

MS

In the United States District Court
For the District of Oregon

John M. Hummasti,)	
Plaintiff,)	
Grace B. Hummasti,)	CIVIL
Plaintiff)	
)	COMPLAINT
vs.)	
)	CIVIL
John Buckmaster, MD.,)	CV '08 - 251
Defendant,)	NO. <u> </u>
)	
Oregon Health & Science)	
University - Portland(OHSU),)	
Defendant,)	
Lovejoy Surgicenter,)	
Defendant.)	

Comes Now John & Grace Hummasti,
jointly & individually, and brings this Action
for a redress of their grievances.

John & Grace Hummasti, (Plaintiffs, or,
Hummasti) bring this action pursuant to
42 USC § 1983 et al.

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This Court has jurisdiction under 42 USC § 1983, et. seq., for personal and other injuries, loss & wrongful death done under the color of law.

Plaintiffs aver that due to the negligence and malpractice of defendants, Hummasti's are entitled to recover Nominal, Compensatory and punitive damages (monitory award) as a matter of law and equity.

Plaintiffs aver that this Action is not an Abortion "Right to Life" cause of action, but a cause of action involving wrongful death arising under the Color of Law during an abortion due to lack of informed consent, negligence and malpractice.

I.

Plaintiffs

Plaintiffs John & Grace Hummasti were at all times herein residents of the State of Oregon.

Plaintiffs bring this action jointly as the representatives of their son, Ya'acov Hummasti, decedent, for wrongful death.

Plaintiffs bring this action individually for the personal injuries sustained by Grace Hummasti

during an abortion done at Lovejoy Surgi - Center.

Plaintiffs bring this action individually for injuries sustained by Grace Hummasti prior to an abortion done at the Portland-Oregon Health and Science University.

Plaintiffs bring this Action individually for injuries sustained by Grace Hummasti following an abortion.

Plaintiffs bring this Action individually for continuing tort due to loss of consortium and alienation of affection due to lack of informed consent, negligence and malpractice.

Plaintiffs currently reside in Oregon & the state of Israel.

II.

Defendants

Defendant John Buckmaster is a Resident of the State of Oregon and a medical doctor employed by the Portland, Oregon Health & Science University, Portland, Oregon.

Defendant (OHSU) Oregon Health & Science University is a public body of the

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state of Oregon.

Defendant Lovejoy Surgicenter is a corporate person located in the state of Oregon.

III.

Cause of Action

Plaintiffs aver that this cause of action arises due to negligence, lack of an informed consent, and wrongful death done under the color of law, state and federal.

Plaintiffs aver that on or about 29 June 2004 Defendants failed to inform Plaintiffs, both John & Grace Hummasti of the risks of an abortion, leading to the wrongful death of their son, Yacov Hummasti.

Plaintiffs aver that on or about 30 June 2004 Defendants were negligent in failing to acquire Plaintiffs informed consent so as to perform an aborting causing the wrongful death of Yacov Hummasti.

Plaintiffs aver that Defendants knew

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or should have known that they were required by law, statute, or regulation to acquire Plaintiffs informed consent, before performing an abortion by having fully informed Plaintiff Grace Hummasti, in either Hebrew or Arabic of the risks of having an abortion.

Plaintiffs aver that Defendants were negligent by inserting "seaweed" into Grace Hummasti's uterine cavity, so as to cause her pain and suffering, on or about 30 June 2004, through the present date.

Plaintiffs aver that Defendants were negligent in performing an abortion on or about 2 July 2004.

Plaintiffs aver that Defendants were negligent in failing to provide proper care, supervision, and post abortion care and supervision at Lovejoy Surgicenter, & OHSU.

Plaintiffs aver that Defendants were negligent in causing a uterine tear in the Plaintiffs uteris.

Plaintiffs aver that Defendants were negligent in leaving fetal matter in the Plaintiffs uterus.

Plaintiffs aver that Defendants were negligent in causing adhesions of uterine tissue from scarring, the result of said uterine tear.

Plaintiffs aver that Defendants wrongfully caused Plaintiffs loss of consortium or alienation of affection by performing an abortion on Grace Hummasti, without informed consent.

IV.

Relief Demanded

Plaintiffs hereby Demand the following Relief :

- 1) A Jury Trial on all issues herein.
- 2) Monetary Damages in the amount of :
 - a) \$1,000,000.⁰⁰ (one million dollars) for the wrongful death of Ya'acov Hummasti.
 - b) \$500,000.⁰⁰ (Five Hundred thousand dollars) for the negligence of each and every

several act(s) of the Defendants, in compensation.

c) \$500,000.00 (Five Hundred Thousand dollars) for pain and suffering, in compensation to Grace Hummasti.

d) \$500,000.00 (Five Hundred Thousand dollars) in punitive damages.

e) \$500,000.00 (Five Hundred Thousand dollars) in compensatory damages to John Hummasti for loss of consortium.

Any other, further or ongoing relief this Court deems just and equitable.

Dated this 12th day of January, 2006.

John M. Hummasti
John M. Hummasti
For GRACE Hummasti,
Grace B. Hummasti

I, John M. Hummasti, hereby affirm & declare that the foregoing is true & correct under the penalty of perjury under the laws of the United States of America, pursuant to 28 USC §1746.

Dated 12 January 2006

John M. Hummasti
John M. Hummasti