p><input type="checkbox"/> 480 Consumer Credit</p> <p><input type="checkbox"/> 490 Cable/Satellite TV</p> <p><input type="checkbox"/> 810 Selective Service</p> <p><input type="checkbox"/> 850 Securities/Commodities/Exchange</p> <p><input type="checkbox"/> 875 Customer Challenge 12 USC 3410</p> <p><input type="checkbox"/> 900 Appeal of fee determination under equal access to Justice</p> <p><input type="checkbox"/> 950 Constitutionality of State Statutes</p> <p><input type="checkbox"/> 890 Other Statutory Actions (if not administrative agency review or Privacy Act)</p>
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G. Habeas Corpus/ 2255

530 Habeas Corpus-General
 510 Motion/Vacate Sentence

H. Employment Discrimination

442 Civil Rights-Employment (criteria: race, gender/sex, national origin, discrimination, disability age, religion, retaliation)

(If pro se, select this deck)

I. FOIA/PRIVACY ACT

895 Freedom of Information Act
 890 Other Statutory Actions (if Privacy Act)

(If pro se, select this deck)

J. Student Loan

152 Recovery of Defaulted Student Loans (excluding veterans)

K. Labor/ERISA (non-employment)

710 Fair Labor Standards Act
 720 Labor/Mgmt. Relations
 730 Labor/Mgmt. Reporting & Disclosure Act
 740 Labor Railway Act
 790 Other Labor Litigation
 791 Empl. Ret. Inc. Security Act

L. Other Civil Rights (non-employment)

441 Voting (if not Voting Rights Act)
 443 Housing/Accommodations
 444 Welfare
 440 Other Civil Rights
 445 American w/Disabilities-Employment
 446 Americans w/Disabilities-Other

M. Contract

110 Insurance
 120 Marine
 130 Miller Act
 140 Negotiable Instrument
 150 Recovery of Overpayment & Enforcement of Judgment
 153 Recovery of Overpayment of Veteran's Benefits
 160 Stockholder's Suits
 190 Other Contracts
 195 Contract Product Liability
 196 Franchise

N. Three-Judge Court

441 Civil Rights-Voting (if Voting Rights Act)

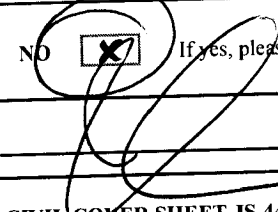
V. ORIGIN

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from another district (specify)
 6 Multi district Litigation
 7 Appeal to District Judge from Mag. Judge

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)
 28 U.S.C. 1332 & 28 U.S.C. 1391-Defendant negligently performed a termination procedure resulting in internal injuries & minor Plaintiff is now infertile.

VII. REQUESTED IN COMPLAINT CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 50,000,000.00 Check YES only if demanded in compliance with Fed. R. Civ. P. 67 **JURY DEMAND:** YES NO

VIII. RELATED CASE(S) IF ANY (See instruction) YES NO If yes, please complete related case form.

DATE 2/11/08 SIGNATURE OF ATTORNEY OF RECORD 

INSTRUCTIONS FOR COMPLETING CIVIL COVER SHEET JS-44
 Authority for Civil Cover Sheet

The JS-44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. Listed below are tips for completing the civil cover sheet. These tips coincide with the Roman Numerals on the Cover Sheet.

- I. COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF/DEFENDANT (b) County of residence: Use 11001 to indicate plaintiff is resident of Washington, D.C.; 88888 if plaintiff is resident of the United States but not of Washington, D.C., and 99999 if plaintiff is outside the United States.
- III. CITIZENSHIP OF PRINCIPAL PARTIES: This section is completed only if diversity of citizenship was selected as the Basis of Jurisdiction under Section II.
- IV. CASE ASSIGNMENT AND NATURE OF SUIT: The assignment of a judge to your case will depend on the category you select that best represents the primary cause of action found in your complaint. You may select only one category. You must also select one corresponding nature of suit found under the category of case.
- VI. CAUSE OF ACTION: Cite the US Civil Statute under which you are filing and write a brief statement of the primary cause.
- VIII. RELATED CASES, IF ANY: If you indicated that there is a related case, you must complete a related case form, which may be obtained from the Clerk's Office.

Because of the need for accurate and complete information, you should ensure the accuracy of the information provided prior to signing the form.