

◇ DOCKET NO.: NNH-CV-18-6080857 : SUPERIOR COURT

MARRISSA HACKETT and
ANTHONY JAMES HACKETT-FLANDERS
PPA MARRISSA HACKETT : J.D. OF NEW HAVEN

VS. : AT NEW HAVEN

PLANNED PARENTHOOD OF
SOUTHERN NEW ENGLAND, INC. and
STEPHANIE MALIA, APRN : SEPTEMBER 13, 2018

MOTION TO CITE IN ADDITIONAL PLAINTIFF

Pursuant to Connecticut Practice Book §§ 9-18, 9-19, 9-22 and 10-60, the undersigned hereby moves the Court for permission to cite in Anthony James Hackett-Flanders PPA Marrassa Hackett as an additional Plaintiff in this matter. This Motion is being made to correct a scrivener's error in the original Complaint and in response to the Defendants, Planned Parenthood of Southern New England, Inc.'s Request to Revise ("Request") (Entry No. 103.00), which seeks a separation of allegations sustained by Plaintiff Marrassa Hackett and her son, Anthony James Hackett-Flanders. A Revised Complaint is attached hereto as Exhibit A.

In support of this Motion, the Plaintiff states as follows:

1. This is a medical malpractice action for wrongful birth and emotional distress brought by Plaintiff Marrassa Hackett as a result of the Defendants' alleged failure to advise her that she was pregnant. As a result, Marrassa lost her chance to consider a decision regarding a

◇ termination of her pregnancy and, in fact, lost her chance to undergo a safe abortion and also received little or no prenatal care. Approximately two months after being advised she was pregnant, on September 13, 2016, Marrison gave birth to a baby boy, Anthony James Hackett-Flanders.

2. Among other things, Plaintiff Marrison Hackett alleged in the original Complaint that “[a]s a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrison Hackett was prevented from obtaining prenatal care and treatment, all of which has caused and may continue to cause her son, Anthony James Hackett-Flanders, developmental delays and delayed achievement of growth and development milestones.” (Compl. Ct. 1 ¶ 19, Ct. 2 ¶ 19, Ct. 3 ¶ 26, Ct. 4 ¶ 26).

3. Due to a scrivener’s error, Plaintiff Anthony James Hackett-Flanders PPA Marrison Hackett was not listed in the caption of the writ of summons and Complaint, dated May 8, 2018, nor were separate causes of action asserted on his behalf; however, Defendants were on notice that negligent conduct and associated damages were being claimed on behalf of minor Plaintiff Anthony by virtue of the allegations contained in the body of the Complaint. Hence, the claims asserted by Anthony should relate back to the filing of the original Complaint.

4. On August 31, 2018, Defendants, Planned Parenthood of Southern New England, Inc., filed a Request to Revise which sought a separation of the allegations pertaining to the

◇ injuries allegedly sustained by the Plaintiff's son, Anthony James Hackett-Flanders and Plaintiff Marrison Hackett.

5. Anthony James Hackett-Flanders is a necessary party to this action for the purposes of a complete determination of this controversy.

6. Even assuming arguendo that the claims asserted on behalf of Anthony do not relate back, his addition as a Party-Plaintiff is nonetheless timely under the applicable statute of limitations. In pertinent part, Connecticut General Statutes § 52-584 states: "[n]o action to recover damages for injury to the person, or to real or personal property, caused by negligence, or by reckless or wanton misconduct, or by malpractice of a physician, surgeon, dentist, podiatrist, chiropractor, hospital or sanatorium, shall be brought but within *two years* from the date when the injury is *first sustained or discovered or in the exercise of reasonable care should have been discovered*, and except that *no such action may be brought more than three years from the date of the act or omission complained of* . . . Conn. Gen. Stat. § 52-584. (emphasis added).

Further, it is well-settled that "a plaintiff's claim of medical malpractice will accrue once he or she discovers, or in the exercise of reasonable care should have discovered, that he or she suffered an actionable harm. The plain language of the statute does not, therefore, impose any specific affirmative duty on the plaintiff to investigate a potential claim of malpractice. Rather, the

◇ sole inquiry, in this context, is whether, in light of all relevant circumstances, the plaintiff exercised reasonable care in the discovery of his or her injury.” Taylor v. Winsted Memorial Hospital, 262 Conn. 797, 805 (2003). In this case, Anthony was born on September 13, 2016 and evidence came to light only recently that he was exhibiting developmental delays and failure to achieve milestones. As such, reasonable care has been demonstrated.¹

7. A Revised Complaint responsive to the Defendant’s Request to Revise is attached hereto as Exhibit A.

WHEREFORE, for the foregoing reasons the undersigned respectfully requests that this Court grant the Motion to Cite in Anthony James Hackett-Flanders PPA Marrison Hackett as an additional Party-Plaintiff in this matter.

THE PLAINTIFFS

BY: /s/Marisa A. Bellair (419561)
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¹ Even a rigid application of the 2 or 3 year limitations period referenced in § 52-584 demonstrates that Anthony’s claim has been timely implemented 2 years from his birth on September 13, 2016 and no more than 3 years from defendants’ negligent conduct on March 7, 2016.

CERTIFICATION

I certify that a copy of this document was or will immediately be mailed or delivered electronically or non-electronically on September 13, 2018 to all attorneys and self-represented parties of record and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery:

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Marisa A. Bellair

EXHIBIT A

◇ DOCKET NO.: NNH-CV-18-6080857 : SUPERIOR COURT

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PPA MARRISSA HACKETT : J.D. OF NEW HAVEN

VS. : AT NEW HAVEN

PLANNED PARENTHOOD OF
SOUTHERN NEW ENGLAND, INC. and
STEPHANIE MALIA, APRN : SEPTEMBER 13, 2018

REVISED COMPLAINT

**COUNT ONE: (MARRISSA HACKETT AS TO DEFENDANT STEPHANIE MALIA, APRN,
FOR MEDICAL MALPRACTICE RESULTING IN WRONGFUL BIRTH):**

1. On or about February 21, 2018, pursuant to Connecticut General Statutes § 52-190a (b), the Clerk of the Judicial District of New Haven at New Haven granted Plaintiff's Application for an Extension of the Applicable Statute of Limitations (See attached).
2. At all times relevant herein, the Defendant, Stephanie Malia was an Advanced Practice Registered Nurse ("APRN"), who was certified to practice Obstetrics and Gynecology in the State of Connecticut and was an employee, agent, servant and/or assign of Defendant Planned Parenthood of Southern New England, Inc. located in New Haven, Connecticut.
3. At all times relevant herein, the Defendant, Planned Parenthood of Southern

◇ New England, Inc. (“Planned Parenthood”) was located in New Haven, Connecticut and provided the public with reproductive and sexual health care services. The mission of Planned Parenthood is to protect the fundamental right of all individuals to manage their own fertility and sexual health, and to ensure access to services, education and information to realize that right.

4. On June 4, 2015, Marrissa Hackett (“Marrissa”) was seen at Planned Parenthood by Stephanie Malia, APRN (“Defendant Malia”), for Counseling and Education regarding contraception. At that time, Marrissa was “unsure of [her] reproductive life plan.”

5. On June 18, 2015, Marrissa returned to Planned Parenthood and Defendant Malia inserted an intrauterine contraceptive device (hereinafter referred to as “IUC” or “IUD”), known as Liletta, to prevent pregnancy. This IUD is a small, flexible, plastic, T-shaped device that, when inserted into the uterus, slowly releases a progestin hormone called levonorgestrel and is known to be greater than 99% effective in preventing pregnancy for up to 4 years. Two thin threads are attached to the lower end of the device and the patient is instructed to routinely check that the threads are in place.

6. Post-insertion of the Liletta device, Marrissa was aware that bleeding and spotting could increase in the first 3 to 6 months and could remain irregular and that periods over time usually become shorter, lighter or might stop. Marrissa was advised that

◇ the recommended Liletta removal date was June 18, 2018 and that she could return earlier on an as needed basis.

7. On March 7, 2016, Marrissa was seen at Planned Parenthood by Defendant Malia for an IUD check. Medical records from this visit document that the patient is “happy with IUD, no menses, occasional spotting.” Defendant Malia charted that she performed an examination of the female genitalia. Her notes of this examination included: “Cervix: no discharge per os or cervical motion tenderness and normal appearance and IUC string per os. Uterus: normal size and shape and mobile, non-tender, and no uterine prolapse” and “reassurance offered that IUD strings are correctly located and appropriate length.” Marrissa was advised to “Return to Office as needed.”

8. On June 27, 2016, Marrissa was seen at Planned Parenthood by Defendant Malia because she had been feeling sick and nauseous for a few months. Marrissa reported that she did a home pregnancy test which yielded a positive result. Defendant Malia documented that she performed an examination of the female genitalia. Her notes of this examination included: “Uterus: mobile, non-tender, normal shape, no uterine prolapse, and enlarged (20 wk size).” An office pregnancy test rendered a positive result. An office ultrasound was performed and interpreted by Defendant Malia as “indeterminate for

◇ pregnancy location”, and questionable molar pregnancy¹. Marrissa was sent to Hammers Imaging for a STAT ultrasound. The result was a “viable pregnancy of 31 weeks 3 days.” The estimated date of delivery was August 26, 2016 and no definite IUD was identified.

9. Thereafter, Marrissa had a little over 2 months to adjust to the idea that she was about to become a mother. She had little or no prenatal care and worried about the condition of her future child. Prior to that time, Marrissa was an unmarried, college student with no plans to start a family.

10. On September 13, 2016, Marrissa gave birth to a son, named Anthony James Hackett-Flanders. His birth weight was 7 pounds and 2 ounces.

11. Defendant, Stephanie Malia, APRN, deviated from applicable standards of care in one or more of the following ways:

a. she failed to perform a full, thorough, internal examination of Marrissa at the March 7, 2016 appointment and had she done so she would have determined that Marrissa was approximately 14 weeks pregnant at that time;

b. she failed to administer a pregnancy test of Marrissa at the March 7, 2016 appointment to rule out a potential pregnancy;

¹ A molar pregnancy is a noncancerous tumor that develops in the uterus as a result of a nonviable pregnancy.

◇ c. she failed to perform and/or arrange for testing, and in particular, an ultrasound, of Marrisona at the March 7, 2016 appointment, to confirm the placement of an IUD and/or the diagnosis of pregnancy;

d. she failed to diagnose Marrisona's pregnancy at the March 7, 2016 appointment;

e. she failed to discuss with Marrisona the options available to her regarding the pregnancy; e.g., termination of the pregnancy versus continuing the pregnancy to term; and

f. she failed to provide and/or arrange for prenatal care and follow-up for Marrisona.

12. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett lost her chance to consider a decision regarding termination of the pregnancy and, in fact, lost her chance to undergo a safe abortion.

13. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett, a young, unmarried college student, suffered emotional distress related to an unplanned and undesired pregnancy.

14. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett discontinued her college studies and her part-time employment to await and prepare for the unexpected birth of her child.

◇ 15. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett must incur the extraordinary expense of the required care of Anthony James Hackett-Flanders until he reaches the age of majority.

16. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered and will continue to suffer an impaired earning capacity and loss of earning capacity related to the unanticipated and unplanned birth of a child.

17. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett incurred and will continue to incur unexpected and unplanned costs for hospital, medical and surgical bills and unplanned and unexpected costs and expenses in raising and bringing up a child, whose birth was unplanned and undesired, all of which, because of the financial condition of the Plaintiff and the fact that she is not in a committed relationship, will impose a great burden on her.

18. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered an impairment of her ability to enjoy life's activities, a modification of her lifestyle, and she lost the right to start a family when the time and circumstances were right for her.

19. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, which caused and

◇ may continue to cause her son, Anthony James Hackett-Flanders (“Anthony”), developmental delays and delayed achievement of growth and development milestones, as a result of which the Plaintiff Marrison Hackett has incurred and will continue to incur costs and expenses for Anthony’s therapy and medical treatment.

COUNT TWO: (MARRISSA HACKETT AS TO DEFENDANT PLANNED PARENTHOOD OF NEW ENGLAND, INC. FOR MEDICAL MALPRACTICE RESULTING IN WRONGFUL BIRTH):

1-10. Paragraphs 1 through 10 of COUNT ONE are hereby incorporated and made Paragraphs 1 through 10 of COUNT TWO as if more fully set forth herein.

11. The Defendant, Planned Parenthood, deviated from applicable standards of care in one or more of the following ways:

a. it failed to perform a full, thorough, internal examination of Marrison at the March 7, 2016 appointment and had it done so it would have determined that Marrison was approximately 14 weeks pregnant at that time;

b. it failed to administer a pregnancy test of Marrison at the March 7, 2016 appointment to rule out a potential pregnancy;

c. it failed to perform and/or arrange for testing, and in particular, an ultrasound, of Marrison at the March 7, 2016 appointment, to confirm the placement of an IUD and/or the diagnosis of pregnancy;

◇

- d. it failed to diagnose Marrison's pregnancy at the March 7, 2016 appointment;
- e. it failed to discuss with Marrison the options available to her regarding the pregnancy; e.g., termination of the pregnancy versus continuing the pregnancy to term; and
- f. it failed to provide and/or arrange for prenatal care and follow-up for Marrison.

12. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett lost her chance to consider a decision regarding termination of the pregnancy and, in fact, lost her chance to undergo a safe abortion.

13. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett, a young, unmarried college student, suffered emotional distress related to an unplanned and undesired pregnancy.

14. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett discontinued her college studies and her part-time employment to await and prepare for the unexpected birth of her child.

15. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett must incur the extraordinary expense of the required care of Anthony James Hackett-Flanders until he reaches the age of majority.

◇ 16. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered and will continue to suffer an impaired earning capacity and loss of earning capacity related to the unanticipated and unplanned birth of a child.

17. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett incurred and will continue to incur unexpected and unplanned costs for hospital, medical and surgical bills and unplanned and unexpected costs and expenses in raising and bringing up a child, whose birth was unplanned and undesired, all of which, because of the financial condition of the Plaintiff and the fact that she is not in a committed relationship, will impose a great burden on her.

18. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered an impairment of her ability to enjoy life's activities, a modification of her lifestyle, and she lost the right to start a family when the time and circumstances were right for her.

19. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, which caused and may continue to cause her son, Anthony James Hackett-Flanders ("Anthony"), developmental delays and delayed achievement of growth and development milestones, as a result of which the

◆ Plaintiff Marrison Hackett has incurred and will continue to incur costs and expenses for Anthony's therapy and medical treatment.

COUNT THREE: (MARRISSA HACKETT AS TO DEFENDANT STEPHANIE MALIA, APRN, FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS):

1-10. Paragraphs 1 through 10 of COUNT ONE are hereby incorporated by reference and made Paragraphs 1 through 10 of COUNT THREE as if more fully set forth herein.

11. Defendant Malia owed Marrison Hackett a continuing duty to provide her with accurate information regarding her true condition and available options, including being deprived of the opportunity to choose to terminate the pregnancy.

12. Upon information and belief, Defendant Malia negligently failed to perform a full and thorough internal examination of Marrison Hackett at the March 7, 2016 appointment and had she done so she would have determined that Marrison was approximately 14 weeks pregnant at that time.

13. Upon information and belief, Defendant Malia negligently failed to administer a pregnancy test of Marrison Hackett at the March 7, 2016 appointment to rule out a potential pregnancy.

14. Upon information and belief, Defendant Malia negligently failed to perform and/or arrange for testing, in particular, an ultrasound of Marrisona Hackett to confirm the placement of an IUD and/or the diagnosis of pregnancy at the March 7, 2016 appointment.

15. Upon information and belief, Defendant Malia negligently failed to diagnose Marrisona Hackett's pregnancy at the March 7, 2016 appointment.

16. Upon information and belief, Defendant Malia negligently failed to discuss with Marrisona Hackett the options available to her regarding the pregnancy, such as termination of the pregnancy versus continuing the pregnancy to term.

17. Upon information and belief, Defendant Malia negligently failed to provide, arrange and/or offer prenatal testing, care, counseling, advice, or treatment.

18. Upon information and belief, Defendant Malia negligently failed to advise Marrisona Hackett that she was pregnant.

19. As a direct and proximate result of Defendant Malia's medical negligence, Marrisona Hackett became nervous and upset upon learning that she was pregnant, was forced to carry to term an unplanned and undesired pregnancy and suffered the pain and trauma of the birth of a child, consequent damage to herself, pain and anxiety and nervousness over her pregnancy and childbirth.

◇ 20. As a direct and proximate result of Defendant Malia's medical negligence, Marrison Hackett, a young, unmarried, college student sustained severe physical and psychological injuries, including emotional distress, pain and suffering, and a diminution of her ability to enjoy life related to the unplanned and undesired pregnancy.

21. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett discontinued her college studies and her part-time employment to await and prepare for the unexpected birth of her child.

22. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett must incur the extraordinary expense of the required care of Anthony James Hackett-Flanders until he reaches the age of majority.

23. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett suffered an impaired earning capacity and loss of earning capacity related to the unanticipated and unplanned birth of a child.

24. As a direct and proximate result of the aforementioned medical negligence, Marrison Hackett incurred and will continue to incur unexpected and unplanned costs for hospital, medical and surgical bills and unplanned and unexpected costs and expenses in raising and bringing up a child, whose birth was unplanned and undesired, all of which, because of the

◇ financial condition of the Plaintiff and the fact that she is not in a committed relationship, will impose a great burden on her.

25. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered an impairment of her ability to enjoy life's activities, a modification of her lifestyle, and she lost the right to start a family when the time and circumstances were right for her.

26. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, which caused and may continue to cause her son, Anthony James Hackett-Flanders ("Anthony"), developmental delays and delayed achievement of growth and development milestones, as a result of which the Plaintiff Marrisona Hackett has incurred and will continue to incur costs and expenses for Anthony's therapy and medical treatment.

27. As a direct and proximate result of the foregoing, it is foreseeable that Marrisona Hackett might experience emotional distress from bearing and raising a child that is unplanned and unexpected.

28. The emotional distress experienced by Marrisona Hackett is reasonable in light of the Defendant's conduct as hereinbefore alleged.

◇ **COUNT FOUR: (MARRISSA HACKETT AS TO DEFENDANT PLANNED PARENTHOOD OF NEW ENGLAND, INC. FOR NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS):**

1-10. Paragraphs 1 through 10 of COUNT TWO are hereby incorporated by reference and made Paragraphs 1 through 10 of COUNT FOUR as if more fully set forth herein.

11. Defendant Planned Parenthood owed Marrisona Hackett a continuing duty to provide her with accurate information regarding her true condition and available options, including being deprived of the opportunity to choose to terminate the pregnancy.

12. Upon information and belief, Defendant Planned Parenthood negligently failed to perform a full and thorough internal examination of Marrisona Hackett at the March 7, 2016 appointment and had it done so it would have determined that Marrisona was approximately 14 weeks pregnant at that time.

13. Upon information and belief, Defendant Planned Parenthood negligently failed to administer a pregnancy test of Marrisona Hackett at the March 7, 2016 appointment to rule out a potential pregnancy.

14. Upon information and belief, Defendant Planned Parenthood negligently failed to perform and/or arrange for testing, in particular, an ultrasound of Marrisona Hackett to confirm the placement of an IUD and/or the diagnosis of pregnancy at the March 7, 2016 appointment.

◇ 15. Upon information and belief, Defendant Planned Parenthood negligently failed to diagnose Marrisona Hackett's pregnancy at the March 7, 2016 appointment.

16. Upon information and belief, Defendant Planned Parenthood negligently failed to discuss with Marrisona Hackett the options available to her regarding the pregnancy, such as termination of the pregnancy versus continuing the pregnancy to term.

17. Upon information and belief, Defendant Planned Parenthood negligently failed to provide, arrange and/or offer prenatal testing, care, counseling, advice, or treatment.

18. Upon information and belief, Defendant Planned Parenthood negligently failed to advise Marrisona Hackett that she was pregnant.

19. As a direct and proximate result of Defendant Planned Parenthood's medical negligence, Marrisona Hackett became nervous and upset upon learning that she was pregnant, was forced to carry to term an unplanned and undesired pregnancy and suffered the pain and trauma of the birth of a child, consequent damage to herself, pain and anxiety and nervousness over her pregnancy and childbirth.

20. As a direct and proximate result of Defendant Planned Parenthood's medical negligence, Marrisona Hackett, a young, unmarried, college student sustained severe physical and

◇ psychological injuries, including emotional distress, pain and suffering, and a diminution of her ability to enjoy life related to the unplanned and undesired pregnancy.

21. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett discontinued her college studies and her part-time employment to await and prepare for the unexpected birth of her child.

22. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett must incur the extraordinary expense of the required care of Anthony James Hackett-Flanders until he reaches the age of majority.

23. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered an impaired earning capacity and loss of earning capacity related to the unanticipated and unplanned birth of a child.

24. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett incurred and will continue to incur unexpected and unplanned costs for hospital, medical and surgical bills and unplanned and unexpected costs and expenses in raising and bringing up a child, whose birth was unplanned and undesired, all of which, because of the financial condition of the Plaintiff and the fact that she is not in a committed relationship, will impose a great burden on her.

◇ 25. As a direct and proximate result of the aforementioned medical negligence, Marrisona Hackett suffered an impairment of her ability to enjoy life's activities, a modification of her lifestyle, and she lost the right to start a family when the time and circumstances were right for her.

26. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, which caused and may continue to cause her son, Anthony James Hackett-Flanders ("Anthony"), developmental delays and delayed achievement of growth and development milestones, as a result of which the Plaintiff Marrisona Hackett has incurred and will continue to incur costs and expenses for Anthony's therapy and medical treatment.

27. As a direct and proximate result of the foregoing, it is foreseeable that Marrisona Hackett might experience emotional distress from bearing and raising a child that is unplanned and unexpected.

28. The emotional distress experienced by Marrisona Hackett is reasonable in light of the Defendant's conduct as hereinbefore alleged.

COUNT FIVE: (ANTHONY JAMES HACKETT-FLANDERS PPA MARRISSA HACKETT AS TO DEFENDANT STEPHANIE MALIA, APRN, FOR MEDICAL MALPRACTICE):

1. At all times relevant herein, the Defendant, Stephanie Malia was an Advanced Practice Registered Nurse ("APRN"), who was certified to practice Obstetrics and Gynecology in the State of Connecticut and was an employee, agent, servant and/or assign of Defendant Planned Parenthood of Southern New England, Inc. located in New Haven, Connecticut.

2. At all times relevant herein, the Defendant, Planned Parenthood of Southern New England, Inc. ("Planned Parenthood") was located in New Haven, Connecticut and provided the public with reproductive and sexual health care services. The mission of Planned Parenthood is to protect the fundamental right of all individuals to manage their own fertility and sexual health, and to ensure access to services, education and information to realize that right.

3. On June 4, 2015, Marrisona Hackett ("Marrisona") was seen at Planned Parenthood by Stephanie Malia, APRN ("Defendant Malia"), for Counseling and Education regarding contraception. At that time, Marrisona was "unsure of [her] reproductive life plan."

4. On June 18, 2015, Marrisona returned to Planned Parenthood and Defendant Malia inserted an intrauterine contraceptive device (hereinafter referred to as "IUC" or

◇ “IUD”), known as Liletta, to prevent pregnancy. This IUD is a small, flexible, plastic, T-shaped device that, when inserted into the uterus, slowly releases a progestin hormone called levonorgestrel and is known to be greater than 99% effective in preventing pregnancy for up to 4 years. Two thin threads are attached to the lower end of the device and the patient is instructed to routinely check that the threads are in place.

5. Post-insertion of the Liletta device, Marrison was aware that bleeding and spotting could increase in the first 3 to 6 months and could remain irregular and that periods over time usually become shorter, lighter or might stop. Marrison was advised that the recommended Liletta removal date was June 18, 2018 and that she could return earlier on an as needed basis.

6. On March 7, 2016, Marrison was seen at Planned Parenthood by Defendant Malia for an IUD check. Medical records from this visit document that the patient is “happy with IUD, no menses, occasional spotting.” Defendant Malia charted that she performed an examination of the female genitalia. Her notes of this examination included: “Cervix: no discharge per os or cervical motion tenderness and normal appearance and IUC string per os. Uterus: normal size and shape and mobile, non-tender, and no uterine prolapse” and “reassurance offered that IUD strings are correctly located and appropriate length.” Marrison was advised to “Return to Office as needed.”

7. On June 27, 2016, Marrison was seen at Planned Parenthood by Defendant Malia because she had been feeling sick and nauseous for a few months. Marrison reported that she did a home pregnancy test which yielded a positive result. Defendant Malia documented that she performed an examination of the female genitalia. Her notes of this examination included: "Uterus: mobile, non-tender, normal shape, no uterine prolapse, and enlarged (20 wk size)." An office pregnancy test rendered a positive result. An office ultrasound was performed and interpreted by Defendant Malia as "indeterminate for pregnancy location", and questionable molar pregnancy². Marrison was sent to Hammers Imaging for a STAT ultrasound. The result was a "viable pregnancy of 31 weeks 3 days." The estimated date of delivery was August 26, 2016 and no definite IUD was identified.

8. Thereafter, Marrison had a little over 2 months to adjust to the idea that she was about to become a mother. She had little or no prenatal care and worried about the condition of her future child. Prior to that time, Marrison was an unmarried, college student with no plans to start a family.

9. On September 13, 2016, Marrison gave birth to a son, named Anthony James Hackett-Flanders. His birth weight was 7 pounds and 2 ounces.

² A molar pregnancy is a noncancerous tumor that develops in the uterus as a result of a nonviable pregnancy.

◇ 10. Defendant, Stephanie Malia, APRN, deviated from applicable standards of care in one or more of the following ways:

a. she failed to perform a full, thorough, internal examination of Marrisona at the March 7, 2016 appointment and had she done so she would have determined that Marrisona was approximately 14 weeks pregnant at that time;

b. she failed to administer a pregnancy test of Marrisona at the March 7, 2016 appointment to rule out a potential pregnancy;

c. she failed to perform and/or arrange for testing, and in particular, an ultrasound, of Marrisona at the March 7, 2016 appointment, to confirm the placement of an IUD and/or the diagnosis of pregnancy;

d. she failed to diagnose Marrisona's pregnancy at the March 7, 2016 appointment;

e. she failed to discuss with Marrisona the options available to her regarding the pregnancy; e.g., termination of the pregnancy versus continuing the pregnancy to term; and

f. she failed to provide and/or arrange for prenatal care and follow-up for Marrisona.

11. As a direct and proximate result of the aforementioned medical negligence,

◆ Plaintiff Marrison Hackett was prevented from obtaining prenatal care and treatment, all of which has caused and may continue to cause her son, Anthony James Hackett-Flanders, developmental delays and delayed achievement of growth and development milestones.

12. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrison Hackett was prevented from obtaining prenatal care and treatment, all of which has caused and may continue to cause her son, Anthony James Hackett-Flanders, mental, emotional and physical deficits, as well as behavioral issues, as a result of the negligence of the defendants.

COUNT SIX: ANTHONY JAMES HACKETT-FLANDERS PPA MARRISSA HACKETT AS TO DEFENDANT PLANNED PARENTHOOD OF NEW ENGLAND, INC. FOR MEDICAL MALPRACTICE):

1-9. Paragraphs 1 through 9 of COUNT ONE are hereby incorporated and made Paragraphs 1 through 9 of COUNT TWO as if more fully set forth herein.

10. The Defendant, Planned Parenthood, deviated from applicable standards of care in one or more of the following ways:

a. it failed to perform a full, thorough, internal examination of Marrison at the March 7, 2016 appointment and had it done so it would have determined that Marrison was approximately 14 weeks pregnant at that time;

- ◇
- b. it failed to administer a pregnancy test of Marrisona at the March 7, 2016 appointment to rule out a potential pregnancy;
 - c. it failed to perform and/or arrange for testing, and in particular, an ultrasound, of Marrisona at the March 7, 2016 appointment, to confirm the placement of an IUD and/or the diagnosis of pregnancy;
 - d. it failed to diagnose Marrisona's pregnancy at the March 7, 2016 appointment;
 - e. it failed to discuss with Marrisona the options available to her regarding the pregnancy; e.g., termination of the pregnancy versus continuing the pregnancy to term; and
 - f. it failed to provide and/or arrange for prenatal care and follow-up for Marrisona.

11. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, all of which has caused and may continue to cause her son, Anthony James Hackett-Flanders, developmental delays and delayed achievement of growth and development milestones.

12. As a direct and proximate result of the aforementioned medical negligence, Plaintiff Marrisona Hackett was prevented from obtaining prenatal care and treatment, all of which has caused and may continue to cause her son, Anthony James Hackett-Flanders, mental,

◇ emotional and physical deficits, as well as behavioral issues, as a result of the negligence of the defendants.

WHEREFORE, the Plaintiffs claim:

1. Compensatory damages; and
2. Such other and further relief as law and equity may provide.

THE PLAINTIFFS,

BY: /s/Marisa A. Bellair (419561)
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Tel. No.: (203) 787-0275
Fax No.: (203) 782-0278

◇ DOCKET NO.: NNH-CV-18-6080857 : SUPERIOR COURT
MARRISSA HACKETT and
ANTHONY JAMES HACKETT-FLANDERS
PPA MARRISSA HACKETT : J.D. OF NEW HAVEN
VS. : AT NEW HAVEN
PLANNED PARENTHOOD OF
SOUTHERN NEW ENGLAND, INC. and
STEPHANIE MALIA, APRN : SEPTEMBER 13, 2018

STATEMENT OF AMOUNT IN DEMAND

The Plaintiffs claim compensatory damages in excess of the sum of Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFFS,

BY: : /s/Marisa A. Bellair (419561)
STEVEN J. ERRANTE, ESQ.
MARISA A. BELLAIR, ESQ.
Lynch, Traub, Keefe, & Errante, P.C.
52 Trumbull Street
New Haven, CT 06510
Juris #34876
Tel. No.: (203) 787-0275
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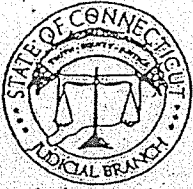
PLANNED PARENTHOOD OF
SOUTHERN NEW ENGLAND, INC. and
STEPHANIE MALIA, APRN : SEPTEMBER 13, 2018

CERTIFICATE OF REASONABLE INQUIRY

I hereby certify that I have made a reasonable inquiry, as permitted by the circumstances, to determine whether there are grounds for a good faith belief that there has been negligence in the medical care and/or treatment rendered to MARRISSA HACKETT. This inquiry has given rise to a good faith belief on my part that grounds exist for an action against each of the named defendants.

THE PLAINTIFFS

BY: /s/Marisa A. Bellair (419561)
STEVEN J. ERRANTE, ESQ.
MARISA BELLAIR, ESQ.
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Judicial District of
New Haven

Judicial Branch Website: www.jud.ct.gov

Superior Court
Office of the Chief Clerk
235 Church Street
New Haven, CT 06510-0999
Phone: (203) 503-6800
Fax: (203) 503-6885

NOTICE TO ALL COUNSEL

Your petition for Automatic Extension of the Statute of Limitations pursuant to C.G.S. 52-190a(b) has been granted, as indicated on the order on the attached original of the petition. A copy of the Petition will be maintained by the Clerk's Office for a period of six months after it is granted. A civil entry fee will be collected at the time writ, summons and complaint are filed with the Clerk's Office, if and when you bring suit. The original petition must be returned to the Court at that time.

Thank you,
Chief Clerk

LYNCH, TRAUB, KEEFE AND ERRANTE, P.C.
ATTORNEYS AT LAW - P.O. BOX 1812 - NEW HAVEN, CT 06506-1812
(203) 787-0275 - JURIS NO. 34878

◇ MARRISSA HACKETT : SUPERIOR COURT
163 STANDISH AVENUE :
NORTH HAVEN, CT 06473 :
VS. : J.D. OF NEW HAVEN
PLANNED PARENTHOOD OF SOUTHERN NEW ENGLAND : NEW HAVEN
345 WHITNEY AVENUE :
NEW HAVEN, CT 06511 :
STEPHANIE MALIA, APRN :
345 WHITNEY AVENUE :
NEW HAVEN, CT 06511 :
OTHER PARTIES NOT YET IDENTIFIED : FEBRUARY 20, 2018

PETITION FOR EXTENSION OF STATUTE OF LIMITATIONS

Pursuant to § 52-190a(b) of the Connecticut General Statutes, the Applicant, **Marrissa Hackett**, petitions the Clerk of the Superior Court for the **Judicial District of New Haven** to extend the applicable statute of limitations for ninety (90) additional days to allow for reasonable inquiry into the grounds for pursuing legal action against the potential defendants/ respondents,

PLANNED PARENTHOOD OF SOUTHERN NEW ENGLAND
STEPHANIE MALIA, APRN
OTHER PARTIES NOT YET IDENTIFIED

This matter concerns care and treatment rendered, or not rendered, as the case may be, to **Marrissa Hackett**, while she was under the care and responsibility of the aforesaid potential

Judicial District of New Haven
SUPERIOR COURT
FILED

FEB 21 2018

CHIEF CLERK'S OFFICE

◇ defendants/respondents, which care and treatment, or lack thereof, may have resulted in actionable harm.

Any action which may be brought by **Marrissa Hackett** within the extended period of time will be filed in this Court. **The alleged malpractice is thought to have commenced on or about March 7, 2016 and continued for some period of time thereafter.**

WHEREFORE, the Applicant submits this Petition to extend the statute of limitations in this case for an additional ninety (90) days.

THE APPLICANT/PLAINTIFF

BY: 

Steven J. Errante, Esq.
Marisa A. Bellair, Esq.
Lynch, Traub, Keefe & Errante
52 Trumbull Street
New Haven, CT 06510
Tel. No. (203) 787-0275
Fax No.: (203) 782-0278
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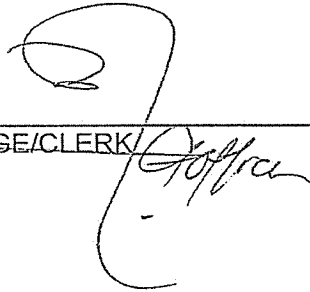
ORDER February 21, 2018

The foregoing having been considered, it is hereby ORDERED:

GRANTED/DENIED.

THE COURT

BY: _____
JUDGE/CLERK



REGARDING THE MATTER OF MARRISSA HACKETT

I am an Advanced Practice Registered Nurse (APRN), certified in Obstetrics and Gynecology and I am familiar with the Standard of Care as it related to APRNs and the practice of Obstetrics and Gynecology in the year 2016 in the United States. I have reviewed the medical records and/or radiology studies of Planned Parenthood of New England, Hammers Healthcare Imaging, Yale New Haven Hospital and Primary Care Clinic Women's Center.

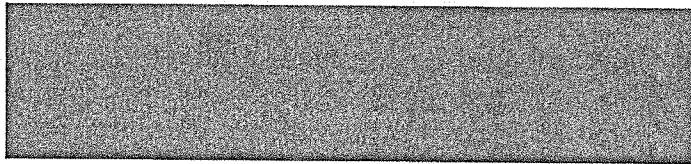
Based on my review of the above materials, it is my opinion that there appears to be evidence of medical negligence on the part of Stephanie Malia, APRN and Planned Parenthood of New England in the care and treatment of Marrissa Hackett on or about March 7, 2016.

The basis for this opinion includes the failure of Stephanie Malia, APRN and Planned Parenthood of New England to perform a thorough internal examination of Marrissa Hackett on March 7, 2016. During that internal examination Stephanie Malia, APRN and Planned Parenthood of New England should have, but failed to, diagnose that Marrissa Hackett was approximately 14 weeks pregnant. If Stephanie Malia, APRN and Planned Parenthood of New England wanted to confirm the diagnosis of pregnancy on March 7, 2016, they could have, but failed to, perform and/or arrange to have performed, an ultrasound study. In addition, had the pregnancy been confirmed on March 7, 2016, Stephanie Malia,

APRN and Planned Parenthood of New England could have and should have provided Marrison Hackett with education and counseling regarding this pregnancy and provided her with the opportunity to make an informed decision regarding this pregnancy.

It is my opinion that these deviations from the applicable Standards of Care pertaining to the care and treatment of Marrison Hackett on March 7, 2016 resulted in an unplanned pregnancy and the ramifications of an unplanned pregnancy.

The opinion stated herein is based upon the information available to me at this time, as herein before described. Should other information and evidence become available, I reserve the right to supplement and/or amend this opinion.



4-5-18

Date