

**IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT
IN AND FOR HILLSBOROUGH COUNTY, FLORIDA
CIVIL DIVISION**

ASHLEY BERRA

Plaintiff

v.

Case No.:

Division:

JOSE RAUL QUINTANA, M.D. and
ORLANDO WOMEN'S CENTER, LLC, a Foreign
Limited Liability Company d/b/a WOMEN'S CENTER
OF HYDE PARK/TAMPA ABORTION CLINIC

Defendants.

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COMPLAINT

Plaintiff, ASHLEY BERRA, by and through her undersigned counsel, brings this Complaint against Defendants JOSE RAUL QUINTANA (hereinafter "DR. QUINTANA") AND ORLANDO WOMEN'S CENTER, LLC, a Foreign Limited Liability Company d/b/a WOMEN'S CENTER OF HYDE PARK/TAMPA ABORTION CLINIC (hereinafter "WOMAN'S CENTER ") states as follows:

JURISDICTION AND PARTIES

1. This is an action for damages the value of which exceeds \$15,000.00, exclusive of pre-judgment interest and costs.

2. This action for battery and negligence arising from the sexual assault of ASHLEY BERRA, (hereinafter "Berra") by DR. QUINTANA during her medical appointment procedure with DR. QUINTANA at the office of WOMAN'S CENTER.

3. Plaintiff, ASHLEY BERRA, is an adult female who resides in Hillsborough County, Florida.

4. JOSE RAUL QUINTANA is a physician licensed and actively practicing medicine in Hillsborough County, Florida.

5. At all materials times, "DR. QUINTANA" was the employee and/or agent of WOMEN'S CENTER.

6. Defendant ORLANDO WOMEN'S CENTER, LLC, is a Foreign Limited Liability Company of medical professionals organized and existing under the laws of the State of Florida, and doing business providing medical services in Hillsborough Avenue located at WOMAN'S CENTER OF HYDE PARK 502 South Magnolia Avenue Tampa, Florida 33606.

7. At all relevant times, WOMAN'S CENTER operated a medical practice and had DR. QUINTANA working as a medical doctor under its supervision in Hillsborough County.

FACTUAL ALLEGATIONS

8. WOMAN'S CENTER is a primary care medical practice specializing early and late surgical and medication abortion procedures as well as emergency contraception (abortion by pill, morning after pill, day after pill).

9. On its website, WOMAN'S CENTER advertises that WOMAN'S CENTER will remain steadfast in their commitment to ensure that every woman who receives medical care in any one of our Florida Late Term Abortion Clinics be treated with the utmost respect and consideration and WOMAN'S CENTER vows to provide services for their patients in an atmosphere of warmth and kindness, free of judgment or prejudice, and where their safety and well-being will always be their first priority.

10. On February 9, 2017 Ms. Berra presented herself to have an abortion at the Woman's

Center of Hyde Park located at 502 S. Magnolia Avenue, Tampa, Florida 33606.

11. DR. QUINTANA was the Physician assigned to perform the abortion.

12. While Ms. Berra was alone in the procedure room, when DR. QUINTANA approached Ms. BERRA and began to kiss her and inserted his tongue into her mouth several times.

13. After the acts described above, DR. QUINTANA then grabbed Ms. BERRA'S hand and placed it on his penis until DR. QUINTANA became aroused and erect.

14. Following this assault and battery, DR. QUINTANA gave Ms. BERRA a piece of paper with his home phone number written on it.

15. Ms. BERRA immediately texted her friend who had taken her to the facility. Her friend entered the facility to try and see Ms. BERRA and provide her with assistance.

16. Thereafter, Ms. Berra informed her of all the details of the assault and battery that had occurred in the procedure room.

17. As a result of the assault and battery, BERRA, has suffered and will continue to suffer emotional and psychological injuries, mental anguish and other debilitating injuries that are continuous and ongoing in nature.

COUNT I: ASSAULT/BATTERY
(JOSE RAUL QUINTANA, M.D, Individually)

18. Plaintiff repeats and alleges the allegations in Paragraphs 1 through 16 above.

19. DR. QUINTANA committed sexual battery upon BERRA, consisting of intentional, harmful, unwanted and offensive sexual contact upon her person by kissing and inserting his tongue into Ms. BERRA's mouth several times and placing Ms. Berra's hand on his penis.

WHEREFORE, Plaintiff demands Judgment against JOSE RAUL QUINTANA for compensatory damages cost, non-economic damages including pain and suffering, mental anguish ; and any further relief that this Court deems just and equitable.

COUNT II:
(RESPONDEAT SUPERIOR/VICARIOUS LIABILITY)
(As to Defendant ORLANDO WOMEN'S CENTER, LLC, a Foreign
Limited Liability Company d/b/a WOMEN'S CENTER OF HYDE PARK/
TAMPA ABORTION CLINIC)

20. Plaintiff repeats and re-alleges Paragraphs 1 through 16 above.

21. DR. QUINTANA was at all material times an employee, appointee and/or agent of the WOMEN'S CENTER.

22. DR. QUINTANA committed acts of assault and battery on BERRA by offensively kissing BERRA and placing Ms. Berra's hand on his penis in a sexual manner without BERRA'S consent.

23. DR. QUINTANA was authorized by the WOMEN'S CENTER to be alone with BERRA and other patients, and to have unfettered and unsupervised control and access to BERRA while BERRA was there for a medical procedure.

24. The acts of battery and offensive touching in a sexual matter perpetrated by DR. QUINTANA occurred in a WOMEN'S CENTER's patient room where DR. QUINTANA was required to perform his employment duties, and his contact with BERRA was initiated within the course and scope of DR. QUINTANA's performance of those duties.

25. The acts of assault and battery described above occurred during DR. QUINTANA's working hours while he was there to examine a patient at WOMEN'S CENTER.

26. DR. QUINTANA's initial contact and relationship with BERRA was in furtherance of WOMEN'S CENTER's business interests.

27. As a result of the assault and battery described herein BERRA has suffered psychological, emotional damages, as well as debilitating feelings of anger and bitterness, shame, panic attacks, nightmares, and loss of self-worth.

28. Under the doctrine of respondeat superior, WOMEN'S CENTER is responsible for the negligent, reckless and intentional actions of its servant, DR. QUINTANA, committed in the

apparent scope of his duties.

WHEREFORE, Plaintiff, ASHLEY BERRA, demands judgement against Defendant, WOMEN'S CENTER, for compensatory damages, non-economic damages including pain and suffering, costs, and prejudgment interest thereon; and any further relief that this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff requests a trial by jury on all questions of fact raised by this Complaint.

Dated: April 3, 2017

Respectfully submitted by,

/s/ Eric C. Pinkard

ERIC C. PINKARD

Florida Bar No. 651443

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