

IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT IN AND
FOR SEMINOLE COUNTY, FLORIDA.

Case No.:

12CA-10-09-K

JESSICA TAYLOR,

Plaintiff,

vs.

ALL WOMEN'S HEALTH CENTER OF
ORLANDO, INC.; JOSE R. QUINTANA,
M.D., individually and/or as an agent of
ALL WOMEN'S HEALTH CENTER OF
ORLANDO, INC.; CRYSTAL ADAMS,
individually and/or as an agent of ALL
WOMEN'S HEALTH CENTER OF
ORLANDO, INC.; STEPHANIE CABA,
individually and/or as an agent of ALL
WOMEN'S HEALTH CENTER OF
ORLANDO, INC.; EVELYN CINTRON,
individually and/or as an agent of ALL
WOMEN'S HEALTH CENTER OF
ORLANDO, INC.

Defendants.

COMPLAINT

COMES NOW, Plaintiff, JESSICA TAYLOR, by and through her undersigned
counsel, and sues the Defendants, ALL WOMEN'S HEALTH CENTER OF ORLANDO,
INC, JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S
HEALTH CENTER OF ORLANDO, INC, CRYSTAL ADAMS, individually and/or as an
agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, STEPHANIE CABA,
individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO,
INC, and EVELYN CINTRON, individually and/or as an agent of ALL WOMEN'S
HEALTH CENTER OF ORLANDO, INC., and alleges as follows:

FILED IN OFFICE
MARYANNE MORSE
CLERK CIRCUIT COURT
2012 JAN -3 AM 11:41
BY SEMINOLE CO. FLA. D.C.

GENERAL ALLEGATIONS

1. This is an action for damages in excess of Fifteen thousand dollars (\$15,000) exclusive of costs, interest and attorney's fees.

2. The actions giving rise to this cause of action occurred in Seminole County, Florida.

3. At all times material hereto, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, was and is a Florida corporation licensed to do business in the State of Florida with its principal place of business at 431 Maitland Avenue, Altamonte Springs, FL 32701.

4. At all times material hereto, JOSE R. QUINTANA, M.D., was and is a medical doctor licensed in the State of Florida. At all times material hereto, his principal place of business was 431 Maitland Avenue, Altamonte Springs, FL 32701.

5. JOSE R. QUINTANA, M.D. was an employee and/or agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.

6. At all times material hereto, CRYSTAL ADAMS was and is a medical assistant employed by ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, with a principal place of business was 431 Maitland Avenue, Altamonte Springs, FL 32701.

7. At all times material hereto, EVELYN CINTRON, was and is a medical assistant employed by ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, with a principal place of business was 431 Maitland Avenue, Altamonte Springs, FL 32701.

8. At all times material hereto, STEPHANIE CABA was a medical assistant employed by ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, with a principal place of business was 431 Maitland Avenue, Altamonte Springs, FL 32701.

9. At all times material hereto, JESSICA TAYLOR resided in Lake County, Florida.

10. On August 12, 2010, JESSICA TAYLOR, who was eighteen (18) or nineteen (19) weeks pregnant at that time, sought and received medical treatment including, but not limited to, a dilatation and curettage procedure to terminate her pregnancy from JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., and ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., through its employees and/or agents.

11. Medical records indicate that JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, failed to successfully remove all of the products of conception from JESSICA TAYLOR during the procedure.

12. Within an hour of the procedure, JESSICA TAYLOR's pad used to collect blood was changed five (5) times. Less than two (2) hours after the procedure, JESSICA TAYLOR was sent home by Defendants with products of conception, to include the fetal skull, still inside her body.

13. JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, told JESSICA TAYLOR to return the following week to complete the procedure or return the following day if she was in pain. At no time following the procedure did the Defendants transfer JESSICA TAYLOR to the hospital, call an ambulance or recommend emergency treatment.

14. JESSICA TAYLOR returned to ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, the next day, August 13, 2010, complaining of abdominal pain. A second dilatation and curettage procedure was performed which removed only a small

amount of the remaining products of conception which were left in her the day before. However, the fetal skull was never removed and was caused to remain inside JESSICA TAYLOR. Again, Defendants did not transfer JESSICA TAYLOR to the hospital, call an ambulance or recommend emergency treatment.

15. JESSICA TAYLOR reported to Defendants immediately after the second procedure and again once at home that she was cramping. Defendants did not tell her to seek emergency treatment or go to the hospital.

16. On August 14, 2010, JESSICA TAYLOR reported that she had pain in her lower abdomen and had not had a bowel movement. JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, prescribed medication. Defendants still did not advise JESSICA TAYLOR to seek additional medical treatment or go to a hospital.

17. On August 15, 2010, JESSICA TAYLOR was admitted to Winnie Palmer Hospital with severe pain all over, chills, and inability to eat or drink water without vomiting. Medical records indicate she had pain in her lower back, sides, pelvis, abdomen and chest, which she rated as a ten (10) out of ten (10).

18. JESSICA TAYLOR was diagnosed at Winnie Palmer Hospital with septic shock, respiratory insufficiency, hypovolemic shock, acute renal failure, sepsis and peritonitis along with a perforated intestine and uterus.

19. On that same date at Winnie Palmer Hospital, JESSICA TAYLOR underwent surgery to remove the fetal remains and repair the perforations. The surgeons also had to remove twenty-two (22) inches of JESSICA TAYLOR'S bowel.

20. During that surgery, the following were noted: a large fundal uterine perforation, one foot of black ischemic bowel had come completely off from the

mesentery and bilious green small bowel contents had leaked throughout the abdomen cavity. Additionally, a partially calcified fetal head was found in the pelvis.

21. JESSICA TAYLOR was discharged from Winnie Palmer Hospital on August 29, 2010. She continued to receive additional medical treatment for her injuries after her discharge.

22. In accordance with Fla. Stat. §766.104(1), undersigned counsel certifies that a legal investigation was undertaken which gives rise to a good faith belief that grounds exist for an action against ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., and JOSE R. QUINTANA, M.D.

23. Plaintiff has complied with all provisions of Fla. Stat. §766.106, including pre-suit investigation to corroborate Plaintiff's claims, mailing Notices of Intent by certified mail and waiting until the end of the ninety (90) day presuit period prior to filing this action. Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., has denied Plaintiff's claims as stated herein. Defendant, JOSE R. QUINTANA, M.D., failed to participate in presuit discovery or respond to the Notice of Intent sent by Plaintiff.

**COUNT I: MEDICAL NEGLIGENCE AGAINST
ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.**

24. Plaintiff realleges and reincorporates paragraphs 1 through 22 as if fully set forth herein.

25. At all times material hereto, Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., through its agents and employees had a non-delegable duty to provide medical care and services to Plaintiff, JESSICA TAYLOR, within the prevailing standard of care.

26. At all times material hereto, Plaintiff, JESSICA TAYLOR, treated with the Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., through its agents and/or employees.

27. Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., by and through its employees and/or agents, who were acting within the course and scope of their employment and/or agency, deviated from the prevailing standard of care by:

- a) Failing to counsel Jessica Taylor, whose fetus was nineteen (19) weeks gestation at the time of her termination of pregnancy on the risks and benefits of dilation and evacuation versus induction in a hospital setting;
- b) Failing to provide counseling to Jessica Taylor prior to the termination of her pregnancy;
- c) Failing to perform mechanical dilation of her cervix;
- d) Failing to provide adequate anesthesia to Jessica Taylor;
- e) Failing to use ultrasonic guidance to visualize the interior of the uterus while performing the evacuation of the uterus;
- f) Failing to use ultrasonic guidance to visualize the interior of the uterus and to confirm that all of the products of conception had been evacuated;
- g) Failing to use proper surgical technique which caused a rupture to the fundus of the uterus;
- h) Failing to use proper surgical technique which caused the fetal skull to be forced through the perforation in the uterus that had been created;
- i) Failing to perceive that the fetal skull was neither evacuated from the uterus nor still within it prior to discharging the patient to her home;
- j) Failing to use proper technique and attempting digital evacuation of the fetal skull;
- k) Failing to use ultrasonic guidance to visualize the interior of the uterus and to confirm that all of the products of conception had been evacuated while attempting digital evacuation of the fetal skull;
- l) Failing to admit the patient to the hospital when the physician and/or his staff knew or should have known that the products of conception, including the fetal skull, had not been evacuated from the uterus;
- m) In addition, the nursing staff fell below the standard of care when they failed to send Jessica Taylor to the emergency room when they knew or should have known that she was experiencing complications from her termination of pregnancy;
- n) Failing to keep complete and accurate medical records.

28. As a direct result of the negligence of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., by and through its employees and/or agents, Plaintiff, JESSICA

TAYLOR, required additional medical treatment and suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, expenses of hospitalization and medical and nursing care and treatment. These losses are either permanent or continuing in nature, and the Plaintiff, JESSICA TAYLOR, will suffer these losses in the future.

**COUNT II: MEDICAL NEGLIGENCE AGAINST JOSE R. QUINTANA, M.D.,
INDIVIDUALLY AND AS AN AGENT OF ALL WOMEN'S HEALTH CENTER OF
ORLANDO, INC.**

29. Plaintiff realleges and reincorporates paragraphs 1 through 22 as if fully set forth herein.

30. At all times material hereto, Defendant, JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, had a non-delegable duty to provide medical care and services to Plaintiff, JESSICA TAYLOR, within the prevailing standard of care.

31. At all times material hereto, Plaintiff, JESSICA TAYLOR, treated with JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.

32. Defendant, JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, deviated from the prevailing standard of care by:

- a) Failing to counsel Jessica Taylor, whose fetus was nineteen (19) weeks gestation at the time of her termination of pregnancy on the risks and benefits of dilation and evacuation versus induction in a hospital setting;
- b) Failing to provide counseling to Jessica Taylor prior to the termination of her pregnancy;
- c) Failing to perform mechanical dilation of her cervix;
- d) Failing to provide adequate anesthesia to Jessica Taylor;
- e) Failing to use ultrasonic guidance to visualize the interior of the uterus while performing the evacuation of the uterus;

- f) Failing to use ultrasonic guidance to visualize the interior of the uterus and to confirm that all of the products of conception had been evacuated;
- g) Failing to use proper surgical technique which caused a rupture to the fundus of the uterus;
- h) Failing to use proper surgical technique which caused the fetal skull to be forced through the perforation in the uterus that had been created;
- i) Failing to perceive that the fetal skull was neither evacuated from the uterus nor still within it prior to discharging the patient to her home;
- j) Failing to use proper technique and attempting digital evacuation of the fetal skull;
- k) Failing to use ultrasonic guidance to visualize the interior of the uterus and to confirm that all of the products of conception had been evacuated while attempting digital evacuation of the fetal skull;
- l) Failing to admit the patient to the hospital when the physician and/or his staff knew or should have known that the products of conception, including the fetal skull, had not been evacuated from the uterus;
- m) Failing to keep complete and accurate medical records.

33. As a direct result of the negligence of JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, Plaintiff, JESSICA TAYLOR, required additional medical treatment and suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, expenses of hospitalization and medical and nursing care and treatment. These losses are either permanent or continuing in nature, and the Plaintiff, JESSICA TAYLOR, will suffer these losses in the future.

COUNT III: NEGLIGENCE AGAINST CRYSTAL ADAMS, STEPHANIE CABA AND EVELYN CINTRON, INDIVIDUALLY AND/OR AS AGENTS OF ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.

34. Plaintiff realleges and reincorporates paragraphs 1 through 22 as if fully set forth herein.

35. At all times material hereto, Plaintiff, JESSICA TAYLOR, received medical care and services from CRYSTAL ADAMS, STEPHANIE CABA and EVELYN

CINTRON, individually and/or as agents of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.

36. At all times material hereto, Defendants, CRYSTAL ADAMS, STEPHANIE CABA and EVELYN CINTRON, individually and/or as agents of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, had a duty to exercise reasonable care in providing medical care and services to Plaintiff, JESSICA TAYLOR.

37. Defendants, CRYSTAL ADAMS, STEPHANIE CABA and EVELYN CINTRON, individually and/or as agents of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, breached this duty by:

- a) Failing to send Jessica Taylor to the emergency room when they knew or should have known that she was experiencing complications from her termination of pregnancy;

38. As a direct result of the negligence of CRYSTAL ADAMS, STEPHANIE CABA and EVELYN CINTRON, individually and/or as agents of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, Plaintiff, JESSICA TAYLOR, required additional medical treatment and suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, expenses of hospitalization and medical and nursing care and treatment. These losses are either permanent or continuing in nature, and the Plaintiff, JESSICA TAYLOR, will suffer these losses in the future.

**COUNT IV: NEGLIGENT HIRING AGAINST
ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.**

39. Plaintiff realleges and reincorporates paragraphs 1 through 22 as if fully set forth herein.

40. At all times material hereto, Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, had a duty to its patients, including JESSICA TAYLOR, to retain competent agents, employees and independent contractors.

41. At all times material hereto, Plaintiff, JESSICA TAYLOR, treated with and was a patient of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC.

42. At all times material hereto, JOSE R. QUINTANA, M.D. was an agent, employee or independent contractor of Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, and was retained in 2008.

43. Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, was aware or should have been aware of JOSE R. QUINTANA, M.D.'S unfitness for reasons including, but not limited to, his prior disciplinary history of a Five thousand dollar (\$5,000) fine from the Florida Department of Health in 2004 and a reprimand from the Ohio State Medical Board in 2006.

44. Defendant, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, failed to fully investigate JOSE R. QUINTANA, M.D. prior to retaining him and/or retained his services despite knowledge of his unfitness.

45. As a direct result of the negligence of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, Plaintiff, JESSICA TAYLOR, required additional medical treatment and suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, expenses of hospitalization and medical and nursing care and treatment. These losses are either permanent or continuing in nature, and the Plaintiff, JESSICA TAYLOR, will suffer these losses in the future.

COUNT V: FAILURE TO OBTAIN INFORMED CONSENT AGAINST JOSE R. QUINTANA, M.D., INDIVIDUALLY AND/OR AS AN AGENT OF ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC

46. Plaintiff realleges and reincorporates paragraphs 1 through 21 as if fully set forth herein.

47. At all times material hereto, JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, had a duty to inform JESSICA TAYLOR of all the risks and hazards of the dilatation and curettage procedure along with alternative procedures or treatments.

48. At all times material hereto, JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, breached that duty by failing to inform JESSICA TAYLOR of all the risks and hazards of the dilatation and curettage procedure along with alternative procedures or treatments.

49. Any consent obtained from JESSICA TAYLOR was not in accordance with the accepted medical practice among members of the medical profession with similar training and experience in the same or similar medical community.

50. A reasonable person would not have had an understanding of the medically acceptable alternative procedures and treatments and the substantial risks and hazards of the dilatation and curettage procedure based on the information, if any, provided by JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, to JESSICA TAYLOR.

51. Further, JESSICA TAYLOR would not have undergone the procedure had she been informed of all the risks and the alternative procedures and treatments available to her.

52. As a direct result of the failure of JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, to obtain informed consent, Plaintiff, JESSICA TAYLOR, required additional medical treatment and suffered bodily injury resulting in pain and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of life, loss of earning capacity, expenses of hospitalization and medical and nursing care and treatment. These losses are either permanent or continuing in nature, and the Plaintiff, JESSICA TAYLOR, will suffer these losses in the future.

WHEREFORE, the Plaintiff, JESSICA TAYLOR, demands judgment against the Defendants, ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., JOSE R. QUINTANA, M.D., individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, CRYSTAL ADAMS, individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, STEPHANIE CABA, individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC, and EVELYN CINTRON, individually and/or as an agent of ALL WOMEN'S HEALTH CENTER OF ORLANDO, INC., for damages and such other relief as this Court deems just and further demands trial by jury on all issues so triable.

Respectfully submitted this 29th day of December, 2011


STEPHEN B. SAMBOL, ESQUIRE
Florida Bar No.: 603945
ALVAREZ, SAMBOL & WINTHROP, P.A.
100 South Orange Avenue
Orlando, FL 32801
Telephone No.: (407) 210-2796
Facsimile No.: (407) 210-2795
Attorneys for Plaintiff: Jessica Taylor