

## Abortion lawsuit allegations rebutted

Kate White, Jul 10, 2013 (LINK: [https://www.wvgazette.com/news/abortion-lawsuit-allegations-rebutted/article\\_6791433e-58f5-5b7a-85f1-e7cb31e8692b.html](https://www.wvgazette.com/news/abortion-lawsuit-allegations-rebutted/article_6791433e-58f5-5b7a-85f1-e7cb31e8692b.html))

CHARLESTON, W.Va. -- In a court filing this week, a Charleston doctor denies claims made in a medical malpractice lawsuit that he botched an abortion. Attorneys for Dr. Rodney Lee Stephens and the Women's Health Center of West Virginia responded to a lawsuit filed by a conservative group on behalf of a woman who had an abortion last year. "There was no 'persuasion'; Itai Gravely made her decision and did not at any time rescind or revoke her position that she presented for an abortion and wanted it performed," attorneys Megan Ferrell and Tamela White, who represent the doctor and the clinic, wrote in a response. They want Kanawha Circuit Judge Paul Zakaib to dismiss the lawsuit. Gravely, 26, alleges that she changed her mind about the abortion, but was physically restrained and forced to have the procedure at Women's Health Center, according to the lawsuit filed last month. Gravely was later taken to a hospital where doctors discovered the fetus' head had been left in her uterus, the suit alleges. The Family Policy Council of West Virginia, an evangelical Christian group, announced the lawsuit during a press conference last month across the street from the clinic. In their filing this week, attorneys for the clinic and the doctor say Gravely was told before the procedure that part of the fetus could be left in the uterus and additional procedures could be necessary. The response also notes that Gravely complained of pain, but that it was "consistent with the experience of other women in having this procedure but not pain that was suggestive or indicative of a complication." In the lawsuit, Gravely states she was 13 weeks pregnant at the time of the abortion, but

attorneys for the doctor say she was 9 weeks and three days pregnant, according to the response. "[Gravely] had a medical procedure to which she provided informed consent, voluntarily and of her free will. There was no imprisonment; the plaintiff was positioned for a medical procedure which is not imprisonment," the motion to dismiss the lawsuit states. The day after her abortion, Gravely called the center complaining of heavy bleeding and cramps, attorneys for the center and the doctor wrote. "She was asked to return to the clinic and stated she preferred to go to an emergency department because she didn't have gas money to return to the clinic for her evaluation," the response states. Gravely was transported to CAMC Women and Children's Hospital, her lawsuit states. Stephens has settled seven medical malpractice cases since 1990, according to the West Virginia Board of Medicine's website. Two additional lawsuits against Stephens were dismissed. The board has never disciplined Stephens. He could not be reached for comment Wednesday. Women's Health Center is one of only two stand-alone abortion providers in West Virginia. The other is located in Kanawha City. *Reach Kate White at [kate.white@wvgazette.com](mailto:kate.white@wvgazette.com) or 304-348-1723.*