

# WESTON | PATRICK

August 6, 2018

Office of the Civil Clerk  
Worcester County Superior Court  
225 Main Street  
Worcester, MA 01608

Re: redacted v. Planned Parenthood League of Massachusetts,  
Inc., and Rebecca Krieger, RN.  
Middlesex Superior Court, Civil Action No.: 1881CV00763H

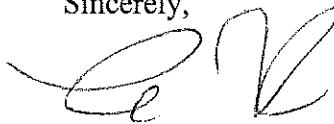
Dear Clerk of Court:

Enclosed for filing and docketing, please find the following:

- (1) Defendants' Demand for Tribunal;
- (2) Letter to Massachusetts Medical Society;
- (3) Letter to Massachusetts Board of Registration in Nursing; and
- (4) Certificate of Service.

Thank you for your attention to this matter.

Sincerely,



Christopher T. Riley

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Enclosures

cc: Kevin Donius, Esq.  
Massachusetts Medical Society  
Massachusetts Board of Registration in Nursing

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BOARD OF REGISTRATION  
IN NURSING

# WESTON | PATRICK

August 6, 2018

Board of Registration in Nursing  
239 Causeway St., Suite 500,  
5th Floor,  
Boston, MA 02114

Re: redacted v. Planned Parenthood League of Massachusetts,  
Inc., Tara Kumaraswami, M.D., and Rebecca Krieger, RN.  
Middlesex Superior Court, Civil Action No.: 1881CV00763H

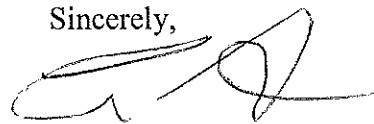
Dear Sir or Madam:

Our office represents Rebecca Krieger, RN, in connection with the above referenced lawsuit. We are requesting a list of representatives in the field of obstetrics nursing who are available to serve on a medical malpractice tribunal.

Pursuant to recently adopted Superior Court Rule 73, we are obligated to obtain a case-specific list from the pertinent licensing agency and provide it to the clerk within 90 days after an Answer is filed. As such, please provide a list of qualified representatives who are licensed to practice in the field of obstetrics nursing under the laws of the Commonwealth and who works *outside* of Worcester County. If you have any questions regarding this request, please contact our office as soon as possible.

Thank you.

Sincerely,



Christopher T. Riley

CR  
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BOARD OF REGISTRATION  
IN NURSING

# WESTON | PATRICK

August 6, 2018

Massachusetts Medical Society  
860 Winter Street  
Waltham, MA 02451-1411

Re: redacted v. Planned Parenthood League of Massachusetts,  
Inc., Tara Kumaraswami, M.D., and Rebecca Krieger, RN.  
Middlesex Superior Court, Civil Action No.: 1881CV00763H

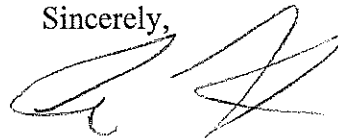
Dear Sir or Madam:

Our office represents Tara Kumaraswami, M.D., in connection with the above referenced lawsuit. We are requesting a list of representatives in the field of obstetrics who are available to serve on a medical malpractice tribunal.

Pursuant to recently adopted Superior Court Rule 73, we are obligated to obtain a case-specific list from the pertinent licensing agency and provide it to the clerk within 90 days after an Answer is filed. As such, please provide a list of qualified representatives who are licensed to practice in the field of obstetrics under the laws of the Commonwealth and who works *outside* of Worcester County. If you have any questions regarding this request, please contact our office as soon as possible.

Thank you.

Sincerely,



Christopher T. Riley

CR  
Enclosures

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BOARD OF REGISTRATION  
IN NURSING

COMMONWEALTH OF MASSACHUSETTS

WORCESTER, SS.

TRIAL COURT OF THE COMMONWEALTH  
SUPERIOR COURT DEPARTMENT  
CIVIL ACTION NO. 1885CV373C

redacted

Plaintiff

v.

PLANNED PARENTHOOD  
LEAGUE OF MASSACHUSETTS, INC.,  
TARA KUMARASWAMI, M.D, and  
REBECCA KRIEGER, RN,

Defendants

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**DEFENDANTS' DEMAND FOR TRIBUNAL**

NOW COME Defendants Planned Parenthood League of Massachusetts, Inc., Tara Kumaraswami, M.D., and Rebecca Krieger, R.N., and demand a Tribunal pursuant to Massachusetts General Laws, c. 231, Section 60B. In compliance with Massachusetts Superior Court Rule 73, the Defendants have, simultaneous with this filing, served a copy of the Demand for Tribunal on all parties of record or their counsel, the Massachusetts Board of Registration in Nursing and the Massachusetts Medical Society. For purposes of the selection of the medical member of the panel, the Defendants request an expert in the field of obstetrics.

The Defendants maintain that the Plaintiff's Offer of Proof is insufficient insofar as Plaintiff's expert's letter and the Plaintiff's unsupported allegations ignore the facts and fail to state a deviation from the standard of care with respect to the alleged negligence of the Defendants. The expert's opinion consists of a mere recitation of the allegations contained in the Plaintiff's Complaint and relies on the Plaintiff's memory of events in support of the determination that a standard of care was breached. Dr. Boffard concludes that a professional in

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the position of Dr. Kumaraswami or Nurse Krieger would have recognized that the plaintiff was

redacted

Further, it is evident from Dr. Boffard's report that he did not review the "Client Information for Informed Consent" or the redacted provided by Planned Parenthood League of Massachusetts. These materials were reviewed and signed by the Plaintiff prior to her procedure and after the first stage of her procedure. These documents provide detailed information about the procedure, the types of risks the Plaintiff can expect, the indications of a problem, and the number to call and/or the steps to take when the Plaintiff experiences symptoms described in the documentation. By failing to review documents that establish what information the Plaintiff had prior to consenting to the subject procedure, the Expert's Offer of Proof cannot be considered reliable in determining that the Defendants "failed to advise" of *anything*. It would stand to reason that an expert opining that a clinic 'failed to advise of risks' would review the documents reviewed and signed by the patient advising her of the risks associated with her procedure.

As such, the Plaintiff has failed to present evidence sufficient to raise a legitimate question of liability appropriate for further judicial inquiry. The Defendants request that this matter not be allowed to proceed further against the Defendants, unless the Plaintiff posts the required bond.

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Defendants, Planned Parenthood League of  
Massachusetts, Inc., Rebecca Krieger, R.N.,  
and Tara Kumaraswami, M.D.

By their attorneys,



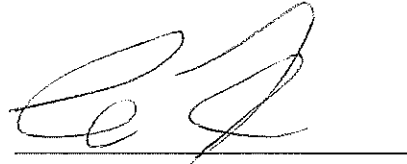
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Eric P. Finamore, BBO# 541872  
Christopher T. Riley, BBO# 698086  
Weston Patrick P.A.,  
84 State Street, 11th Floor  
Boston, MA 02109  
(617) 742-9310  
epf@westonpatrick.com

DATED: 08/06/18

**CERTIFICATE OF SERVICE**

I, Christopher T. Riley, attorney for the above-named Defendants, hereby certify that on the 6<sup>th</sup> day of August 2018, I have forwarded a copy of the foregoing documents, postage prepaid, to all counsel of record.



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IN NURSING