

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

No.: D-202-CV-2023-06033

ALANI HARMAN,

Plaintiff,

vs.

FRANZ THEARD AND WOMEN'S REPRODUCTION CLINIC OF NEW MEXICO, LLC,

Defendants.

COMPLAINT FOR UNFAIR TRADE PRACTICES, UNCONSCIONABLE TRADE PRACTICES, INFORMED CONSENT, NEGLIGENT SUPERVISION, MEDICAL MALPRACTICE, INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AND IMPROPER INTERFERENCE WITH THE DISPOSITION OF HUMAN REMAINS

COMES NOW the Plaintiff ALANI HARMAN, by and through her attorney of record, Michael J. Seibel, and Justin K. Hall, and for her complaint states as follows:

1. Plaintiff, Alani Harman is a resident of El Paso, Texas.
2. Defendant, Franz Theard, is a resident of El Paso, Texas and validly doing business in Santa Teresa, New Mexico.
3. Defendant, Women's Reproductive Clinic of New Mexico, LLC, is a New Mexico Corporation validly doing business in Santa Teresa, New Mexico.
4. The events are the subject of this complaint occurred in Santa Teresa, New Mexico.
5. Jurisdiction is proper in the Third Judicial District of New Mexico.
6. At all times material to this complaint, Franz Theard and Women's Reproduction Clinic of New Mexico, LLC, its doctors, nurses' aides, employees, agents, and servants were not qualified health care providers under the New Mexico Medical Malpractice Act.

GENERAL ALLEGATIONS

7. On or about August 4, 2020, Alani Harman went to Women's Reproduction Clinic of New Mexico, LLC, New Mexico, to have an abortion.

8. Alani Harman signed an informed consent for medical treatment. A true and accurate copy is attached as Exhibit "A".

9. Located within the consent form, signed by Alani Harman, is a paragraph which states:

I acknowledge that no guarantee or assurance has been made to me by Hilltop Women's Reproductive Clinic or Dr. Franz C. Theard concerning the success of the abortion, and hereby release and agree to hold harmless Dr. Franz C. Theard or Hilltop Women's Reproductive Clinic for the performance of procedures referred to in this consent and for any consequences resulting from the abortion.

10. Along with the informed consent, Alani Harman, signed a form entitled "Management of Complications." A true and accurate copy of such form is attached as Exhibit "B."

11. Contained within the form is a prospective release of liability which states "I release the attending physician and staff from any and all liability or responsibility from any condition that may result from this procedure, including, but not limited to, short term or long- term psychological effects resulting from any decision to have this abortion."

12. Additionally, in order to obtain an abortion, Alani Harman was required to sign a paper that stated, "patient was advised once taking medication, she must continue with the surgical procedure." (A true and accurate copy of such form is attached as Exhibit "C").

13. On or about August 4, 2020, Alani Harman was prescribed mifepristone and misoprostol to abort her baby.

14. On or about August 4, 2020, Alani Harman took both mifepristone and misoprostol as instructed.

15. After two weeks it became apparent that the abortion pill regimen did not work, and her baby was not aborted.

16. Alani Harman returned to the Women's Reproductive Clinic. At that time, Franz Theard informed her she must abort her baby.

17. Alani Harman was charged an additional \$600 for a surgical abortion.

18. Franz Theard and his staff again convinced Alani Harman stating she must go through the abortion.

19. Alani Harman went through the alleged surgical abortion.

20. Approximately one week later, Alani Harman was at home when she experienced extreme cramping. After cramping for several minutes, she delivered a still born baby in her home.

21. Alani's husband contacted the clinic and stated they were coming down to the clinic for some answers.

22. By the time they arrived at the clinic located at 5290 McNutt Rd., Suite 103, Santa Teresa, NM, Franz Theard had his staff call the police. Dr. Theard had left the clinic. When Alani Harman entered the clinic, an officer was waiting at the front desk.

23. A discussion ensued between Alani Harman and the staff. Alani Harman gave her baby to clinic staff for an examination.

24. Alani Harman asked to speak to Dr. Theard and was denied. She asked to see her medical records and was again denied. Alani Harman asked the staff to return her baby. The clinic staff refused to return Alani Harmon's baby.

25. Alani Harman became upset when they would not return her baby. At that time, the abortion clinic and staff pressed charges against Alani Harman for disturbing the peace.

26. Franz Theard, The Women's Reproduction Clinic of New Mexico, LLC, and its staff, never returned the baby to Alani Harman despite her demands.

27. Alani Harman and her husband, as a result of the incident, had to obtain counsel to defend themselves in several proceedings, which were eventually dismissed.

28. Alani Harman sustained physical injury, loss of property and emotional distress as a result of the Defendants actions.

COUNT I – MEDICAL NEGLIGENCE OF DEFENDANTS

29. Plaintiffs re-allege and incorporate herein as though set forth in full paragraphs 1 through 28 above.

30. Defendants, Franz Theard and Women's Reproductive Clinic of New Mexico, failed to possess and apply the knowledge, skill and care ordinarily used by medical doctors acting under similar or same circumstances and giving consideration to the locality involved when they provided medical diagnosis, treatment and care to Alani Harman.

31. Defendants Franz Theard, a doctor specializing in late term elective abortion, was negligent in his diagnosis, treatment, and care of Alani Harman, which

negligence includes, but is not limited to, the following:

- a. failure to abide by the standard of care to perform abortion procedures in a first trimester abortion; and
- b. failure to abide by the standard of care to perform a surgical abortion; and
- c. failure to inform Amani Harman of alternate procedures such as the abortion pill reversal process so she could keep her baby after the abortion pill regimen failed; The negligence and failure of Defendants, Franz Theard and Women's Reproductive Clinic, caused Alani Harman injuries, pain and suffering and emotional distress.

32. At the time of their negligent acts, Defendants, Franz Theard and Women's Reproduction Clinic of New Mexico, LLC, agents, servants, owners, officers and/or directors of Defendant, Women's Reproduction Clinic of New Mexico, LLC, were acting within the scope and course of their employment, ownership or agency with Defendant, Women's Reproduction Clinic of New Mexico, LLC.

33. Defendant, Women's Reproduction Clinic of New Mexico, LLC, is jointly and severally responsible for and jointly and severally liable for the actions, inactions, negligence or conduct of its doctors, staff or other employees who provided medical diagnosis, treatment, care to Alani Harman.

34. As a proximate result of the negligence of Defendants Dr. Theard and Women's Reproduction Clinic of New Mexico, LLC, Plaintiff is entitled to damages against Defendants for: past medical expenses; loss of earnings & benefits; loss of enjoyment of life; mental anguish; emotional distress; mental, physical, emotional and psychological pain and suffering and loss of consortium in an amount to be proven at the

time of trial.

35. All of Plaintiff's injuries, damages and wrongful death are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiffs.

36. All of Plaintiff's injuries, damages and wrongful death are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiff.

COUNT II – RESPONDIAT SUPERIOR

1. Defendant Women's Reproduction Clinic of New Mexico, LLC

37. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 36 as if stated fully herein.

38. At all times material hereto, Defendant Franz Theard was an employee, agent, servant, owner, officer and/or director of Defendant, Women's Reproduction Clinic of New Mexico, LLC, and/or authorized to practice elective abortions at the Women's Reproduction Clinic of New Mexico, LLC.

39. At all times material hereto, Defendant Franz Theard, was acting within the scope of his employment and/or authorization with Defendant, Women's Reproduction Clinic of New Mexico, LLC.

40. Defendant, Women's Reproduction Clinic of New Mexico, LLC, had the right to control the manner in which the details of the work of Defendant Franz Theard, were to be performed at the time of the occurrence, even though the right of control may not have been exercised.

41. As a direct and proximate result of the negligence, and omissions of

Defendant Franz Theard, acting within the scope of his employment and/or authorization with Defendant, Women's Reproduction Clinic of New Mexico, LLC, Plaintiff is entitled to damages against Defendants for: past medical expenses; loss of earnings & benefits; loss of enjoyment of life; mental anguish; emotional distress; mental, physical, emotional and psychological pain and suffering, in an amount to be proven at the time of trial.

42. All of Plaintiff's injuries and damages are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiff.

COUNT III -- UNFAIR TRADE PRACTICES

43. Plaintiff re-allege and incorporate by reference paragraphs 1 through 42 as if stated fully herein.

44. New Mexico Statute defines Unfair Trade Practices, in part, as follows:

"unfair or deceptive trade practice" means an act specifically declared unlawful pursuant to the Unfair Practices Act [57-12-1 NMSA 1978], a false or misleading oral or written statement, visual description or other representation of any kind knowingly made in connection with the sale, lease, rental or loan of goods or services or in the extension of credit or in the collection of debts by a person in the regular course of his trade or commerce, which may, tends to or does deceive or mislead any person and includes:

(1) representing goods or services as those of another when the goods or services are not the goods or services of another;

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causing confusion or misunderstanding as to affiliation, connection, or association with or certification by another;

(4) using exaggeration, innuendo, or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive;

45. Defendant Women's Reproduction Clinic of New Mexico, LLC, its agents and employees have engaged in unfair trade practices by:

(A) Including provisions in its informed consent to release prospective liability for medical negligence despite knowing it was against public policy to do so;

(B) Attempting to persuade patients not to sue for malpractice;

(C) Disclaiming any liability for emotional distress against public policy;

(D) Attempting to prevent women and patients from suing for emotional distress;

(E) Forcing or coercing women to go through surgical abortions after the abortion pill does not work, despite other options being available;

(F) Not offering abortion pill reversal.

46. As a result of the acts of Defendant Women's Reproduction Clinic of New Mexico, LLC, Plaintiff has sustained damages in loss of property, emotional distress, mental anguish, consequential damages, injuries, and other damages to be proven at trial.

47. Pursuant to *57-12-1 et seq. NMSA 2022* Plaintiff is entitled to attorney's fees.

48. Pursuant to *57-12-1 et. seq. NMSA 2023* Plaintiff is entitled to treble damages.

49. Plaintiff is entitled to an injunction against Defendants for the above-mentioned acts pursuant to *57-13-10(A)*

COUNT IV – UNCONSCIONABLE TRADE PRACTICES

50. Plaintiff re-alleges and incorporate by reference paragraphs 1 through 49 as if stated fully herein.

51. New Mexico Statute defines "Unconscionable Trade Practice" as an act or practice in connection with the sale, lease, rental or loan, or in connection with the offering for sale, lease, rental or loan, of any goods or services, including services provided by licensed professionals, or in the extension of credit or in the collection of debts which is to a person's detriment:

(A) takes advantage of the lack of knowledge, ability, experience, or capacity of a person to a grossly unfair degree; or

(B) results in a gross disparity between the value received by a person and the price paid.

52. At the time of her late term elective abortion procedure Alani Harman did not have the financial means to pay for her elective abortion and was receiving government assistance for her medical care.

53. At the time of her elective abortion procedure, Alani Harman did not know that she would not be charged additional fees or incur additional charges for seeking medical assistance for medical complications during her elective abortion procedure.

54. At the time of her elective abortion procedure, Alani Harman did not know that she was free to seek medical assistance for medical complications at any medical facility.

55. At the time of her elective abortion procedure, Alani Harman did not have the capacity to fully understand the consent agreement.

56. The actions of the Defendants took advantage of the lack of knowledge, ability, and capacity of Alani Harman to an unfair degree.

57. Plaintiff has sustained damages.

58. Plaintiff is entitled to attorney's fees pursuant to The Unfair Trade Practices Act.

59. Plaintiff is entitled to treble damages pursuant to the Unfair Trade Practices Act.

60. Plaintiff is entitled to an injunction.

COUNT V. INFORMED CONSENT

61. The Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 60 of the complaint as if set forth again fully herein.

62. Defendants, Franz Theard and Women's Reproduction Clinic of New Mexico, LLC, have a duty to inform the patient of all material facts that may affect the person's decision to engage in their services.

63. At all times relevant, Defendant knew or should have known that Plaintiff, Alani Harman, had a right to refuse to go through a surgical abortion if the abortion pill did not work.

64. At all times relevant, Defendant Franz Theard and Women's Reproduction Clinic of New Mexico, LLC, knew of the abortion pill reversal process and its success in reversing the abortion pill without the child sustaining birth defects.

65. Defendants breached their duty to provide informed consent by the following acts:

1. Requiring Plaintiff to submit to a surgical abortion if the abortion was not completed using abortion causing drugs;

2. Not informing the Plaintiff that there was a significant possibility that no birth defects would be present in the case where an abortion causing drug failed to complete the abortion;

3. Failing to disclose that there is an abortion pill reversal process that had good success.

66. As a direct and proximate cause of the failure Defendants to provide proper informed Consent the Plaintiff, Alani Harman, has incurred damages, pain and suffering, medical bills, emotional distress, mental anguish, and loss of property to be proven at the time of trial.

COUNT VI
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

67. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 66 of the complaint as if set forth again full herein.

68. Plaintiff, Alani Harman, has a right to freedom from severe emotional distress.

69. Defendants negligently performed a surgical abortion which caused the defendant to deliver a dead baby at home.

70. Defendants failed to provide proper informed consent.

71. The Defendants failure to return the baby's body to the Plaintiff after she was denied the return of her baby's body.

72. The Defendants intentionally and willfully breached the Plaintiff's privacy while in the presence of police officers.

73. Defendants failed to timely produce Alani Harman's medical records.

74. Defendants intentionally and willfully had Alani Harman arrested by the police.

**COUNT VII. IMPROPER INTERFERENCE WITH THE DISPOSITION OF HUMAN
REMAINS**

75. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 74 of the complaint as if set forth again full herein.

76. Plaintiff, Alani Harman, gave birth to a stillborn baby at her home on September 1, 2020.

77. The stillborn baby constitutes human remains.

78. In New Mexico, there is a right for the next of kin to dispose of the human remains of a family member.

79. Alani Harman had a right to dispose of the stillborn baby as she was the baby's natural mother.

80. Alani Harman took her stillborn baby to Franz Theard and the staff at Women's Reproduction Clinic of New Mexico, LLC, for examination.

81. After the examination, Dr. Theard and the staff at Women's Reproduction Clinic of New Mexico, LLC refused to give Alani Harman her baby back for proper burial or cremation.

82. Despite demand, Franz Theard and Women's Reproduction Clinic of New Mexico, LLC never returned the baby to Alani Harman for proper burial.

83. As a result of the actions of Defendants, Alani Harman has sustained damages for loss of property, mental anguish, emotional distress, and pain and suffering to be proven at trial.

84. The actions of the Defendants are so willful, wanton, and reckless it warrants the imposition of punitive damages.

COUNT VIII. FRAUD

85. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 84 of the complaint as if set forth again full herein.

86. Defendant, Franz Theard stated that Plaintiff, Alani Harman must undergo a surgical abortion.

87. Defendant, Franz Theard, charged \$600 extra for a surgical abortion.

88. Upon information and belief, Franz Theard did not perform a surgical abortion.

89. The baby that Franz Theard performed the abortion on was born stillborn approximately one week later.

90. The actions of Defendants constitute fraud.

91. The actions of Defendants are so willful, wanton, and reckless it warrants the imposition of punitive damages.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants for the following amounts:

- A. For damages to be proven at trial;
- B. For damages for emotional distress and mental anguish;
- C. For Treble Damages under the New Mexico Unfair Trade Practices Act;

D. For punitive damages;

D. For reasonable costs and attorney's fees.

E. For an injunction against Franz Theard and Women's Reproduction Clinic of New Mexico, LLC prohibiting Defendants from prospectively limiting malpractice liability and emotional distress liability. An injunction prohibiting Franz Theard from requiring women to undergo a surgical abortion if the drugs given to abort the baby did not complete the abortion.

Respectfully submitted,

MICHAEL J. SEIBEL & ASSOCIATES

By: /s/Michael J. Seibel
Michael J. Seibel (State Bar# 8337)
Attorney for Plaintiff
P.O. Box 14066
Albuquerque, NM 87191-4066
(505) 275-1700

&

LAW OFFICE OF JUSTIN K. HALL, PC

/s/ Justin K. Hall
Justin K, Hall (State Bar# 9521)
328 West IH-30, Suite 2
Garland, TX 75043
(972)-226-1999

Attorneys for Plaintiff

HILLTOP WOMEN'S REPRODUCTIVE CLINIC

CONSENT TO ABORTION AND TREATMENT

I, Alani Harman, age 19, hereby agree, consent to, request and authorize Dr. Franz C. Theard, MD., and his assistants with the staff of HillTop Women's Reproductive Clinic to perform an abortion upon me, to administer an anesthetic of their choice in connection with the abortion, to prescribe and administer medication to me as they deem necessary and to dispose of any tissue which may be removed during the abortion.

If any unexpected or unforeseen complication or condition arises during the abortion procedure or directly after the abortion which requires treatment or procedures not normal or customary during an abortion procedure, I consent to and request for Dr. Franz Theard and/or HillTop Women's Reproductive Clinic to perform any procedure or administer any medication which they feel necessary and to have me transferred and admitted to a hospital. I also understand and agree that if a transfer to a hospital is necessary, Dr. Franz C. Theard and/or HillTop Women's Reproductive Clinic do not assume any responsibility for any expenses which may be incurred as a result of the transfer to a hospital.

I have told HillTop Women's Reproductive Clinic that the date of my last menstrual period was

June 2nd

I have been informed and advised by HillTop Women's Reproductive Clinic of the procedure and purpose of an abortion and that the possibility of risks or complications which may develop are:

- (1) INFECTION (2) BLEEDING (3) PERFORATION OF THE UTERUS (4) CONTINUING PREGNANCY (5) INCOMPLETE ABORTION (6) PSYCHOLOGICAL OR DEPRESSION EFFECTS.

A.H. THE CONSEQUENCES OF SUCH AN ABORTION PROCEDURE AND POSSIBLE A.H. COMPLICATIONS HAVE BEEN FULLY EXPLAINED TO ME BY HILLTOP WOMEN'S A.H. REPRODUCTIVE CLINIC AND I UNDERSTAND THEM FULLY AND A.H. COMPLETELY.

A.H. I ACKNOWLEDGE THAT NO GUARANTEE OR ASSURANCE HAS BEEN MADE A.H. TO ME BY HILLTOP WOMEN'S REPRODUCTIVE CLINIC OR DR. FRANZ C. THEARD A.H. CONCERNING THE SUCCESS OF THE ABORTION, AND I HEREBY RELEASE A.H. AND AGREE TO HOLD HARMLESS DR. FRANZ C. THEARD OR HILLTOP WOMEN'S A.H. REPRODUCTIVE CLINIC FOR THE PERFORMANCE OF PROCEDURES A.H. REFERRED TO IN THIS CONSENT AND FOR ANY CONSEQUENCES A.H. RESULTING FROM THE ABORTION.

A.H. I REALIZE THAT I SHOULD NOT SIGN THIS CONSENT UNTIL I HAVE READ A.H. AND UNDERSTAND EACH WORD, SENTENCE, AND PARAGRAPH IN IT. I HAVE PUT MY A.H. INITIALS BESIDE EVERY LINE OF THIS PARAGRAPH SO THAT IT WILL BE UNDERSTOOD A.H. THAT I HAVE READ THIS CONSENT, UNDERSTAND IT, AND DESIRE TO SIGN IT.

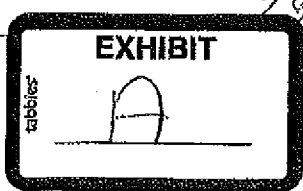
SIGNED ON August 21, 2020, 2020

[Signature]
Signature of Patient

[Signature]
Signature of Witness

[Signature]
Signature of Parent or Legal Guardian

Address of Parent or Guardian



MANAGEMENT OF COMPLICATIONS

MANAGEMENT OF BLEEDING

Bleeding with a medical abortion may vary from very little bleeding to almost hemorrhage.

Bleeding may start anywhere from ½ hour to 10 hours following the misoprostol (the average onset of bleeding is 2-4 hours following misoprostol). As a general rule most patients will experience moderate to heavy bleeding- normal menstrual flow to very heavy bleeding with clots ranging in size from small (golf ball or less) to very large (the size of a naval orange) during the abortion. The heaviest bleeding may last 1 to 4 hours as the pregnancy is being expelled.

Bleeding generally stops or slows substantially within 1 to 2 hours of passing pregnancy.

When assessing bleeding, it is helpful to consider the following:

- Is someone with the patient,
- How far away from the clinic or ER is the patient,
- The patient's emotional state,
- The emotional state of the patient's support person,
- When did the bleeding start (how long has the patient been bleeding),
- Amount of bleeding in relation to patient's normal menses and the number and type of pads soaked,
- The presence and size of clots,
- Cramping or pain,
- The presence of pregnancy tissue,
- What medications: (prescription, over-the-counter and herbal) the patient has taken before and since the bleeding started (aspirin, ginseng, garlic, ginkgo, feverfew or chamomile can increase the severity of bleeding).

Patient are instructed to contact us if they are soaking 4 pads over two hours time. although this is not a point at which intervention is necessary, it is point at which patients should be in contact with us so that their bleeding may be monitored. Subjects experiencing heavy, moderate or prolonged bleeding can be treated conservatively with (1) observation, (2) methergine, (3) uterine massage, and/or (4) reduction of activity level. Failure to respond to conservative treatment should prompt evaluation for incomplete abortion that includes: (1) ultrasound and (2) an aspiration D&C, if indicated. Patients experiencing excessive bleeding must be evaluated as soon as possible. The preferred treatment is an aspiration D&C. Patients with heavy bleeding who are being monitored by phone should be accessed every 30-60 minutes.

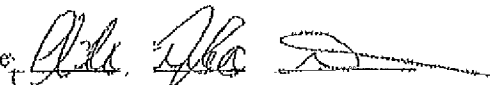
If a patient calls with heavy bleeding (soaking 4 pads over two hours) following the mifepristone tablets but prior to having taken the misoprostol, the patient should be asked to come into the clinic at the next available time to evaluate whether or not she has already passed the pregnancy and if taking misoprostol is necessary. For about 3% of women, the misoprostol will not be required.

FAILURE TO BLEED

Patients should be evaluated for ectopic if no bleeding and no cramping have occurred following the misoprostol.

MANAGEMENT OF CRAMPING

Patients should begin taking regular or extra strength Tylenol, Ibuprofen (Advil, Nuprin, Motrin) or Naproxen sodium (Aleve) at the beginning of their cramping. Only when the cramps are not responding to these medications should they take the prescription pain medication. Most patients will be prescribed Tylenol #3 (acetaminophen with codeine 300 mg/30 mg x20). Patients may also be prescribed Darvocet N100 (propoxyphene napsylete with acetaminophen 100 mg/650 mg x20). These two medications should be taken 1-2 tablets every 4-6 hours as needed. Other pain medications may be substituted when indicated. Aspirin, however, is not recommended. Heating pad, relaxation techniques, and back rubs may also be helpful.

Patient Signature: 

Yo Fui Informada y Entiendo el Aborto Medico



Hemorrhage: Although moderate to heavy bleeding is very normal following the administration of the mifepristone and the misoprostol, excessive bleeding is not. Excessive bleeding may require a surgical abortion or D&C procedure, or hospitalization for observation and treatment. In very rare cases blood transfusion may be necessary.

Infection: Infections usually respond to antibiotics, but in a few cases, hospitalization is necessary. Infection can occur when pregnancy tissue remains in the uterus.

Failure to Terminate pregnancy/ Retained Products of Conception: In a small number of cases, the abortion process fails to end the pregnancy or a small amount of pregnancy tissue remains in the uterus. It is this possibility, among others, that makes a post-abortion examination essential. In such a case, a surgical abortion or D&C procedure new for surgical abortion recommended, since the use of the medications may have affected normal development of the pregnancy.

Tubal pregnancy: A tubal pregnancy occurs when the fertilized egg implants in the fallopian tube instead of the uterus. If this condition is unchecked, the fetus develops in the tube until it is large enough to burst the tube. Although the chances of tubal pregnancy are small the risk of death from a ruptured tubal pregnancy is very great. For this reason, all tubal pregnancies should be monitored by your own physician or in hospital settings: the medical or surgical abortion procedures provided at the Women's Reproductive Clinic Of New Mexico cannot terminate a tubal pregnancy. I understand that this a preexisting medical condition for which the Women's Reproductive Clinic Of New Mexico assumes no medical or financial responsibility.

Hysterectomy: I understand that as a result of certain condition or some complications(such as excessive bleeding or severe infection) a hysterectomy may be necessary.

Sterility: In extremely rare cases, a severe complication may result in a loss or decline of reproductive capabilities.

Emotional distress: Individual women cope differently with abortion; most patients go through the process with minimal emotional effects but in some cases professional help is required. I release the attending physicians and staff from any liability or responsibility for any condition that may result from this procedure, including but not limited to short range or long term psychological effects resulting from any decision to have this abortion.

I understand that my physician and/or counselor will answer any questions I have and I will ask such questions before leaving the clinic. If I have questions or complications after leaving, I agree to call Women's Reproductive Clinic Of New Mexico. I also agree to have an examination and pregnancy test within two weeks after the administration of the mifepristone, in order to rule out a continued pregnancy or the existence of other problems. I understand that by choosing a medical abortion, as many as four visits to the clinic may be required.

I UNDERSTAND THAT, WHEN POSSIBLE, I MAY BE TREATED FOR ANY RESULTING COMPLICATIONS AT WOMEN'S REPRODUCTIVE CLINIC, HOWEVER, SHOULD HOSPITALIZATION BE NECESSARY, I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR ANY CHARGES.

I further understand that the medical practice of my physician is to judged according to those standards reasonably acceptance to other physicians practicing in other similar facilities in the United States.

I certify that I have read, had explained to me, and fully understand the consent, and that I agree, in light of that consent, to the use of mifepristone and misoprostol to abort my pregnancy.

Date 07/04/2020 Signature of Client Alain Hernandez

Physician [Signature] Witness-staff Person [Signature]

Yo Fui Informada y Entiendo el Aborto Medico

Nausea and Vomiting- You may experience mild nausea and some vomiting, this is normal. To help avoid nausea and vomiting, eat lightly but do not allow your stomach to become empty. You may take over the counter anti-nausea medications such as Emetrol or Dramamine to help reduce symptoms of nausea. If your symptoms are severe please call us immediately.

Diarrhea- You may experience mild diarrhea; this is normal. You may take over the counter medications such as Pepto Bismol, or Imodium AD. If you symptoms are severe, please call us immediately.

Fatigue- You may experience feelings of tiredness and fatigue; this is normal. Allow yourself to rest when you are tired.

Dizziness- You may experience dizziness or faintness with this medication for several days. You will wish to be specially careful when getting up from a lying position.

Fever/Chills/Hot Flashes- Some women may experience a mild fever or chills. This is normal. You may wish to monitor your temperature, if it exceeds 100.4 please call immediately.

PLEASE CALL USE IF YOU EXPERIENCE

- Excessive bleeding (soaking 4 pads over 2 hours)
- Severe abdominal pain
- Severe nausea or vomiting
- A temperature exceeding 100.4
- Any questions or concerns

We want to help you with any questions or difficulty you may have related to your abortion, but we can not unless we hear from you. Please call if you have a problem or question. The clinic is open Monday through Thursday from 8:00 A.M. to 5:00 P.M., Friday from 8:00 A.M. to 4:00 P.M. Our answering machine service will answer at other times. Let them know you are a patient and you need to speak with a nurse. They will ask you for you name, telephone number, and the nature of the problem that you are experiencing. A nurse will call you back within 30 minutes. If you have caller ID on your phone, you will need to temporarily remove it in order for the nurse to be able to return your call. Our telephone number is (575) 589-3855

In the unlikely event that your call has not been returned within 30 minutes, please call our answering service and they will page the nurse again.

It is rare to have an emergency, but important to be prepared. Abortion is a private matter and some women would prefer no one else to know, But it could be dangerous to delay care in the event of an emergency, each woman should have an emergency plan (mainly for excessive Bleeding):

- How to call Women's Reproductive Clinic Of New Mexico
- Who might drive you
- The directions how to reach the Women's Reproductive Clinic Of New Mexico
- The directions how to reach the nearest hospital (if instructed by Women's Reproductive Clinic after hours)

Remember any complication that can be treated at the Women's Reproductive Clinic Of New Mexico will be at no additional charge. If an emergency room visit or hospitalization is required, you will be responsible for any charges.

Patient Signature



Witness-staff



Yo Fui Informada y Entiendo el Aborto Medico

MANAGEMENT OF NAUSEA AND VOMITING

Many patients experience mild to severe GI symptoms within a few hours of taking the misoprostol. Mild nausea may be treated with over the counter medications such as Emmitrol, Dramamine or Pepto Bismol. For severe nausea, Tigan 250mg capsules are the preferred treatment. Phenergan may also be used.

MANAGEMENT OF DIARRHEA

Many patients experience mild to severe GI symptoms within few hours of having taken the misoprostol. Expulsion of the pregnancy often occurs when the patient is on the toilet. Diarrhea may be treated carefully when getting up from a lying position.

MANAGEMENT OF FATIGUE

Patients need to rest and be certain to drink plenty of fluids. She should be checked at follow up exam if feeling of fatigue persists.

TEMPERATURE ELEVATION

On occasion, a patient may develop an elevated body temperature (>101F) after having taken misoprostol. This is almost always a prostaglandin effect and body temperature should normalize in an hour or so as the bleeding begins. It is wise to check with these patients in 1-3 hours to verify that body temperature has returned to normal. If an elevation in temperature occurs 3-4 days after the misoprostol, the patient should be evaluated for possible infection and/or ectopic pregnancy.

OTHER SYMPTOMS

Patients may also experience headaches, warm flushes, or other symptoms. These symptoms are normally mild and may be related to other side effects such as cramping or nausea. These symptoms will have to be managed on a case basis.

Patient Signature



Yo Fui Informada y Entiendo el Aborto Medico

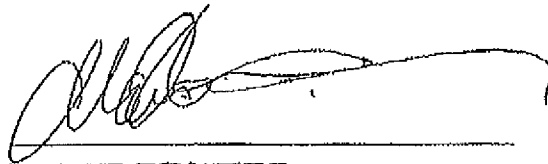
Women's Reproductive Center

(575) 589-3855 • 5290 McNutt Rd., Suite 103 • Santa Teresa, NM 88008

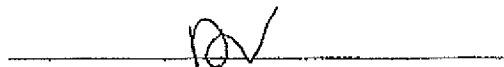
DATE

8-25-2020

PATIENT WAS ADVISED ONCE TAKING MEDICATION (MISOPROSTOL 200 mg) SHE MUST CONTINUE WITH THE SURGICAL PROCEDURE MEDICATION MAY CAUSE BIRTH DEFECTS. PATIENT WAS ALSO ADVISED THE MEDICATION MAY CAUSE BLEEDING AND CRAMPING.



PATIENT SIGNATURE



SIGNATURE OF WITNESS

EXHIBIT

tabbies

C