

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT  
CIVIL ACTION NO. 01-5610 E

DANIELLE MOLA,	)
Plaintiff,	)
	)
v.	)
	)
WINN WHEELER, R.N., AMY LIEF, MARTHA GROVER,	)
MAUREEN PAUL, M.D., PLANNED PARENTHOOD	)
LEAGUE OF MASSACHUSETTS,	)
COLLEEN PINCH, N.P., J.B. DOE, M.D. and	)
JOSEPH M. SMITH COMMUNITY HEALTH CENTER	)
Defendants	)

COURT  
 FILED  
 12/11/01

AMENDED COMPLAINT

1. The plaintiff, Danielle Mola, resides at 85 Roseclair Street, Dorchester, MA, Suffolk County, Commonwealth of Massachusetts.
2. The defendant, Winn Wheeler, R.N., at all times material to this action, is a nurse licensed to practice within the Commonwealth of Massachusetts, with a place of employment at Planned Parenthood Clinic of Greater Boston, 1031 Beacon Street, Brookline, Norfolk County, Massachusetts.
3. The defendant, Amy Lief, at all times material to this action, is an agent, servant or employee of Planned Parenthood Clinic of Greater Boston, 1031 Beacon Street, Brookline, Norfolk County, Massachusetts.
4. The defendant, Martha Grover, at all times material to this action, is an agent, servant or employee of Planned Parenthood Clinic of Greater Boston, 1031 Beacon Street, Brookline, Norfolk County, Massachusetts.
5. The defendant, Maureen Paul, M.D., at all times material to this action, is a physician licensed to practice within the Commonwealth of Massachusetts, with a place of employment at Planned Parenthood Clinic of Greater Boston, 1031 Beacon Street, Brookline, Norfolk County, Massachusetts.
6. The defendant, Planned Parenthood League of Massachusetts is a duly organized Massachusetts corporation, with a place of business at Planned Parenthood Clinic of Greater Boston, 1031 Beacon Street, Brookline, Norfolk County, Massachusetts.

7. The defendant, Colleen Pinch, N.P., at all times material to this action, is a nurse licensed to practice within the Commonwealth of Massachusetts, with a place of employment at the Joseph M. Smith Community Health Center, 287 Western Avenue, Allston, Suffolk County, Massachusetts.
8. The defendant, J.B. Doe, M.D. (whose name is not completely legible in the medical record), at all times material to this action, is a physician licensed to practice within the Commonwealth of Massachusetts, with a place of employment at the Joseph M. Smith Community Health Center, 287 Western Avenue, Allston, Suffolk County, Massachusetts.
9. The defendant, Joseph M. Smith Community Health Center is a duly organized Massachusetts corporation, with a principal place of business at 287 Western Avenue, Allston, Suffolk County, Massachusetts.

### COUNT I

#### (Negligence – Danielle Mola v. Winn Wheeler, R.N.)

10. The plaintiff hereby incorporates Paragraphs 1 through 9 by reference as if fully included in this count.
11. On or about May 8, 1996 and diverse dates thereafter, the Defendant, Winn Wheeler, R.N., for valuable consideration, undertook to treat and care for Plaintiff Danielle Mola.
12. It then and there became the duty of Defendant Winn Wheeler, R.N. to exercise that degree of care, diligence, and skill as is exercised by an average professional holding themselves out in their field at the time in question.
13. Nevertheless, Defendant Winn Wheeler, R.N. breached her duty and failed to exercise said degree of care, diligence and skill by negligently treating, recommending treatment for, supervising the care of, and by otherwise failing to render proper, adequate and necessary medical care and treatment to the Plaintiff Danielle Mola.
14. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff Danielle Mola suffered severe and permanent injuries, endured and will in the future endure, great pain and suffering and mental anguish, has incurred and will in the future incur medical and other extraordinary expenses for her care and treatment, and said Plaintiff was and otherwise is greatly injured.

WHEREFORE, Plaintiff Danielle Mola, demands judgment against the Defendant Winn Wheeler, R.N. in such an amount as a jury may deem proper, plus interest and costs.

31. At all times relevant, the defendant, Winn Wheeler, R.N. was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
32. At all times relevant, the defendant, Amy Lief was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
33. At all times relevant, the defendant, Martha Grover was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
34. At all times relevant, the defendant, Maureen Paul, M.D. was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
35. The defendant, Planned Parenthood League of Massachusetts, is vicariously liable for the negligence and carelessness of its agents, servants and/or employees.

WHEREFORE, Plaintiff Danielle Mola demands judgment against the Defendant Planned Parenthood League of Massachusetts in such an amount as a jury may deem proper, plus interest and costs.

#### COUNT VI

##### (Negligence – Danielle Mola v. Colleen Pinch, N.P.)

36. The plaintiff hereby incorporates Paragraphs 1 through 35 by reference as if fully included in this count.
37. On or about August 12, 1997 and diverse dates thereafter, the Defendant, Colleen Pinch, N.P., for valuable consideration, undertook to treat and care for Plaintiff Danielle Mola.
38. It then and there became the duty of Defendant Colleen Pinch, N.P. to exercise that degree of care, diligence, and skill as is exercised by an average professional holding themselves out in their field at the time in question.
39. Nevertheless, Defendant Colleen Pinch, N.P. breached her duty and failed to exercise said degree of care, diligence and skill by negligently treating, recommending treatment for, supervising the care of, and by otherwise failing to render proper, adequate and necessary medical care and treatment to the Plaintiff Danielle Mola.
40. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff Danielle Mola suffered severe and permanent injuries, endured and will in the future endure, great pain and suffering and mental anguish, has incurred and will in the future incur medical and other extraordinary expenses for her care and treatment, and said Plaintiff was and otherwise is greatly injured.

WHEREFORE, Plaintiff Danielle Mola, demands judgment against the Defendant Colleen Pinch, N.P. in such an amount as a jury may deem proper, plus interest and costs.

## COUNT VII

### (Negligence – Danielle Mola v. J.B. Doe, M.D.)

41. The plaintiff hereby incorporates Paragraphs 1 through 40 by reference as if fully included in this count.
42. On or about August 12, 1997 and diverse dates thereafter, the Defendant, J.B. Doe, M.D., for valuable consideration, undertook to treat and care for Plaintiff Danielle Mola.
43. It then and there became the duty of Defendant J.B. Doe, M.D. to exercise that degree of care, diligence, and skill as is exercised by an average physician holding themselves out in their field at the time in question.
44. Nevertheless, Defendant J.B. Doe, M.D. breached her duty and failed to exercise said degree of care, diligence and skill by negligently treating, recommending treatment for, supervising the care of, and by otherwise failing to render proper, adequate and necessary medical care and treatment to the Plaintiff Danielle Mola.
45. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff Danielle Mola suffered severe and permanent injuries, endured and will in the future endure, great pain and suffering and mental anguish, has incurred and will in the future incur medical and other extraordinary expenses for her care and treatment, and said Plaintiff was and otherwise is greatly injured.

WHEREFORE, Plaintiff Danielle Mola, demands judgment against the Defendant J.B. Doe, M.D. in such an amount as a jury may deem proper, plus interest and costs.

## COUNT V

### (Negligence – Danielle Mola v. Joseph M. Smith Community Health Center)

46. The plaintiff hereby incorporates Paragraphs 1 through 45 by reference as if fully included in this count.
47. At all times relevant, the defendant, Colleen Pinch, R.N. was an agent, servant and/or employee of the defendant, Joseph M. Smith Community Health Center.
48. At all times relevant, the defendant, J.B. Doe, M.D. was an agent, servant and/or employee of the defendant, Joseph M. Smith Community Health Center.
49. The defendant, Joseph M. Smith Community Health Center, is vicariously liable for the negligence and carelessness of its agents, servants and/or employees.

31. At all times relevant, the defendant, Winn Wheeler, R.N. was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
32. At all times relevant, the defendant, Amy Lief was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
33. At all times relevant, the defendant, Martha Grover was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
34. At all times relevant, the defendant, Maureen Paul, M.D. was an agent, servant and/or employee of the defendant, Planned Parenthood League of Massachusetts.
35. The defendant, Planned Parenthood League of Massachusetts, is vicariously liable for the negligence and carelessness of its agents, servants and/or employees.

WHEREFORE, Plaintiff Danielle Mola demands judgment against the Defendant Planned Parenthood League of Massachusetts in such an amount as a jury may deem proper, plus interest and costs.

#### COUNT VI

#### (Negligence – Danielle Mola v. Colleen Pinch, N.P.)

36. The plaintiff hereby incorporates Paragraphs 1 through 35 by reference as if fully included in this count.
37. On or about August 12, 1997 and diverse dates thereafter, the Defendant, Colleen Pinch, N.P., for valuable consideration, undertook to treat and care for Plaintiff Danielle Mola.
38. It then and there became the duty of Defendant Colleen Pinch, N.P. to exercise that degree of care, diligence, and skill as is exercised by an average professional holding themselves out in their field at the time in question.
39. Nevertheless, Defendant Colleen Pinch, N.P. breached her duty and failed to exercise said degree of care, diligence and skill by negligently treating, recommending treatment for, supervising the care of, and by otherwise failing to render proper, adequate and necessary medical care and treatment to the Plaintiff Danielle Mola.
40. As a direct and proximate result of the Defendant's negligence as aforesaid, Plaintiff Danielle Mola suffered severe and permanent injuries, endured and will in the future endure, great pain and suffering and mental anguish, has incurred and will in the future incur medical and other extraordinary expenses for her care and treatment, and said Plaintiff was and otherwise is greatly injured.

WHEREFORE, Plaintiff Danielle Mola, demands judgment against the Defendant Colleen Pinch, N.P. in such an amount as a jury may deem proper, plus interest and costs.