

DOCKET NO. NNH-CV-18-6080857 : SUPERIOR COURT  
MARRISSA HACKETT : J.D. OF NEW HAVEN  
V. : AT NEW HAVEN  
PLANNED PARENTHOOD OF  
SOUTHERN NEW ENGLAND, INC., ET AL. : DECEMBER 28, 2018

**REPLY TO OBJECTION TO REQUEST TO REVISE COMPLAINT**

Defendants, Planned Parenthood of Southern New England, Inc. and Stephanie Malia, APRN, hereby reply to plaintiff's objection (#115.00) to the defendants' Request to Revise (#103.00) as follows:

In the objection, plaintiff cites Ochs v. Borelli to support the position that separation of the allegations pertaining to injuries allegedly sustained by plaintiff and her son is unnecessary because damages in a wrongful birth case can include the costs of treating a child's disability. Ochs v. Borelli, 187 Conn. 253 (1982). However, that is not what she has alleged in her complaint. In the complaint, plaintiff alleges that she "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 developmental milestones." *See* Complaint, Count One, Paragraph 19, Count Two, Paragraph 19, Count Three, Paragraph 26, and Count Four, Paragraph 26. The allegations clearly pertain to a damages claim on behalf of her son, who is not a party to the action. There is not a single word in the allegation that seeks economic damages for expenses incurred in raising her son or treating a disability. Alleging costs for the treatment of a child's disability constitutes a separate theory of liability and would need to be pleaded separately. Therefore, Ochs v. Borelli is inapplicable to plaintiff's complaint, as it is currently pleaded.

As written, the allegation should be stricken as it does not pertain to any legitimate claim in the action. If plaintiff intends to claim economic damages for future disability, then the allegation should be re-written to make that claim clear, as well as pleaded in a separate count so that defendant can address such a claim in future filings.

**DEFENDANTS,  
PLANNED PARENTHOOD OF SOUTHERN  
NEW ENGLAND, INC. AND STEPHANIE  
MALIA, APRN**

**By: /s/ Rebecca N. Brindley**

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**CERTIFICATION**

THIS IS TO CERTIFY THAT a copy of the foregoing was mailed, postage prepaid,  
and/or emailed, this 28th day of December 2018, to the following counsel:

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**/s/ Rebecca N. Brindley**