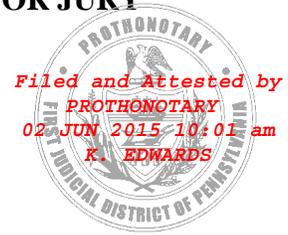


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MAJOR JURY



LAKEYSHIA MOODY
3245 N. 26th St.
Philadelphia, PA 19132

vs.

PHILADELPHIA WOMEN'S
CENTER, INC.
583 Skippack Pike, Suite 600
Blue Bell, PA 19422

And

DR. TAIDA WOLFE, M.D.
777 Appletree St., 7th Floor
Philadelphia, PA 19106

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

TERM, 2015

NO.:

Case ID:

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Philadelphia Bar Association
Lawyer Referral
and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascantar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado inmediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

Asociacion De Licenciados
De Filadelfia
Servicio De Referencia E
Informacion Legal
One Reading Center
Filadelfia, Pennsylvania 19107
(215) 238-6333
TTY (215) 451-6197

Case ID: 150600239

COMPLAINT

1. The Plaintiff Lakeyshia Moody (“Moody”) is an adult individual and citizen of the Commonwealth of Pennsylvania residing at the above captioned address.
2. Defendant Philadelphia Women’s Center, Inc. (hereinafter referred to as “PWC”) is a corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered office located at 583 Skippack Pike Suite 600, Blue Bell, PA 19422.
3. The Defendant Taida Wolfe, M.D. (hereinafter “Dr. Wolfe”) is a physician duly licensed and authorized to practice medicine within the Commonwealth of Pennsylvania, specializing in obstetrics/gynecology, with professional offices located at 777 Appletree St., 7th Floor, Philadelphia, PA 19106.
4. Plaintiff is asserting a professional liability claim against both of the Defendants.
5. At all times material to this Complaint, the Defendant Dr. Wolfe was involved in the care and treatment of the Plaintiff, Lakeyshia Moody, and as such, had a duty to exercise the same degree of knowledge, skill, and care as normally exercised by other physicians who specialize in the field of obstetrics/gynecology.
6. For reasons articulated herein, Defendant Dr. Wolfe violated the standard of care by failing to employ that degree of skill, knowledge and care ordinarily possessed by members of the medical profession who also specialize in the field of obstetrics/gynecology in her care and treatment of the Plaintiff and is thus liable to Plaintiff for the harm she suffered.
7. At all times material to this Complaint, the Defendant Dr. Wolfe committed various liability-imposing acts and/or omissions which caused injuries and harm to the Plaintiff, as will be described hereafter.

8. At all times material to this Complaint, the Defendant Dr. Wolfe was the real and/or ostensible agent, servant and/or employee of co-Defendant PWC such that any negligent act and/or omission committed by the aforementioned Defendant Dr. Wolfe imposes liability not only upon herself but also upon co-Defendant PWC under the doctrines of vicarious liability, ostensible agency, actual agency and the laws of agency of the Commonwealth of Pennsylvania.
9. Plaintiff is asserting a claim for vicarious liability against Defendant PWC based upon a claim of professional liability against co-Defendant Dr. Wolfe.
10. Plaintiff is asserting a claim for corporate negligence against Defendant PWC based upon the breach of the medical care facility's duties in the care administered to the Plaintiff as will be described hereafter.

FACTS

11. On or about December 16, 2014, Plaintiff Lakeyshia Moody presented to the Philadelphia Women's Center located at 777 Appletree St., 7th Floor, Philadelphia, PA to terminate her seventeen (17) week, second trimester pregnancy.
12. At all times material hereto, the Philadelphia Women's Center located at 777 Appletree St., 7th Floor, Philadelphia, PA was owned, operated, and controlled by Defendant PWC.
13. At all times material hereto the Philadelphia Women's Center employed physicians, physician's assistants, nurse practitioners, nurses, nursing assistants, and other medical personnel and/or personnel who at all times were agents, ostensible agents, servants, workmen and/or employees of the Defendant PWC acting and/or failing to act within the course and scope of their employment.

14. At all times relevant hereto, Plaintiff was a thirty-two (32) year old with no history of uterine scars or corrective surgery.
15. On December 16, 2014, all appropriate laboratory studies, consents, and examinations were completed and the surgery was scheduled for December 18, 2014.
16. On December 18, 2014, Plaintiff presented to the Philadelphia Women's Center located at 777 Appletree St. to undergo an ultrasound-guided second trimester abortion.
17. On the aforementioned date and place, at approximately 16:44, Defendant Dr. Wolfe began the ultrasound-guided abortion on the Plaintiff.
18. On the aforementioned date, time, and place, the physical exam revealed a seventeen (17) week anteverted uterus with a normal cervix, dilated to fifty-one (51) mm with Pratt dilators.
19. On the aforementioned date, time, and place, Defendant Dr. Wolfe retrieved two (2) legs and one (1) arm of the fetus and then lost visualization of the instruments on ultrasound.
20. The Plaintiff then developed immediate and severe abdominal pain.
21. Defendant Dr. Wolfe suspected that she had perforated the Plaintiff's uterus.
22. Defendant Dr. Wolfe and/or employees/agents of the Defendant PWC took actions to have Plaintiff transferred to Thomas Jefferson University Hospital (hereinafter referred to as "TJUH").
23. At TJUH Dr. Rebecca J. Mercier, M.D. was the attending physician to the Plaintiff and the surgeon who operated on the Plaintiff was Dr. Jugnu B. Nijjar.
24. In the operating room, Dr. Nijjar discovered a uterine perforation "on the right at the level of the internal cervical os into the right broad ligament".

25. Dr. Nijjar performed a total hysterectomy, bilateral salpingectomy and a right oophorectomy.
26. Due to the loss of three thousand (3000) cc's of blood, Plaintiff also required seven (7) units of packed red blood cells, three (3) units of fresh frozen plasma and eight thousand (8000) cc of fluid replacement.
27. Due to the total hysterectomy, bilateral salpingectomy and right oophorectomy, Plaintiff can no longer procreate, has difficulty reaching climax and has suffered severe physical pain, multiple surgeries, prolonged hospitalizations, including her hospitalization at TJUH from 12/18—12/23/14, emotional and psychological trauma and other injuries, the full extent of which are not yet know, some or all of which are permanent in nature.
28. The Plaintiff's injuries were a direct and proximate result of the medical negligence which occurred at the Philadelphia Women's Center on 12/18/14 at the hands of Defendant Dr. Wolfe.
29. As a result of the negligence of the Defendants, Plaintiff Lakeyshia Moody has suffered enormous bodily pain and suffering and tremendous mental anxiety and depression, some or all of which are permanent in nature.
30. As a result of the negligence of the Defendants, Plaintiff Lakeyshia Moody has suffered a loss of her earnings and/or earning capacity.
31. As a result of the negligence of the Defendants, Plaintiff Lakeyshia Moody will indefinitely have to consult with and be under the care of a surgeon and of other health-care consultants for her ongoing care and treatment.
32. As a result of the negligence of the Defendants, the Plaintiff Lakeyshia Moody has incurred and will in the future incur large medical and related expenses.

33. As a result of the negligence of the Defendants, Plaintiff Lakeyshia Moody has suffered embarrassment, humiliation, inconvenience and an interruption of her daily habits and pursuits.
34. As a result of the negligence of the Defendants, Plaintiff has suffered a loss of life's pleasures and enjoyment, scarring and disfigurement.
35. All of the aforementioned damages were a result of the medical negligence of the Defendants and were in no manner due to any act or omission on the part of the Plaintiff, Lakeyshia Moody.

COUNT I
MEDICAL NEGLIGENCE
Plaintiff Lakeyshia Moody v. Defendant Dr. Taida Wolfe

36. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each were set forth within this Count.
37. At all times material hereto, Defendant Dr. Wolfe was an agent, servant, workmen, ostensible agent, and/or employee of Defendant PWC acting and/or failing to act within the course and scope of her employment.
38. The negligence of the Defendant Dr. Wolfe consisted of the following:
- a. Failing to possess and exercise the degree of care and skill ordinarily exercised in the treatment of patients who undergo an ultrasound guided second trimester abortion;
 - b. Failing to exercise the requisite degree of care and skill in the treatment of Plaintiff Lakeyshia Moody;
 - c. During the course of the 12/18/14 ultrasound guided second trimester abortion, losing sight of the instrument on ultrasonography;

- d. During the course of the 12/18/14 ultrasound guided second trimester abortion, perforating the uterine wall;
- e. During the course of the 12/18/14 ultrasound guided second trimester abortion, injuring the right uterine vessels and broad ligament;
- f. During the course of the 12/18/14 ultrasound guided second trimester abortion, causing the loss of 3000 cc's of blood into her abdomen;
- g. During the course of the 12/18/14 ultrasound guided second trimester abortion, causing such severe damage to her reproductive system to such an extent that a hysterectomy, salpingectomy and oophorectomy had to be performed;
- h. Failing to carry out the necessary procedures and practices to ensure that Plaintiff remained safe and unharmed during the ultrasound-guided second trimester abortion;
- i. Failing to take adequate pre-operative and operative steps to ensure that the Plaintiff's uterine wall was not perforated and/or injured;
- j. During the course of the 12/18/14 ultrasound-guided second trimester abortion, puncturing and/or causing injury to Plaintiff's uterine wall;
- k. Failing to appreciate the surgical error in perforating and/or causing injury to Plaintiff's uterine wall, uterine vessels and broad ligament which resulted in serious and permanent injuries as described above;
- l. Failing to warn the Plaintiff of the surgical risks;
- m. Failing to perform the ultrasound-guided second trimester abortion in a non-negligent manner so as not to cause further injury to the Plaintiff;

- n. Failing to obtain adequate training in performing ultrasound-guided second trimester abortions;
 - o. Failing to promptly and properly diagnose the medical condition of the Plaintiff;
and
 - p. Failing to refer the Plaintiff to a surgeon who had experience in ultrasound-guided second trimester abortion.
39. As a direct and proximate result of the aforesaid carelessness and negligence of the Defendant Dr. Wolfe, Plaintiff has undergone great pain and suffering, debilitating injuries, illness, humiliation, and embarrassment, deprivation of life's pleasures, permanent disfigurement and emotional depression and anxiety.
40. As a further result of the negligent conduct of the Defendant Dr. Wolfe, Plaintiff has in the past and may continue to undergo further surgical procedures, hospitalizations, and blood transfusions to treat, cure, and alleviate her conditions which were caused by the aforesaid negligence of the Defendant Dr. Wolfe.
41. Said surgical procedures which will cause future pain and suffering and will incur future medical expenses in connection with any such treatment, consultation or procedures in the future.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants in an amount in excess of fifty thousand dollars (\$50,000.00) exclusive of costs. This amount is in excess of this jurisdiction's compulsory arbitration limits.

COUNT II
MEDICAL NEGLIGENCE
Plaintiff Lakeyshia Moody v. Defendant PWC

42. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each were set forth within this Count.
43. At all times material hereto, co-Defendant physicians Dr. Wolfe was the agent, ostensible agent, servant, workmen, and/or employee of Defendant “PWC”.
44. At all times material hereto, the Defendant Dr. Wolfe was acting in the course and scope of her employment with Defendant “PWC”.
45. Defendant “PWC” is liable under the theory of Respondeat Superior.
46. The conduct of the co-Defendant Dr. Wolfe caused and contributed to the injuries and damages aforementioned.
47. The negligence of the Defendant Dr. Wolfe consisted of the following:
- a. Failing to possess and exercise the degree of care and skill ordinarily exercised in the treatment of patients who undergo an ultrasound guided second trimester abortion;
 - b. Failing to exercise the requisite degree of care and skill in the treatment of Plaintiff Lakeyshia Moody;
 - c. During the course of the 12/18/14 ultrasound guided second trimester abortion, losing sight of the instrument on ultrasonography;
 - d. During the course of the 12/18/14 ultrasound guided second trimester abortion, perforating the uterine wall;

- e. During the course of the 12/18/14 ultrasound guided second trimester abortion, injuring the right uterine vessels and broad ligament;
- f. During the course of the 12/18/14 ultrasound guided second trimester abortion, causing the loss of 3000 cc's of blood into her abdomen;
- g. During the course of the 12/18/14 ultrasound guided second trimester abortion, causing such severe damage to her reproductive system to such an extent that a hysterectomy, salpingectomy and oophorectomy had to be performed;
- h. Failing to carry out the necessary procedures and practices to ensure that Plaintiff remained safe and unharmed during the ultrasound-guided second trimester abortion;
- i. Failing to take adequate pre-operative and operative steps to ensure that the Plaintiff's uterine wall was not perforated and/or injured;
- j. During the course of the 12/18/14 ultrasound-guided second trimester abortion, puncturing and/or causing injury to Plaintiff's uterine wall;
- k. Failing to appreciate the surgical error in perforating and/or causing injury to Plaintiff's uterine wall, uterine vessels and broad ligament which resulted in serious and permanent injuries as described above;
- l. Failing to warn the Plaintiff of the surgical risks;
- m. Failing to perform the ultrasound-guided second trimester abortion in a non-negligent manner so as not to cause further injury to the Plaintiff;
- n. Failing to obtain adequate training in performing ultrasound-guided second trimester abortions;

- o. Failing to promptly and properly diagnose the medical condition of the Plaintiff;
and
 - p. Failing to refer the Plaintiff to a surgeon who had experience in ultrasound-guided second trimester abortion.
48. As a direct and proximate result of the aforesaid carelessness and negligence of the Defendants, Plaintiff has undergone great pain and suffering, debilitating injuries, illness, humiliation, and embarrassment, deprivation of life's pleasures, permanent disfigurement and emotional depression and anxiety.
49. As a further result of the negligent conduct of the Defendants, Plaintiff has in the past and may continue to undergo further surgical procedures, hospitalizations, and blood transfusions to treat, cure, and alleviate her conditions which were caused by the aforesaid negligence of the Defendants.
50. Said surgical procedures which will cause future pain and suffering and will incur future medical expenses in connection with any such treatment, consultation or procedures in the future.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants in an amount in excess of fifty thousand dollars (\$50,000.00) exclusive of costs. This amount is in excess of this jurisdiction's compulsory arbitration limits.

COUNT III
CORPORATE NEGLIGENCE
Plaintiff Lakeyshia Moody v. Defendant PWC

51. Plaintiff incorporates by reference all of the preceding paragraphs of this Complaint as if each were set forth at length herein.

52. At all times material hereto, Defendant “PWC” owed a duty directly to Plaintiff pursuant to *Thompson v. Nason Hospital*, and breached the duties which they directly owed to Plaintiff.

53. In addition to the allegations of negligence alleged in all the preceding paragraphs above, Defendant PWC is additionally negligent for the following acts and omissions:

- a. Negligent hiring of co-defendant Dr. Wolfe;
- b. Negligent retention and/or evaluation of co-defendant Dr. Wolfe;
- c. Failure to properly and adequately supervise co-defendant Dr. Wolfe;
- d. Failing to ensure that co-defendant Dr. Wolfe had adequate and/or proper training in ultrasound-guided second trimester abortion;
- e. Failure to warn the Plaintiff of the negligent and careless propensities of the co-defendant Dr. Wolfe;
- f. Failure to provide a safe medical facility;
- g. Failure to select and retain only competent physicians;
- h. Failure oversee its physicians to ensure they are providing patient’s with quality medical care; and
- i. Failure in its duty to formulate, adopt and enforce adequate rules, policies and procedures to ensure quality care for its patients, specifically the Plaintiff Lakeyshia Moody.

54. As a direct and proximate result of the aforesaid carelessness and negligence of the Defendants, Plaintiff has undergone great pain and suffering, debilitating injuries, illness, humiliation, and embarrassment, deprivation of life's pleasures, permanent disfigurement and emotional depression and anxiety.

55. As a further result of the negligent conduct of the Defendants, Plaintiff has in the past and may continue to undergo further surgical procedures to treat, cure, and alleviate her conditions which were caused by the aforesaid negligence of the Defendants.

56. Said surgical procedures which will cause future pain and suffering and will cause Plaintiff to incur future medical expenses in connection with any such treatment, consultation or procedures in the future.

WHEREFORE, Plaintiff demands judgment in her favor and against the Defendants in an amount in excess of fifty thousand dollars (\$50,000.00), exclusive of costs. This amount is in excess of this jurisdiction's compulsory arbitration limits.

Respectfully submitted,
THE IGWE FIRM, P.A.



KELLY A. TREWELLA, ESQ.

6/2/15
DATE

VERIFICATION

I, KELLY A. TREWELLA, ESQ. hereby state that I am counsel for the Plaintiff in this action. I verify that the statements made in the foregoing COMPLAINT are true and correct to the best of my knowledge, information, and belief. I understand that the statements made in said document are made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

DATE:

6/2/15

BY:


KELLY A. TREWELLA, ESQ.