



NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
April 9, 2025 17:41

By: BRIAN J. GREEN 0063921

Confirmation Nbr. 3459732

LAKESHA POE

CV 25 115452

vs.

Judge: DAVID T. MATIA

PRETERM FOUNDATION, ET AL.

Pages Filed: 9

IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO

LAKESHA POE)	
160 W. Grace Street)	CASE NO.
Bedford, Ohio 44146)	
)	
Plaintiff,)	JUDGE
)	
vs.)	
)	<u>COMPLAINT WITH JURY DEMAND</u>
PRETERM FOUNDATION)	<u>ENDORSED HEREON WITH</u>
c/o Bethany Lewis, Statutory Agent)	<u>AFFIDAVIT OF MERIT PURSUANT</u>
12000 Shaker Blvd.)	<u>TO CIVIL RULE 10(C)</u>
Cleveland, Ohio 44120)	
)	
and)	
)	
)	
MITCHELL REIDER, MD)	
c/o Preterm Foundation)	
12000 Shaker Blvd.)	
Cleveland, Ohio 44120)	
)	
and)	
)	
JOHN DOES #1-4)	
Whose Exact Names And Addresses)	
Cannot Be Ascertained At)	
The Present Time)	
)	
Defendants.)	

FIRST CLAIM

The plaintiff, Lakesha Poe (“Plaintiff”), for her Complaint against the defendants, Preterm Foundation (the “Preterm”), and its employee and/or agent and co-defendant, Mitchell Reider, MD (“Reider”), and John Doe Entities #1-4 (“Doe Entities”) states and avers as follows:

1. Plaintiff is, and at all relevant times was, a resident of Cuyahoga County, Ohio.

2. Upon information and belief, at all relevant times, the Preterm is a non-profit medical professional corporation engaged in the business of rendering medical services to its patients, with its principal place of business being located at 12000 Shaker Blvd., Cleveland, Ohio 44120.

3. Reider is a licensed physician who was employed by or acted as an agent of Preterm.

4. Preterm and Reider are jointly referred to as Defendants.

5. Preterm's mission is to advance reproductive health and justice by providing safe, respectful, and accessible abortion and sexual healthcare.

6. On April 17, 2024, Plaintiff underwent a surgical procedure being a pregnancy termination at Preterm.

7. Reider was the physician the performed the services on procedure on Plaintiff.

8. At all times relevant hereto, the Preterm's employees, agents, and/or representatives, including but not limited to Reider, were acting within the course and scope of their employment and/or agency relationship with and/or in their official capacities with the Preterm thereby rendering Preterm vicariously liable for their acts and conduct under agency principles and the doctrine of respondeat superior.

9. On or about April 17, 2024, Plaintiff was negligently treated and/or assaulted by an employee, agent, and/or representative of Preterm, being Reider, while she was a patient at Preterm, by virtue of the nonconsensual insertion of a ParaGard IUD into Plaintiff's body by Reider. The aforesaid assault was done negligently, wantonly, willfully, and/or intentionally, with malice, and/or with reckless and conscious disregard of Plaintiff's rights and safety and caused her to suffer severe and permanent injuries.

10. As a direct and proximate cause and result of the above improper actions, Plaintiff incurred, among other injuries, and not by means of limitation, severe pain and suffering, a

subsequent medical procedure, and she expects to incur further pain and suffering in the future. As a proximate cause and result of the aforesaid assault, Plaintiff also suffered extreme mental anguish and emotional distress, permanent psychological injuries, a loss of her ability to perform and enjoy her normal and everyday activities, a loss of income, and incurred substantial medical and treatment expenses, and she also expects to incur further medical and treatment expenses and damages in the future.

WHEREFORE, Plaintiff respectfully requests that judgment be rendered against Defendants and Does, jointly and severally, on her First Claim for Relief in amounts in excess of \$25,000.00 for both compensatory and punitive damages, plus interest and costs, and attorney fees.

SECOND CLAIM

11. Plaintiff incorporates all of the allegations contained in the FIRST CLAIM as if fully rewritten herein.

12. Preterm and its respective employees, agents, and/or representatives, had a duty to exercise reasonable care, and to provide reasonably safe premises for their patients, including Plaintiff, and a reasonably safe environment for their patients, including the Plaintiff, on its business premises.

13. Preterm and its respective employees, agents, and/or representatives, breached their duty to exercise reasonable care and negligently failed to provide reasonably safe premises for Plaintiff, and a reasonably safe environment for her while she was a patient of Preterm.

14. As a direct and proximate result of Preterm's breach of the aforesaid duties and their negligence, and/or the negligence of their respective employees, agents, and/or representatives, including but not necessarily limited to Reider, Plaintiff incurred the injuries, damages and

medical expenses set forth in her First Claim and she expects to incur further damages and medical expenses in the future.

WHEREFORE, Plaintiff respectfully requests that judgment be rendered against the Defendants and Does, jointly and severally, on her Second Claim for Relief in amounts in excess of \$25,000.00 for both compensatory and punitive damages, plus interest and costs, and attorney fees.

THIRD CLAIM

15. Plaintiff incorporates all of the allegations contained in the FIRST and SECOND, CLAIMS as though fully rewritten herein.

16. One or more of the Preterm at all times pertinent herein ran and operated a medical clinic duly licensed and operating within and under the laws of the State of Ohio and held said clinic out to the public as an accredited facility with competent hospital staff and employees.

17. At all times pertinent herein, doctors, residents, interns, nurses, agents and employees of the Preterm including, but not limited to, Reider, rendered care and treatment to Plaintiff and therefore Preterm is responsible for the negligent acts of those doctors, residents, interns, nurses, agents, and employees, under the doctrine of *respondeat superior*.

18. Reider is and was at all times pertinent herein a registered physician licensed to practice medicine in the State of Ohio and rendered medical care and treatment to Plaintiff.

19. At all times pertinent herein, Reider was acting as an agent and/or employee of Preterm. Therefore, Preterm is responsible for the negligent acts of its agent and/or employee Reider under the doctrine of *respondeat superior*.

20. Plaintiff was a patient of Preterm at all pertinent times herein and more specifically on April 17, 2024.

21. Preterm, individually and/or by and through its agents and/or employees including, but not necessarily limited to, Reider, negligently failed to follow the customary and usual skills and practices in ordinary use by members of their profession in regard to their care and treatment of Plaintiff.

22. Preterm, individually and/or by and through their agents and/or employees including, but not necessarily limited to, Murphy, negligently failed to provide Plaintiff with competent, safe, and acceptable nursing and/or medical care and treatment.

23. Preterm, individually and/or by and through its agents and/or employees including, but not necessarily limited to, Reider, negligently failed to exercise the degree of care and skill ordinarily employed by members of the profession in the same line of practice and/or specialty in the care and treatment of Plaintiff.

24. As a direct and proximate result of the negligence of Preterm, and/or by and through the negligence of their agents and/or employees including, but not necessarily limited to, Reider, Plaintiff incurred, among other injuries, and not by means of limitation, severe pain and suffering and she expects to incur further pain and suffering in the future. As a proximate cause and result of the aforesaid negligence, Plaintiff also suffered extreme mental anguish and emotional distress, permanent psychological injuries, a loss of her ability to perform and enjoy her normal and everyday activities, a loss of income, and incurred substantial medical and treatment expenses, and she also expects to incur further medical and treatment expenses and damages in the future.

25. Pursuant to and in accordance with Ohio Civil Rule 10(D), the Affidavit of Merit from Plaintiff's expert, Izumi Cabrera, BM MA MD FACOG, is attached hereto and incorporated herein as Exhibit A.

WHEREFORE, Plaintiff respectfully requests that judgment be rendered against the Defendants and Does, jointly and severally, on her Third Claim for Relief in amounts in excess of \$25,000.00 for both compensatory and punitive damages, plus interest and costs, and attorney fees.

FOURTH CLAIM

25. The Does are individuals and/or entities whose names and addresses are presently unknown and could not be discovered prior to the filing of this Complaint with reasonable and due diligence and for which contribution may be apportioned. Plaintiff alleges that the Does are individuals and/or entities whose negligence and/or other tortuous conduct may have proximately contributed to this incident. If, in fact, evidence discloses a claim to be asserted against the Doe Entities Plaintiff's Complaint will be amended pursuant to the applicable rules of Civil Procedure upon identification of such entities.

WHEREFORE, Plaintiff respectfully requests that judgment be rendered against the Defendants and the Does jointly and severally, on her Fifth Claim for Relief in amounts in excess of \$25,000.00 for both compensatory and punitive damages, plus interest and costs, and attorney fees.

Respectfully submitted,

/s/ *Brian Green*

BRIAN GREEN (0063921)
SEAN BURKE (0087214)
SHAPERO & GREEN LLC
Signature Square II, Suite 220
25101 Chagrin Boulevard
Beachwood, Ohio 44122
Phone (216) 831-5100
Facsimile (216) 831-9467
bgreen@shaperolaw.com
sburke@shaperolaw.com
Attorneys for Plaintiff

JURY DEMAND

Plaintiff hereby requests a trial by jury as to all issues so triable in this action.

Respectfully submitted,

/s/ *Brian Green*

BRIAN GREEN (0063921)
SEAN BURKE (0087214)
SHAPERO & GREEN LLC
Attorneys for Plaintiff

STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

)

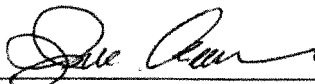
) SS:

)

AFFIDAVIT OF MERIT

I, Izumi Cabrera, BM MA MD FACOG being first duly sworn, states the following to be true:

1. I hold a Medical Doctorate degree from the New York University, a Bachelor of Music from, Manhattan School of Music, and a Master of Arts from New York University.
2. I am licensed in the State of California, and I have held such license since 2005.
3. I currently work as a full time physician at Sutter Pacific Medical Foundation as an OBGYN Physician
4. I devote more than 75% of my professional time to the active clinical practice of medicine or to its instruction in an accredited school.
5. I have reviewed the relevant medical and records and other documents reasonably available to the plaintiff, Lakesha Poe ("Plaintiff") and/or her attorneys, concerning the allegations in her Complaint (which allege the nonconsensual insertion of a ParaGard IUD) and have also reviewed medical records of Preterm Foundation pertaining to Plaintiff's procedures in April of 2024. While a consent form was reviewed as part of the Preterm Foundation records, Plaintiff alleges that she did not sign the consent or authorize the insertion of the ParaGuard IUD. I am not rendering any opinion as to the validity of the signature on the consent form or whether it was in fact signed by Plaintiff.
6. I am familiar with the standard of care applicable to the relevant care and treatment of Plaintiff at issue in this matter. If consent was not performed as the Plaintiff alleges, based on my experience and training, and review of the above listed documents, it is my professional opinion within a reasonable degree of medical probability that the standard of care was breached by Preterm Foundation and Mitchell Reider, M.D.



Izumi Cabrera, BM MA MD FACOG

CALIFORNIA NOTARY ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California

County of San Francisco

On (date) April 6, 2025 before me, Dennis F. Pastones, Notary Public, personally appeared Izumi Nomura Cabera who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

D. Pastones

