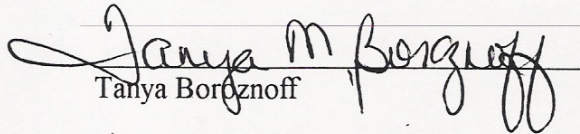


AFFIDAVIT OF TANYA BOROZNOFF

I, Tanya Boroznoff, under oath hereby depose and say that:

1. On October 17, 1995 I went to the Planned Parenthood clinic at 631 Lincoln Street in Worcester, MA. to pick up a copy of my records for the abortion procedure that I underwent on April 17, 1993.
2. At the clinic I paid \$5.00 to get a cotypeset of all of my records and received 17 sheets from the clinic employee.
3. I hereby certify that the attached 17 sheets (the 16 sheets of my records plus the additional sheet which is the authorization form signed by me and the "Staff Witness" dated October 17, 1995) are true and accurate copies of the sheets which I received from the clinic staff witness on October 17, 1995.

Signed under the pains and penalties of perjury this 28 day of October, 1996.

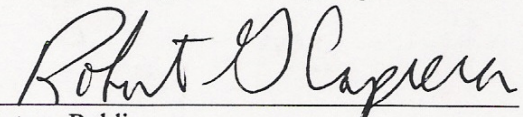

Tanya Boroznoff

Commonwealth of Massachusetts

Worcester, ss.

October 28, 1996

Then personally appeared Tanya Boroznoff who acknowledged the foregoing as her free act and deed before me


Notary Public
My Commission Expires: 9/22/2000

AFFIDAVIT OF TANYA BOROZNOFF

I, Tanya Boroznoff, under oath hereby depose and say that:

1. I was born on January 2, 1975, and I presently reside at 238 Main Street, Douglas, Massachusetts 01516-0757.
2. In 1993, I was single and resided with my parents at 33 Cedar Street, Douglas, Massachusetts 01516.
3. Toward the end of March, 1993, I learned that I was pregnant after performing a pregnancy test at home. After discussion with my mother (Jean Sarli), a further confirming test was conducted at Hubbard Regional Hospital in Webster, Massachusetts. Based upon these two positive pregnancy tests, we decided that I should have an abortion.
4. In early April, 1993, I called the Planned Parenthood Clinic on Lincoln Street in Worcester, Massachusetts for information regarding an abortion. An appointment was scheduled for Saturday, April 17, 1993 to have the abortion procedure performed.
5. On Saturday, April 17, 1993, I drove to the Planned Parenthood Clinic on Lincoln Street in Worcester, Massachusetts at approximately 8:45 a.m. with my friend Anne Marie Shine. When we arrived at the Clinic, we got buzzed through the outside door. Immediately after entering, we spoke with a woman at the reception desk who received my three hundred and fifty (\$350.00) dollar fee and gave me a questionnaire to fill out. Anne Marie and I sat near the reception table and I filled out the questionnaire. After completing the questionnaire, I gave the questionnaire to the receptionist. Several minutes later another clinic employee (nurse ?) escorted me into a testing room where a pregnancy test and a blood test were conducted.
6. According to clinic employee, the pregnancy test was positive and the blood test indicated that I was RH negative. Therefore, a shot was given to me for the negative RH for which I paid an extra twenty five (\$25.00) dollars.
7. I was next escorted to a counselling room where a female counsellor explained the procedure and talked with me.
8. I was then given a plastic bag and a gown and I was escorted into another room where approximately ten (10) other women were waiting. I sat in this room until it was my turn for the procedure. I was one of the last women to be called.
9. When I was called, I followed a nurse into the procedure room where I was met by two (2) nurses and the doctor.

10. I was positioned on the table and given a shot in my right arm for sedation. I began to cry after the doctor finished examining me. I cried throughout the procedure and I believe that I was in the room for approximately fifteen (15) minutes. During the procedure I put my hand on my abdomen and felt the doctor cutting inside of me. This upset me very much. I believe that the procedure began at approximately 11:50 to 11:55 a.m. and lasted till approximately 12:10 p.m.

11. After the procedure was over, I was escorted into a recovery room where I remained for approximately one half hour and left at approximately 1:00 p.m.

12. At approximately 1:00 p.m., a nurse brought me my clothes and encouraged me to get dressed. The nurse also gave me birth control pills, prescriptions for Methergin (? sp.) Doxycycline, and discharged me. I left the clinic with my friend Anne Marie.

13. Anne Marie and I went to McDonald's in Shrewsbury where we had lunch and then Anne Marie took me to my home at Cedar Street in Douglas, Massachusetts.

14. Anne Marie stayed with me at my home for approximately one (1) hour and then left in mid afternoon.

15. I rested for several hours and went to bed between 10 and 11 p.m. that night.

16. I woke up at a normal time Sunday morning, watched TV and rested.

17. I begin to experience pain Sunday night at approximately 9:00 p.m. After finishing watching a movie, I went to bed but I felt cold and my abdomen really ached. I put on blankets and cranked up the space heater but I could not stop shivering.

18. I slept for a few hours but got up around 1:00 a.m. and went to the bathroom. When I returned to my bedroom, the heat of the room felt oppressive, but I still felt cold. My abdomen was very painful.

19. At approximately 6:00 a.m. on the next day (Monday), I got out of bed and crawled upstairs to my mother's room. I had great difficulty walking and standing because of the painful cramps.

20. After speaking with my mother, I went to the couch and tried to sleep. I was unable to sleep because of the cramps. At the encouragement of my mother, I called the Planned Parenthood Clinic around 8:00 a.m. and told the representative of the clinic that I was having trouble. The clinic representative told me to elevate my feet, take two (2) Advil and call in one half hour if I experienced no relief.

21. I slept in between cramps, and took many Advil, but did not experience relief from pain.

22. When my mother came home from work around 6:30 p.m., I had crawled out onto the porch with a blanket around me and was curled up in a ball on the floor.

23. My mother called the Planned Parenthood Clinic around 7:00 p.m. and the clinic person said that I was "overreacting" and "faking". The clinic person told my mother to take me to St. Vincent Hospital and that a representative from the clinic would meet us there.

24. My mother took me to St. Vincent Hospital and a representative from the clinic met us at the emergency room around 9:00 p.m. (Monday, April 19, 1993). The representative of the clinic left after the emergency room personnel begin to attend to me.

25. While in the emergency room, I was in intense pain with cramps. Parts of conception were delivered in the emergency room. I was given an injection for pain in the emergency room which helped me a bit.

26. I was admitted to St. Vincent Hospital in the early morning hours of Tuesday, April 20, 1993.

27. On Tuesday morning, an ultrasound test was performed on me and, because of the positive findings, a D & C procedure was thereafter performed at St. Vincent's Hospital.

28. I was placed on I.V. antibiotics for my whole stay at St. Vincent Hospital. I was discharged from St. Vincent Hospital on Saturday, April 24, 1993.

29. I was treated by Dr. Donovan at St. Vincent Hospital during my stay in the hospital. During this hospital stay, Dr. Donovan indicated to me that I may never be able to have children again and this upset me very much.

30. In May of 1993, I moved out of my parent's home and moved in with Chris Bernier, my boyfriend, at 150B Providence Road, Linwood, Massachusetts where we lived together until April of 1994. During this eleven (11) month period, I tried to conceive but did not. Chris and I broke up in April 1994.

31. By October 1994, I had become very depressed and moved back home with my parents.

32. In May 1994, because of depression and coping problems, I begin seeing Dr. Joanne Griffith, a Psychologist practicing in Douglas, Massachusetts. I saw Dr. Griffith approximately one time per week for about one year and thereafter saw Dr. Griffith on an infrequent basis through this date.

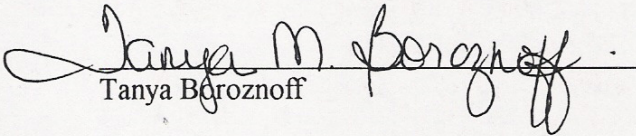
33. In October 1994, I was admitted into Wayside Day Treatment Facility in Framingham, Massachusetts for outpatient counselling and therapy for twenty (20) continuous days. I was admitted into this program because of continuing depression, crying, and inability to cope with challenges in my life. I had totally withdrawn from all of my friends and this was of great concern to my parents. In early 1995, I visited Dr. Robin Fischer, an Infertility Specialist at University Medical Center in Worcester, Massachusetts. In May, 1995, Dr. Fisher and several other doctors attempted to perform an endometrial biopsy on me at U. Mass Medical Center to obtain a sample of my uterine lining to see if scar tissue was present. The doctors were unable to complete this

test because they could not get through my cervix.

34. In September of 1995, I began to see Dr. Dennis Hidlebaugh of Fallon Clinic, an Infertility Specialist covered under my medical insurance plan. On October 9, 1995, Dr. Hidlebaugh performed a dye test at Fallon Clinic on Gold Star Boulevard in Worcester, Massachusetts. As a result of this test, it was determined that scar tissue blocked my fallopian tubes and that future surgery would be necessary to open up my fallopian tubes. I was informed that this would be elective surgery and for scheduling reasons, I chose to have the surgery on January 11, 1996 at St. Vincent Hospital in Worcester, Massachusetts. This operation was performed without any apparent complications however, the success of the test is unknown.

35. Through this date, I have only been pregnant once and this was the time when the abortion was conducted in April of 1993. For unknown reasons, my medical records reflect that I was possibly pregnant several other times but these are misstatements in the record.

Signed under the pains and penalties of perjury this 28 day of October, 1996.

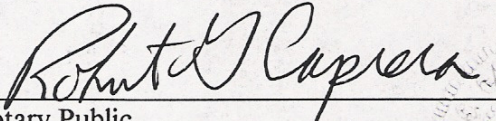

Tanya Boroznoff

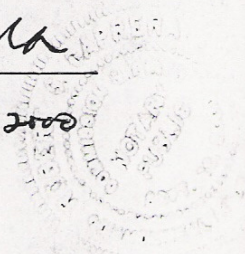
Commonwealth of Massachusetts

Worcester, ss.

October 28, 1996

Then personally appeared Tanya Boroznoff who acknowledged the foregoing as her free act and deed before me


Notary Public
My Commission Expires: 9/22/2000



✓

INTRODUCTION

This Offer of Proof relates to a medical malpractice action arising from the Defendants' negligence in performing an elective abortion procedure on the Plaintiff on April 17, 1993 whereby all of the products of conception were not removed which thereafter caused the Plaintiff to suffer a severe infection which placed her in St. Vincent's Hospital in Worcester, Massachusetts for six days following the elective abortion procedure. The scarring from the severe infection closed the Plaintiff's fallopian tubes which required the Plaintiff to undergo attempted corrective surgery to reopen her fallopian tubes by laser technique at St. Vincent Hospital on January 11, 1996. The results of this surgery are still not known and she continues to suffer the risk of infertility.

The Plaintiff claims that her damages and losses were caused by the negligent actions of Doctor Roger Ian Hardy and the employees of the Planned Parenthood Clinic located at 631 Lincoln Street, Worcester, Massachusetts.

STATEMENT OF FACTS

On Saturday, April 17, 1993, the Plaintiff, Tanya Boroznoff, paid for and received an elective abortion performed by Doctor Roger Ian Hardy at the Planned Parenthood Clinic owned and operated by Planned Parenthood League of Massachusetts, Inc. at 631 Lincoln Street, Worcester, Massachusetts. After this elective abortion procedure was performed around noon time, Tanya Boroznoff left the clinic at approximately 1:00 p.m., had lunch with a friend, and arrived at her home in the mid afternoon hours. Tanya Boroznoff stayed at home and rested throughout the remainder of that day and through all of Sunday, April 18, 1993.

At approximately 9:00 p.m. on Sunday, Tanya Boroznoff began to feel pain in her abdomen and began to experience chills and shivering. She continued to experience worsening pain in her

abdomen through the night and through all of the next day (Monday, April 19, 1993). When Tanya Boroznoff's mother arrived home from work at approximately 6:30 p.m. on Monday, she found Tanya lying on the porch floor curled up in a ball with a blanket around her. At this time, Tanya Boroznoff was experiencing extreme pain in her abdomen. Tanya Boroznoff's mother called the Planned Parenthood Clinic at approximately 7:00 p.m. and the clinic worker told Tanya Boroznoff's mother to take her to St. Vincent Hospital. Tanya Boroznoff was thereafter taken to St. Vincent Hospital emergency room by her mother at approximately 9:00 p.m. on Monday, April 19, 1993 and, after being examined by the emergency room staff, Tanya Boroznoff was admitted as an in-patient at the St. Vincent Hospital in the early morning hours of Tuesday, April 20, 1993. At St. Vincent's Hospital, Tanya Boroznoff underwent a D & C procedure, was placed on IV antibiotics, and was eventually discharged on Saturday, April 24, 1993.

At the emergency room at St. Vincent Hospital on Monday, April 19, 1993, Tanya Boroznoff delivered retained parts of conception which were not fully removed in the abortion procedure performed by the defendants on April 17, 1996.

According to the Planned Parenthood Clinic's records (see Tab 2 last page), Tanya Boroznoff's emergency care was a result of the Defendants' substandard treatment which constituted "a departure from the PPFA Medical Standards and Guidelines." Specifically, the clinic records admit "The physician performing the procedure was not thorough enough in checking the fetal parts obtained resulting in retained fetal spine, calvarium and some extremities. The retained parts and uterus became infected, resulting in a D & C and hospitalization for IV antibiotics being necessary."

In September of 1995 Tanya Boroznoff underwent a dye test which confirmed that scar tissue blocked her fallopian tubes. On January 11, 1996 Tanya Boroznoff underwent elective surgery at St.

Vincent Hospital in Worcester, Massachusetts to attempt to open her fallopian tubes by laser surgery. The results of this surgery are yet known and it is presently undetermined whether or not Tanya Boroznoff will be able to conceive, carry, and deliver children in the future.

CONTENTIONS OF NEGLIGENCE

Doctor Roger Ian Hardy

On April 17, 1993, Doctor Roger Ian Hardy rendered surgical care to Tanya Boroznoff. In doing so, they entered into a physician-patient relationship with all of the attendant duties.

Doctor Hardy had a duty to exercise that degree of care and skill of the average qualified physician, taking into account advances in the profession. Further, holding himself out as a specialist, he had a duty to meet the standard of care of the average qualified OB-GYN, taking into account advances in the profession. Brune v. Belinkoff, 354 Mass. 102, 235 N.E. 2d 793 (1986).

Specifically, in April of 1993, the standard of care for the average qualified physician in this setting would have included:

1. Informed Consent - Direct counseling by Doctor Hardy to apprise the patient as to all of the options, possible risks, and directions for follow-up care related to an elective abortion procedure. The absence of any counseling by the Doctor to the patient directly constitutes a lack of informed consent.
2. Proper elective abortion procedure requires the removal of the entire contents of the products of conception. A doctor performing an elective abortion procedure should adequately evaluate the contents of the products of conception to insure that they are completely removed.
3. Use of ultrasound and ring forceps exploration along with suction and sharp curettage in the performing of an elective abortion procedure.

4. Full pathology testing and reporting to adequately evaluate the fetal products in their entirety.

5. Adequate and proper follow-up care within 36 hours after the elective abortion procedure to insure that the patient is not suffering any adverse complications or symptomology.

Doctor Hardy fell below of the standard of care of the average qualified OB/GYN practicing in 1993 through his failure to directly counsel Tanya Boroznoff for the elective abortion procedure to receive her full informed consent, by not removing the entire contents of the product of conception, by failing to adequately evaluate the contents of the products of conception to insure that they were completely removed (the Calvarium, the spine, and some extremities were left in the patient's uterus), by failing to use ultrasound and ring forceps exploration in addition to suction and sharp curettage in conducting the elective abortion procedure, by failing to order and receive proper pathology testing and reporting to adequately evaluate the fetal products in their entirety, and by failing to follow-up Tanya Boroznoff within 36 hours after the abortion procedure to insure that she was not suffering from adverse complications of symptomology.

These deviations from the requisite standard of care resulting in the Plaintiff's severe infection which caused the inpatient hospital care at St. Vincent Hospital and her probable infertility.

Planned Parenthood League of Massachusetts, Inc.

On April 17, 1993, Planned Parenthood League of Massachusetts, Inc. (hereinafter referred to as PPLM) through its agents, servants, and/or employees, rendered medical care to the Plaintiff. In doing so, they entered into a hospital-patient relationship with all of the attended duties. PPLM had a duty to exercise that degree of care and skill of the average licensed health care facility. Further, holding itself out as a specialist in providing safe, legal abortions, PPLM had a duty to meet

MEDICAL DIRECTOR'S REVIEW

MEDICAL DIRECTOR'S CONFIDENTIAL AND PRIVILEGED REPORT TO
LEGAL COUNSEL

Affiliate Name _____

(1) Patient Information

Name of Patient Tanya Boroznoff Age 18 Sex M / F / V

Address 33 Cedar St Douglas, MA 01516 Marital Status S / M / I

Social Security No. 141-78-9222 Occupation —

Spouse's Name (If Applicable) — Spouse's Occupation —

(2) Brief Medical History (give a brief history of patient including OB/GYN History & any other significant complaints, treatment and/or hospitalization)

BRIEF MEDICAL HISTORY

18 yo G1 ♀ LMP 2/3/93 menses - Ab.

(3) Treatment in question (evaluate the treatment or procedure in question)

TREATMENT IN QUESTION

TAB at 12 wks size, 12-13 wks by tissue done 4/17/93
Pt. admitted 4/19 to hospital for pain, fever and
bleeding - retained products seen, IV antibiotic, co/D

(4) Affiliate Clinicians (provide names of all clinicians who treated the patient at the affiliate and a brief statement of the treatment rendered by each)

AFFILIATE CLINICIANS		
NAME	Treatment Rendered	Date
<u>Ian Hardy, M.D.</u>	<u>TAB</u>	<u>4/17/93</u>

(5) OUTSIDE PHYSICIANS (Identify physicians outside of the affiliate who are known to have treated the patient.)	OUTSIDE PHYSICIANS			
	NAME	ADDRESS	TREATMENT RENDERED	DATES
	Ruth Donovan, MD	Westboro, MA	D+C	4/19/93

(6) HOSPITALIZATIONS (Identify hospitals, dates of admission and discharge, and treatment given if known.)	HOSPITALIZATIONS			
	NAME	DATE ADMITTED	DATE DISCHARGED	TREATMENT
	St Vincent's	4/19/93	4/23/93	IV Antibiotics D+C

(7) MEDICAL REVIEW (Give detailed review, including treatment, consultations, examinations, lab tests, diagnosis, complications and final diagnosis.)	MEDICAL REVIEW
	Final Dx Incomplete abortion (retained products)

(8) INFORMED CONSENT (Provide a statement of the informed consent procedure followed by the affiliate personnel for each treatment or procedure. Please attach copy of signed consent form and fact sheet.)	INFORMED CONSENT
	(A) Was informed consent obtained for each treatment/procedure? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
(B) If answer is 'yes' who obtained consent? Judith McCann	
(C) What specifically was the patient told of the possible alternatives to the procedure/treatment? all pregnancy options discussed	
(D) If answer to (A) is 'no', give reasons/circumstances	

MEDICAL DIRECTOR'S REVIEW (CONT.)

MEDICAL DIRECTOR'S REPORT TO LEGAL COUNSEL

(9)

ANALYSIS

ANALYSIS

(Give your opinion as to whether the treatment rendered to the patient conforms to accepted standards of medical care. If treatment or any part thereof constituted a deviation from accepted standards of medical care or resulted in an injury to the patient, indicate in what manner such deviation exists & or the reasons for the injury.)

(A) Does the treatment/procedure constitute a departure from the PPFA Medical Standards and Guidelines? Yes No

(B) Give detailed explanation of the above answer _____

The physician performing the procedure was not thorough enough in checking the fetal parts obtained resulting in retained fetal spine, calvarium + some extremities. The retained parts and uterine became infected, resulting in a D+C and hospitalization for 11 antibiotics being necessary.

(10)

ADDITIONAL INFORMATION

ADDITIONAL INFORMATION

(Give any information that would be helpful in order to understand and evaluate the case. Use additional sheets, if necessary.)

Hospital records

[Signature] 8/14/83

Signature of Medical Director

Date

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF WORCESTER
THE SUPERIOR COURT

CIVIL ACTION #WOCV96-00791 -C

Tanya Boroznoff

vs.

Planned Parenthood League of Ma

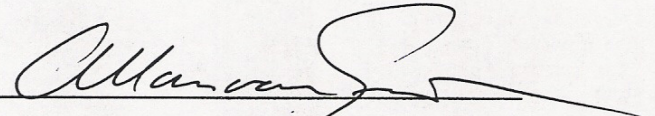
Ian Hardy M D

REPORT OF THE MEDICAL MALPRACTICE TRIBUNAL

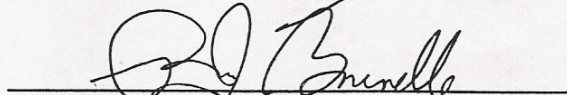
The medical Tribunal appointed in the above case conducted a hearing on 11/05/96 and upon its consideration of the pleadings and the hospital records and other documents which were presented, and the arguments of counsel, determines that upon evidence presented, if properly substantiated, there [is - is not] sufficient evidence to raise a legitimate question of liability appropriate for judicial inquiry.

Dated: 11/05/96

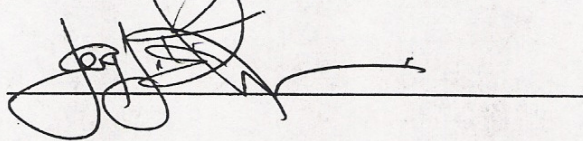
Justice of the Superior Court



Legal Member:



Medical Member:



Copies mailed

11/6/96

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF WORCESTER
THE SUPERIOR COURT

CIVIL ACTION #WOCV96-00791 -C

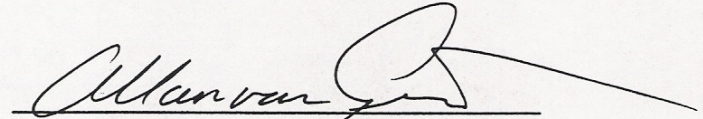
Tanya Boroznoff
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Planned Parenthood League of Ma
Ian Hardy M D

--- REPORT OF THE MEDICAL MALPRACTICE TRIBUNAL

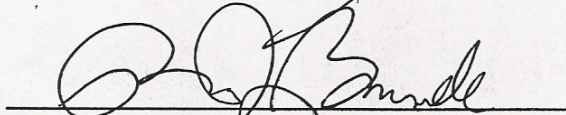
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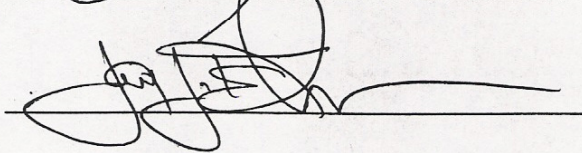
Justice of the Superior Court



Legal Member:



Medical Member:



Copies mailed

11/6/96

FIRST AFFIRMATIVE DEFENSE

Defendant's liability is limited to the sum of twenty thousand dollars exclusive of interest and costs pursuant to M.G.L. c. 231, §85K as it is a charitable organization.

SECOND AFFIRMATIVE DEFENSE

The plaintiff's claim is barred by the applicable statute of limitations.

THIRD AFFIRMATIVE DEFENSE

The plaintiff's injuries, if any, were caused by a third party for whose conduct this defendant is not responsible.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff failed to timely serve the complaint in accordance with Mass. R. Civ. P. 4(j). Wherefore, there was insufficient process and plaintiff's complaint should be dismissed.

FIFTH AFFIRMATIVE DEFENSE

Count One of plaintiff's complaint fails to state a claim upon which relief can be granted.

SIXTH AFFIRMATIVE DEFENSE

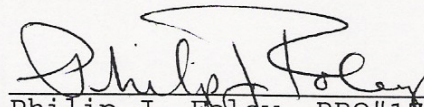
Count Two of plaintiff's complaint fails to state a claim upon which relief can be granted.

SEVENTH AFFIRMATIVE DEFENSE

Count Three of plaintiff's complaint fails to state a claim upon which relief can be granted.

THE DEFENDANT DEMANDS A TRIAL BY JURY AS TO ALL ISSUES.

The Defendant,
By its attorneys,



Philip J. Foley BBO#183700
CORNELL & GOLLUB
75 Federal Street
Boston, MA 02110
(617) 482-8100

CIVIL ACTION COVER SHEET	Trial Court of Massachusetts SUPERIOR COURT DEPARTMENT WORCESTER, _____ Division	DOCKET NUMBER 96-0791 <i>C</i>
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PLAINTIFF(S) TANYA BOROZNOFF	DEFENDANT(S) PLANNED PARENTHOOD LEAGUE OF MASSACHUSETTS, INC. AND IAN HARDY, M.D.
ATTORNEY(S) FIRM NAME, ADDRESS AND TEL.) (508) 764-3297 Robert G. Caprera, Esquire CAPRERA AND CAPRERA 176 Main St., Southbridge, MA 01550 Board of Bar Overseers # (Required) 073120	ATTORNEY(S) (if known)

ORIGIN CODE AND TRACK DESIGNATION

Place an in one box only:

<input checked="" type="checkbox"/> 1. F01 Original Complaint <input type="checkbox"/> 2. F02 Removal to Sup. Ct. c231, s. 104 (F) <input type="checkbox"/> 3. F03 Re-transfer to Sup. Ct. c231, s. 102C (X)	<input type="checkbox"/> 4. F04 District Ct. Appeal c231, s. 97 (X) <input type="checkbox"/> 5. F05 Reactivated after Rescript; Relief from judgment/order (Mass. R Civ. P. 60 (X) <input type="checkbox"/> 6. E10 Summary process appeal (X)
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TYPE OF ACTION AND TRACK DESIGNATION (See Reverse Side)

CODE NO.	TYPE OF ACTION (specify)	TRACK	IS THIS A JURY CASE?
<u>B06</u>	<u>Malpractice - Medical</u>	(A)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

1. PLEASE GIVE A CONCISE STATEMENT OF THE FACTS: (Required in ALL Types of Actions)

On April 17, 1993 the Plaintiff received an incomplete abortion procedure performed by the Defendant which left fetal parts and products of conception in the Plaintiff's uterus thereby causing massive infection, resulting hospitalization and surgery, and permanent damage to her reproductive organs.

2. IN A CONTRACT ACTION (CODE A) OR A TORT ACTION (CODE B) STATE, WITH PARTICULARITY, MONEY DAMAGES WHICH WOULD WARRANT A REASONABLE LIKELIHOOD THAT RECOVERY WOULD EXCEED \$25,000:

This matter should not be remanded because the liability is clear. The Plaintiff has undergone surgical procedures at St. Vincent Hospital and the Plaintiff has suffered permanent damage to her reproductive organs.

3. PLEASE IDENTIFY, BY CASE NUMBER, NAME AND DIVISION, ANY RELATED ACTION PENDING IN THE SUPERIOR COURT DEPARTMENT.

N/A

SIGNATURE OF ATTORNEY OF RECORD OR PLAINTIFF <i>Robert G. Caprera</i>	DATE 4/16/96
--	-----------------

OFFICE USE ONLY - DO NOT WRITE BELOW THIS LINE

<p style="text-align: center;">DISPOSITION</p> <p>A. Judgment Entered</p> <input type="checkbox"/> 1. Before jury trial or non-jury hearing <input type="checkbox"/> 2. During jury trial or non-jury hearing <input type="checkbox"/> 3. After jury verdict <input type="checkbox"/> 4. After court finding	<p>B. No Judgment Entered</p> <input type="checkbox"/> 6. Transferred to District Court under G.L. c.231, s.102C. Disposition Date	RECEIVED BY: <i>Paul Hardy</i> DATE: 4/16/96 DISPOSITION ENTERED BY:
--	---	--

COMMONWEALTH OF MASSACHUSETTS

Worcester, ss.

Superior Court
Civil Action No. 96-00791C

Tanya Boroznoff, Plaintiff)
vs)
Planned Parenthood League of)
Massachusetts, Inc.)
and)
Roger Ian Hardy, M.D., Defendants)

AMENDED
COMPLAINT
(Trial by Jury Claimed)

FILED

JUN 27 1996

ATTEST:
Louis P. Samourlux
CLERK

COUNT 1 - NEGLIGENCE

1. The Plaintiff, Tanya Boroznoff, resides in Douglas, Worcester County, Massachusetts.

2. The Defendant, Planned Parenthood League of Massachusetts, Inc. (herein after referred to as "CLINIC"), is a Massachusetts Corporation with a principal place of business at 99 Bishop Allen Drive, Cambridge, MA and doing business at 631 Lincoln Street, Worcester, Massachusetts, which at all times herein concerned was engaged in providing medical, surgical, anesthetic, hospital and nursing care, treatment and services to the public, including the Plaintiff, Tanya Boroznoff.

3. At all times herein concerned the CLINIC, its agents, servants and employees, held themselves out to the general public and in particular to the Plaintiff, Tanya Boroznoff, as competent and expert in medical diagnosis, surgery, treatment, care and of all of the medical and surgical problems and conditions, and, in particular, they held themselves out to the Plaintiff that they were knowledgeable, competent and qualified to diagnosis and treat the Plaintiff's condition and medical needs.

4. At all times herein mentioned, the CLINIC acted by and through its agents, servants, and/or employees who all acted within the full scope of their employment and who all acted under the control of the CLINIC.

5. On or about April 17, 1993, the Plaintiff submitted herself to the care and treatment of the CLINIC, who by its negligence, carelessness, and lack of regard for the Plaintiff's health, care and well-being, treated the Plaintiff in a manner resulting in her severe personal injuries, to wit: the abortion procedure performed on the Plaintiff was incomplete and left fetal parts and parts of conception in her uterus, that she was discharged from the care of the CLINIC in this dangerous condition, that the unremoved

29

discharged from the care of the CLINIC in this dangerous condition, that the unremoved fetal parts and products of conception caused a massive infection in the Plaintiff's uterus and abdomen, that the Plaintiff was forced to enter St. Vincent's Hospital in Worcester, Massachusetts on April 19, 1993 to receive I.V. antibiotics and surgical procedures, that the massive infection adversely affected the Plaintiff's reproductive health and that the Plaintiff has had and will continue to need medical care in the future relative to her reproductive health.

6. The injuries sustained by the Plaintiff were the direct and proximate result of the carelessness, unskillfulness and negligence and improper care and treatment by the CLINIC, including, but not limited to the following:

a. The CLINIC's misrepresentations to the Plaintiff that its employees, servants, and/or agents were knowledgeable, skillful, and competent to diagnose and treat the Plaintiff's medical needs on/or about April 17, 1993;

b. The CLINIC's failure to adequately and properly perform the abortion procedure upon the Plaintiff on/or about April 17, 1993 and for failure to prescribe proper and timely treatment and advice to the Plaintiff upon her discharge from the CLINIC in the medically dangerous condition of still having fetal parts and products of conception in her uterus;

c. The CLINIC's failure to recognize, or have the knowledge to recognize its inability to diagnose and treat the Plaintiff, when the CLINIC through its agents, servants, and/or employees knew or should have known in the exercise of due care the foreseeable consequences of their inability to properly and skillfully provide the Plaintiff with acceptable medical and diagnostic services;

d. Negligent failure to follow the standard of care and skill of the average CLINIC and medical personnel undertaking the care of a patient such as the Plaintiff, taking into account advances in the profession;

e. The CLINIC's negligent failure to inform and to warn the Plaintiff of the risks involved or associated with the medical procedures performed on the Plaintiff and failure to inform and warn the Plaintiff about the treatment of any medical conditions involved with and resulting from the procedure performed upon the Plaintiff.

7. As a direct and proximate result of the Defendant's negligence, carelessness, and unskillfulness, the Plaintiff, Tanya Boroznoff, was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur a great expense for her medical, surgical, psychological, and hospital care and treatments; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has lost wages and will incur loss of future earning capacity; has suffered and will continue to suffer great emotional and physical anguish; has permanently lost use of body parts; has lost the ability to bear children; and her ability to enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Tanya Boroznoff, demands judgement against the CLINIC for the above described personal injuries and losses, together with interest and costs.

COUNT II - CONTRACT (CLINIC)

8. The Plaintiff, Tanya Boroznoff, repeats and reavers fully herein paragraphs 1 through 7 of Count I of this Complaint as if each were set forth here in its entirety.

9. On or about April 17, 1993 the CLINIC contracted with the Plaintiff to provide professional services relating to the Plaintiff's medical care and treatment, including but not limited to a safe and complete abortion procedure.

10. The CLINIC expressly and impliedly warranted to the Plaintiff that they would perform and render these professional services in accordance with accepted standards for the practice of medicine, and that they would possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession.

11. On or about April 17, 1993 the Plaintiff relied upon the express and implied representations of the CLINIC as referred to herein-above, paid the requested fee for the services, submitted herself to the medical care and practices of the CLINIC, but the CLINIC breached its express and implied warranties by failing to perform and render the professional services in accordance with accepted standards for the practice of medicine, and failed to possess and exercise that degree of skill and care possessed and exercised by the average qualified members of the medical profession.

12. As a direct and proximate result of the CLINIC's breach of express and implied warranties and promises, the Plaintiff, Tanya Boroznoff, was caused to sustain the loss of the contract fee; was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur a great expense for her medical, surgical, psychological, and hospital care and treatments; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has lost wages and will incur loss of future earning capacity; has suffered and will continue to suffer great emotional and physical anguish; has permanently lost use of body parts; has lost the ability to bear children; and her ability to enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Tanya Boroznoff, demands judgement against the CLINIC for the above described personal injuries and losses, together with interest and costs.

COUNT III - CONSENT (CLINIC)

13. The Plaintiff, Tanya Boroznoff, repeats and reavers fully herein paragraphs 1 through 7 of Count I of this Complaint as if each were set forth here in its entirety.

14. On or about April 17, 1993, average qualified members of the medical profession practicing the CLINIC's specialty knew or should have known of the risks, potential consequences and alternatives to the treatment of the Plaintiff.

15. On or about April 17, 1993 the Defendant, the CLINIC, knew or should have known of the risks, potential consequences and alternatives to the treatment which was rendered to the Plaintiff.

16. On or about April 17, 1993, the Defendant, the CLINIC, did not inform the Plaintiff of the alternatives to and risks and potential consequences of the treatment which was rendered to the Plaintiff.

17. If the CLINIC had informed the Plaintiff of the alternatives to and risks and potential consequences of the Defendant's choice of treatment of the Plaintiff, neither the Plaintiff nor a reasonable person in her position would have elected the Defendant's choice of the treatment.

18. The alternatives to and the risks and potential consequences of the Defendant's choice of treatment were material to a decision by the Plaintiff and a reasonable person in her position as to whether to undergo the Defendant's choice of treatment.

19. As a direct and proximate result of the CLINIC's failure to inform the Plaintiff of the alternatives to and risks and potential consequences of the Defendant's treatment, the Plaintiff, Tanya Boroznoff, was caused to sustain the loss of the contract fee; was caused to sustain severe and permanent personal injuries; has incurred and will continue to incur a great expense for her medical, surgical, psychological, and hospital care and treatments; has suffered and will continue to suffer great pain of body and anguish of mind; has been and will continue to be hospitalized; has lost wages and will incur loss of future earning capacity; has suffered and will continue to suffer great emotional and physical anguish; has permanently lost use of body parts; has lost the ability to bear children; and her ability to enjoy life has been permanently adversely affected.

WHEREFORE, the Plaintiff, Tanya Boroznoff, demands judgement against the CLINIC for the above described personal injuries and losses, together with interest and costs.

COUNT IV - NEGLIGENCE (ROGER IAN HARDY, M.D.)

20. The Plaintiff, Tanya Boroznoff, resides in Douglas, Worcester County, Massachusetts.

21. The Defendant, Roger Ian Hardy, M.D., resides in Topsfield, Massachusetts, and at all times herein mentioned was and is a physician licensed (Massachusetts License No. 7575) to practice his profession in the Commonwealth of Massachusetts.

Susan Lamar signed for summons at PP

Planned Parenthood Clinic of Central Massachusetts
a service of THE PLANNED PARENTHOOD LEAGUE OF MASSACHUSETTS

REQUEST FOR ABORTION

Name of Patient: Janya Borznoff Chart No. 30-320 Date: 4/17/93
Address: 33 Cedar St Douglas MA 01540 Tel: 476-1942
Date of Birth: January 2, 1978

I have received from the Planned Parenthood League of Massachusetts a fact sheet containing detailed information on the nature and purpose of an abortion, the risks involved, and the possibility of complications. I have also received information prepared by the Massachusetts Department of Public Health that describes the procedures available for performing first trimester abortions, and the possible complications associated with each procedure. I have read the fact sheets which have been explained to me and which I understand. I have been advised that my doctor intends to use the dilation and evacuation procedure. I have had all my questions answered. I also understand that a doctor is available to answer any additional questions which I may have. No guarantee or assurance has been made to me as to the results which may be obtained and I am aware, on the basis of the fact sheets and explanation I received, of the risks involved in an abortion and the possible complications.

I hereby request that a doctor authorized by the Planned Parenthood League of Massachusetts perform an abortion upon me if s/he, in his/her medical judgement approves the performance of the abortion. If any unforeseen condition arises in the course of the abortion calling, in his/her judgement, for procedures in addition to or different from those contemplated, I further request and authorize him/her to do whatever s/he deems advisable to protect my health and welfare.

I understand that an ultrasound exam may be required.

I also consent to: 1. performance of laboratory tests as indicated. I realize that if tests are taken for sexually transmitted diseases, reporting of certain positive results to public health agencies is required by law; 2. performance of an ultrasound exam, if indicated; 3. the administration of a local anesthetic, a mild sedative, and other medications.

----- I understand that if I have IV sedation I must be accompanied by an adult on INIT. discharge and that I may not operate a motor vehicle for a minimum of 6 hours after discharge.

I understand that whether I decide to have or not to have an abortion, that would not be a reason for denial of public assistance. I received, read and understand this request sheet. My questions have been answered.

I hereby give permission to the employees of Planned Parenthood League of Massachusetts and others authorized by them to use information contained in my medical record for statistical purposes, with the understanding that confidentiality will be maintained.

Signature of Patient: Janya Borznoff Date: 4/17/93

I witness the fact that the client received the above mentioned information and said she read and understood same.

Witness: Tracy H M Cam Date: 4-17-93

PLANNED PARENTHOOD CLINIC of CENTRAL MASSACHUSETTS

a service of THE PLANNED PARENTHOOD LEAGUE of MASSACHUSETTS

REQUEST FOR EXAMINATION, TREATMENT AND PRESCRIPTION
OR INSERTION OF CONTRACEPTIVE DRUG OR DEVICE OR METHOD

Date: 4-17-93

Name of Patient: Janya M. Boreznoff

Address: 33 Cedar Street Douglas Ma 01516

Date of Birth: January 2, 1975

I have received from Planned Parenthood a fact sheet containing information on the use, effectiveness; and known risks of the available contraceptive drugs including oral contraceptives (birth control pills) and devices, such as intrauterine devices (I.U.D.), diaphragms, and foam and condoms. I have read the fact sheet, which has been explained to me and which I understand. I also understand that a clinician (physician or nurse practitioner) is available to answer any questions I may have. No guarantee or assurance has been made to me as to the results which may be obtained if I use any of the methods described in the fact sheet, and I am aware on the basis of the fact sheet and the explanation I received of the possible adverse consequences and side effects of the various methods as set forth in the fact sheet. I realize that in tests taken for sexually transmitted diseases, reporting of certain positive results to public health agencies is required by law.

I hereby request that a person authorized by Planned Parenthood examine me, and that a suitable contraceptive drug, device or method be prescribed, fitted or inserted.

Contraceptive Method Selected: Pill

Signature of Patient: Janya M. Boreznoff

Date: April 17, 1993

I witness the fact that the patient received, read and said she understood the fact sheet.

Witness: Judith H. McCann

340 MAIN STREET • WORCESTER, MA. 01608 • SUITE 645

APPOINTMENTS: 754-1801 • ADMINISTRATION: 799-5307 • EMERGENCY: 799-5328

Memo

TO:

DATE:

FROM:

RE:

6/25 3P

Tanya's mom called - says Tanya went to see a lawyer p Cx c AB here - lawyer said she could only sue if problem e another pg

mom says Tanya lied to us (e.g. Im 2/6 told us mom says not true)

mom believes T. got pg. and disregarded hosp. PMD, mom's + ER's advice - trying to create a problem pg → endangering her own health

Miscarried yesterday + went to E.R.

per mom

mom wants to let us know she is on our side, will testify vs Tanya

2/20/06 (cont)

says:

n't notify nurses. daughter seen by DR Ruth
Ovan in Westboro - her insurance paid for
application but mother feels MD should have
checked products better and followed patient
later

mom wants "\$350 back and nothing else". Mom
says she is "very pro choice + supports PP"

M. Deming (S) J
Surgical Coordinator

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Nichols Gamble, Ed.D.
Executive Director

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Central Massachusetts
100 North Street
Boston, MA 01608
617-551-5307

Pl Parenthood Clinic
Greater Boston
100 North Street
Boston, MA 02146
617-551-1370

May 4, 1993

Jean Sarli
P.O. Box 1147
Webster, MA 01570

Dear Ms Sarli,

Enclosed you will find the refund check for Tanya for services rendered by Planned Parenthood Clinic of Central Massachusetts on April 17th, 1993.

I hope Tanya is feeling better at this time. If I can be of any further assistance to either of you, please don't hesitate to call me.

Sincerely,

Wendy J gates
Wendy Gates
Clinic Director

enclosure/
WG/md

W: 949-2700
H: 476-1942

mailed
5/5/93
✓ # 1144

Mom's # (w) 949-2700

TELEPHONE DIALOGUE RECORD

PATIENT # _____ DATE: 4.22.93

PATIENT NAME: BOROZNOFF, Tanya

Spoke to Linda S. who advised me of pt. referral.

Message left in apt. as SIV. NOT home.

IClemingsBSM

TELEPHONE DIALOGUE RECORD

PATIENT # 30-320 DATE: 4/22/93

PATIENT NAME: BOROZNOFF, Tanya

40P

Pt's mother called today, (pt's name is Tanya Boroznoff). Tanya had 4 AB on Saturday and apparently is now hospitalized. Tanya's mother was returning phone call from Karen F. (?). The mother wants to know if they will get their \$50 back, seeing as how "we get off easy after almost killing Tanya & not having to pay for a week's hospital stay." The mother would like a call back # 476-1942.

Pamela J. Doonan
Asst. Clinic Coordinator

✓

error w/ mother
→
TELEPHONE DIALOGUE RECORD

PATIENT # 30-320 DATE: 4-17-93

PATIENT NAME: Boroznoff, Tanya

pt 9w 4d LMP sized @ 12 POC ~ 13

seen 2 days later 4/19/93 at St Vincent's Hospital

endometritis } D+C
RPOC

RPOC confirmed by lab & calvarium, 1 hand missing
& spine

Lab's impression: single gestation, missing products

mother angry at PPLM MD, mother states "MD told pt
she was further along" but mother says he didn't
double check (over)

I called her back @ 8 PM her mother
talked to me and said 'She wanted her
checked. I asked her who her insurance was
with and she said "Fallon in Milford"
I told the mother she could take her to
St Vincent hosp. ER.

- I called triage nurse at ER and apprised
her of situation and told her patient was
coming in.
- I called next AM's no answer - I reported
situation to Wendy Gates.

SAINT VINCENT HOSPITAL
WORCESTER, MASSACHUSETTS 01604

BOROZONOFF, TANYA
#74-16-74 - /

DISCHARGE SUMMARY:

ADMITTED: 04/20/93
DISCHARGED: 04/24/93

DISCHARGE DIAGNOSIS: RETAINED PRODUCTS OF CONCEPTION
AND ENDOMETRITIS.

OPERATIVE PROCEDURE: Suction dilatation and curettage
4/20/93.

HISTORY OF PRESENT ILLNESS: This patient is an 18-year-old gra-
vida I, para 0, who underwent an elective termination of pregnan-
cy on 4/17/93. She presented on the day of admission with fever,
chills and heavy vaginal bleeding.

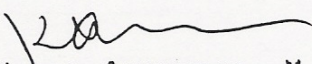
FAST MEDICAL HISTORY: Noncontributory.

PHYSICAL EXAMINATION: Physical examination revealed a temperture
of 98.5, significant physical findings revealed tissue noted in
the cervical os with moderate amount of blood. The uterus was
about 12 weeks size, tender and boggy.

LABORATORY DATA: Significant laboratory findings revealed a white
blood cell count of 23,000.

PHYSICAL EXAMINATION: The patient was admitted and given intra-
venous antibiotics and on the morning after admission underwent
an ultrasound which revealed retained tissue. That day the pa-
tient underwent dilatation and curettage with removal of a large
amount of purulent bloody tissue.

The patient was continued on intravenous antibiotics, became
afebrile on her third hospital day and was continued on
antibiotics up to the fifth hospital day and was discharged after
remaining afebrile for three days on p.o. Flagyl 500 mg b.i.d.
for seven days and p.o. Docixycline 100 mg b.i.d. for seven days
along with ferrous sulfate. The patient will be seen in two
weeks for followup by Dr. Goldberg.


Karen Ammerman, M.D.
KA/ids:jap
D. 06/28/93 T. 07/02/93 K. 136



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Boroznoff v Planned Parenthood League of Ma et al

3 Parties Associated with Docket: WOCV1996-00791 | [Click last name to view contact information](#)

No.	Last Name:	First Name:	Party Role:	Party Status:
1	Boroznoff	Tanya	Plaintiff	Active
2	Hardy M D	Ian	Defendant	Dismissed by agreement of parties
3	Planned Parenthood League of Ma		Defendant	Dismissed by agreement of parties

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