

RETURN DATE: MAY 28, 2024

DARCIA CORETTO : SUPERIOR COURT
V. : J.D. WATERBURY
: AT WATERBURY

YALE NEW HAVEN HOSPITAL, INC.,
YALE SCHOOL OF MEDICINE, YALE
UNIVERSITY, AILEEN GARIEPY, MD,
SAMANTHA BAER, MD, AND AUDREY
MERRIAM, MD

: APRIL 11, 2024

COMPLAINT

**FIRST COUNT: (AS TO YALE NEW HAVEN HOSPITAL, INC., AILEEN GARIEPY,
MD, SAMANTHA BAER, MD, AND AUDREY MERRIAM, MD)**

1. At all times mentioned herein, the Defendant, Yale New Haven Hospital, Inc. [hereinafter "Defendant Hospital"], was a corporation organized and existing under the laws of the State of Connecticut that was engaged in the business of operating a duly accredited hospital in New Haven, Connecticut.

2. At all times mentioned herein, the Defendant, Aileen Gariepy, MD, [hereinafter "Defendant Dr. Gariepy"], was a physician practicing obstetrics and gynecology at the Defendant Hospital and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

3. At all times mentioned herein, the Defendant, Samantha Baer, MD, [hereinafter "Defendant Dr. Baer"], was a physician practicing obstetrics and gynecology at the Defendant Hospital and, acting as their agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

4. At all times mentioned herein, the Defendant, Audrey Merriam, MD, [hereinafter "Defendant Dr. Merriam"], was a physician practicing obstetrics and gynecology at the Defendant Hospital and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

5. On January 20, 2022, the Plaintiff presented to the Defendant Yale School of Medicine for a family planning pre-op appointment with the Defendants Dr. Gariepy and Dr. Baer regarding termination of her pregnancy due to a severe fetal anomaly, Pentalogy of Cantrell.

6. Thereafter, on January 21, 2022, the Plaintiff presented to the Defendant Hospital where the Defendants Dr. Gariepy, Dr. Baer, and Dr. Merriam performed a dilation and evacuation surgical procedure.

7. During said surgical procedure, a tenaculum surgical instrument tore through the Plaintiff's cervix, lacerating the Plaintiff's cervix and posterior vagina, resulting in severe bleeding and blood loss.

8. Furthermore, during said surgical procedure, the Plaintiff's posterior uterine wall sustained a large gaping laceration involving almost the entire posterior wall exposing the underlying endometrium cavity resulting in additional blood loss.

9. Thereafter, due to the extent of the Plaintiff's injuries, surgeons at the Defendant Hospital performed an unplanned hysterectomy with bilateral salpingectomy, eliminating the Plaintiff's ability to have any further children.

10. The injuries and damages to the Plaintiff were due to the negligence, carelessness and deviations from the standards of care of the agents, apparent agents, servants and/or employees of the Defendants, including, but not limited to, the Defendants Dr. Gariepy, Dr. Baer, and the Defendant Dr. Merriam, in one or more of the following respects, in that they:

- a. Failed to properly plan preoperative ripening and dilation before admission to facilitate cervical dilation in the operating room and to avoid the severe trauma that occurred to the Plaintiff's cervix and vagina;
- b. Failed to terminate the dilation and evacuation surgery following the laceration of the Plaintiff's cervix and vagina;

- c. Failed to proceed with a medical termination of pregnancy after injuring the Plaintiff's cervix and vagina;
- d. Failed to prevent laceration to the Plaintiff's posterior uterine wall;
- e. Performed the dilation and evacuation procedure with inadequate visualization and poor surgical technique resulting in severe damage to the Plaintiff's uterine wall and the need for an unplanned hysterectomy;
- f. Lacerated the Plaintiff's cervix and vagina with a tenaculum surgical instrument;
- g. Lacerated and punctured the Plaintiff's posterior uterine wall;
- h. Failed to perform the January 21, 2022 D&E surgical procedure with the skill required so that the Plaintiff's cervix, vaginal wall, and uterine wall would not have been lacerated and/or perforated causing severe blood loss and the need for an unplanned hysterectomy;
- i. Failed to provide proper and adequate training to staff, physicians, medical professionals, and surgeons involved in the Plaintiff's January 21, 2022 D&E surgical procedure;
- j. Failed to provide proper and adequate supervision to staff, physicians, medical professionals, and surgeons during the Plaintiff's January 21, 2022 D&E surgical procedure; and
- k. Failed to properly use surgical instruments including tenaculums and forceps to prevent injury to the Plaintiff's cervix, vagina, and uterus.

11. As a result of the negligence, carelessness and deviations from the standard of care of the Defendants by and through their agents, apparent agents, servants, and employees, the Plaintiff sustained severe injury to her cervix, vaginal

wall, and uterus requiring medical treatment, surgery, and hospitalization and resulting in the need for an unplanned hysterectomy. The Plaintiff's injuries are permanent in nature and she has suffered, and will in the future continue to suffer, great physical and mental pain and has been forever deprived of her ability to have additional children.

12. As a result of the negligence, carelessness and deviations from the standard of care of the Defendants, the Plaintiff was required to spend various sums of money for medical care and treatment, drugs, devices, and diagnostic testing, necessitated by said injuries all to her loss and damage.

SECOND COUNT: (AS TO YALE SCHOOL OF MEDICINE, AILEEN GARIEPY, MD, SAMANTHA BAER, MD, AND AUDREY MERRIAM, MD)

1-8. Paragraphs Five (5) through Twelve (12) of the First Count are hereby made Paragraphs One (1) through Eight (8) of this the Second Count as if more fully set forth herein.

9. At all times mentioned herein, the Defendant, Yale School of Medicine, was a specially chartered corporation organized that owned, operated, maintained, directed, staffed, and employed persons engaged in the practice of medicine and nursing including the medical and nursing staff and department membership at the Defendant Yale University and the Defendant Hospital.

10. At all times mentioned herein, the Defendant, Aileen Gariepy, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale School of Medicine and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

11. At all times mentioned herein, the Defendant, Samantha Baer, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale School of Medicine and, acting as their agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

12. At all times mentioned herein, the Defendant, Audrey Merriam, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale School of Medicine and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

THIRD COUNT: (AS TO YALE UNIVERSITY, AILEEN GARIEPY, MD, SAMANTHA BAER, MD, AND AUDREY MERRIAM, MD)

1-8. Paragraphs Five (5) through Twelve (12) of the First Count are hereby made Paragraphs One (1) through Eight (8) of this the Third Count as if more fully set forth herein.

9. At all times mentioned herein, the Defendant, Yale University, was a specially chartered corporation organized and existing under the laws of the State of Connecticut that owned, operated, maintained, directed, staffed, and employed persons engaged in the practice of medicine and nursing including the medical and nursing staff and department membership at the Defendant Yale School of Medicine and the Defendant Hospital.

10. At all times mentioned herein, the Defendant, Aileen Gariepy, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale University and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

11. At all times mentioned herein, the Defendant, Samantha Baer, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale University and, acting as their agent, apparent agent, servant and/or employee and within the scope of

this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

12. At all times mentioned herein, the Defendant, Audrey Merriam, MD, was a physician practicing obstetrics and gynecology at the Defendant Yale School of Medicine and, acting as its agent, apparent agent, servant and/or employee and within the scope of this agency, apparent agency, employment and authority, treated the Plaintiff, Darcia Coretto.

WHEREFORE, the Plaintiffs claims fair, just and reasonable monetary damages.

THE PLAINTIFF,

By

Joseph M. Barnes, Esq.

THE REARDON LAW FIRM, P.C.

Her Attorneys

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MERRIAM, MD

: APRIL 11, 2024

STATEMENT RE: AMOUNT IN DEMAND

The amount in demand is greater than Fifteen Thousand and No/100
(\$15,000.00) Dollars, exclusive of interest and costs, pursuant to §52-91 of the
Connecticut General Statutes.

THE PLAINTIFF,

By 

Joseph M. Barnes, Esq.
THE REARDON LAW FIRM, P.C.
Her Attorneys

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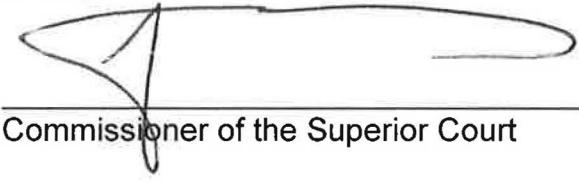
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CERTIFICATION

I hereby certify that I have made reasonable inquiry, as permitted by the circumstances, to determine whether there are grounds for a good faith belief that there has been negligence in the care and treatment of the Plaintiff. This inquiry has given rise to a good faith belief on my part that grounds exist for an action against each of the named defendants in this lawsuit. I base this belief, in part, on the written and signed medical opinions of similar health care provider, attached hereto as Exhibit A in accordance with §52-190a of the Connecticut General Statutes (as amended). Also attached is Exhibit B, a Petition for Extension of the Statute of Limitations in this lawsuit that was granted by the Connecticut Superior Court, Judicial District of New London.



Commissioner of the Superior Court

EXHIBIT A

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THE REARDON LAW FIRM, P.C.

Attorneys at Law

160 Hempstead Street • P.O. Drawer 1430 • New London, CT 06320 • Tel. (860) 442-0444 • Juris No. 102515

April 10, 2024

Subject: Review of medical records concerning the care of Darcia Coretto by the Obstetrical and Gynecological staff of Yale New Haven Health in December 2021 and January 2022.

I am a Board-Certified Obstetrician Gynecologist in active clinical practice for over 40 years. I am familiar with the standard of care that applied to OB/GYN physicians during the time of the above incident and to the present when offering second trimester abortion services.

I have reviewed the following records:

1. December 14, 2021 obstetrical ultrasound, maternal fetal medicine, nuchal translucency study report
2. January 20, 2022 progress note from office visit to Yale Medicine Family Planning Clinic involving Dr. Samantha Baer and Dr. Aileen Gariepy for preoperative planning.
3. January 21, 2022 Yale New Haven Health medical records for 19-week pregnancy termination by the Family Planning Clinic Physicians Dr. Aileen Gariepy, Dr. Samantha Baer and Dr. Audrey Merriam including post operative progress notes, the D&E operative note, the hysterectomy operative note, and the surgical pathology report.

After completing of my review of these medical records I have come to the conclusion, to a reasonable degree of medical certainty, that the physicians of the Yale New Haven Health Family Planning Clinic at Yale New Haven Hospital, Yale School of Medicine, and Yale University, specifically Dr. Gariepy, Dr. Baer, and Dr. Merriam breached the standard of care on January 21, 2022 and cause significant harm to Darcia Coretto from massive blood loss, lacerations of the cervix and vagina, lacerations of the posterior uterine wall and subsequent hysterectomy to save the patient's life.

On December 12, 2021 Darcia Coretto was a 36-year-old, Gravida 4 Para 2 AB 1 at about 13 weeks of pregnancy. She weighed 306 pounds, had a body mass index of 51 consistent with super obesity and past obstetrical history of two prior cesarean sections. Ultrasound examination that date revealed a fetus with a Pentalogy of Cantrell, a severe fetal anomaly not compatible with postnatal life. Ms. Coletto deferred genetics consultation at that time and was to consider referral to the Family Planning Clinic for termination of the pregnancy.

On January 20, 2022 Ms. Coretto was seen in the Family Planning Clinic by Dr. Baer and Dr. Gariepy. The patient decided to terminate the pregnancy with abortion care. She was offered a medical or surgical abortion and opted for surgical abortion. Medical record noted that she recently had Covid which put her at increased risk for death at the time of surgery. The medical record noted that the risk of death from abortion care overall was very low at 7 in 1 million. She was counseled that further delay in terminating this pregnancy would only continue to put her health at increased risk. On this date the patient was 18 weeks and six days of gestation and the plan was to proceed with the operative dilation and evacuation surgical procedure the next day.

On July 21, 2022 Ms. Coretto was taken to the operating room at the Yale New Haven Health Hospital where under general anesthesia Dr. Gariepy, Dr Merriam and Dr. Baer attempted to terminate this 19-week pregnancy. Immediate difficulty was encountered because visualization of the cervix was extremely limited. There had been no pre-operative cervical ripening or mechanical dilation with laminaria documented in the medical record. During dilation of the cervix that tenaculum tore through the cervix and heavy bleeding was encountered. Two lacerations of the anterior cervix and to the posterior vagina were identified and repaired. This part of the procedure alone took two hours with an estimated blood loss of 1500 mL.

Rather than stopping at this point, stabilizing the patient hemodynamically and initiating blood transfusion as indicated the above physicians proceeded to continue with the dilation of the cervix and evacuation of the uterus. The cervix was further dilated and using long slender grasping Sopher and Bierer forceps fetal parts were removed. Despite the use of ultrasound guidance, the operators lacerated the posterior uterine wall from just below the fundus to just above the cervix, a length of approximately 9 cm. In addition, they transected the right uterine artery which contributed to more intra-abdominal bleeding and blood loss and hemodynamic instability. Because of suspicion of a perforation of the posterior uterine wall a gynecologic surgical team was called in to perform exploratory laparoscopy, exploratory laparotomy, super cervical abdominal hysterectomy and bilateral salpingectomies. This portion of the procedure contributed to another 2000 mL of blood loss for a total of 3500 mL or almost half of this super obese patient's blood volume. At the conclusion of the procedure the patient was transferred to the surgical ICU, where she received large volumes of fluid replacement, was transfused with five units of blood and additional blood products, required vasopressors to stabilize her blood pressure and needed three additional days of hospitalization.

The breaches of standard of care by Yale New Haven Hospital and the Family Planning Clinic Physicians Dr. Gariepy, Dr. Merriam and Dr. Baer include the following:

1. Failure to recognize that this patient was at high risk for complications of a mid-trimester surgical abortion based upon her advanced maternal age, super obesity, 19-week pregnancy, two prior cesarean sections and history of recently been sick with Covid.
2. Failure to counsel the patient on the advantages of a medical termination of this pregnancy over a surgical abortion by dilation and evacuation which would have prevented the cervical and vaginal lacerations, the large laceration of the posterior uterine wall and the transection of the right uterine artery all of which resulted in massive blood loss to the patient.

3. Failure to plan preoperative cervical ripening and dilation by placing laminaria in the cervix 24 hours before admission to facilitate ease of cervical dilation in the operating room and to avoid the severe trauma that occurred to the patient's cervix and vaginal lacerations resulting in a 1500 mL blood loss before even starting the uterine evacuation procedure.
4. Failure to terminate this procedure following the complication of cervical and vaginal laceration and transfer the patient to the postoperative floor for recovery and evaluation for needed blood transfusion in a patient with chronic anemia.
5. Failure the next day to initiate a medical termination of pregnancy protocol and thereby avoiding the risk of uterine perforation, laceration of the right uterine artery, need for exploratory laparotomy and loss of the patient's uterus.
6. Failure to recognize that by not abiding by the above plan that the patient lost her ability to have any further children following this unplanned hysterectomy.
7. Performing the dilation and evacuation procedure with inadequate visualization from the very beginning of this surgery with inadequate staffing to provide better visualization.
8. Failure to prevent laceration of the posterior uterine wall even in the presence of ultrasound guidance consistent with a poor surgical technique, likely from poor visualization of the operative field

All my opinions expressed in this memo are to a reasonable degree of medical certainty and are based upon my more than 40 years of training, education, experience and familiarity with the standard of care when offering mid trimester pregnancy termination counseling.

EXHIBIT B

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THE REARDON LAW FIRM, P.C.
Attorneys at Law

160 Hempstead Street • P.O. Drawer 1430 • New London, CT 06320 • Tel. (860) 442-0444 • Juris No. 102515

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AILEEN GARIEPY, MD, AUDREY : NEW LONDON AT
MERRIAM, MD, SAMANTHA : NEW LONDON
BAER, MD, YALE NEW HAVEN
HEALTH, YALE NEW HAVEN
HOSPITAL INC, YALE NEW HAVEN
HEALTH SERVICES CORPORATION : DECEMBER 22, 2023

PETITION FOR EXTENSION OF STATUE OF LIMITATIONS DATE

Pursuant to Connecticut General Statute § 52-190a(b), Petitioner, Darcia Coretto, respectfully petitions for a ninety (90) day extension of the statute of limitations date regarding a possible suit against Aileen Gariepy, MD, Audrey Merriam, MD, Samantha Baer, MD, Yale New Haven Health, Yale New Haven Hospital Inc, Yale New Haven Health Services Corporation, and other health care providers, and their agents, servants, apparent agents and employees, including physicians, nurses, patient care technicians, and other medical personnel not yet known with respect to the Petitioner's claims of medical negligence occurring on or about January 21, 2022. This extension of the statute of limitations date is necessary to allow additional time for a reasonable inquiry to determine whether there are grounds for a good faith belief that there has been negligence in her health care or treatment.

THE PETITIONER,

By: _____

Joseph M. Barnes, Esq.
The Reardon Law Firm, P.C.
Her Attorneys

DARCIA CORETTO : SUPERIOR COURT
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MERRIAM, MD, SAMANTHA : NEW LONDON
BAER, MD, YALE NEW HAVEN
HEALTH, YALE NEW HAVEN
HOSPITAL INC, YALE NEW HAVEN
HEALTH SERVICES CORPORATION : DECEMBER 22, 2023

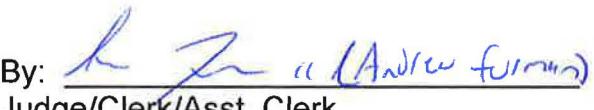
ORDER

The foregoing **Petition for Extension of Statute of Limitations Date** having been presented, it is hereby:

GRANTED 

DENIED 

THE COURT

By: 
Judge/Clerk/Asst. Clerk

FILED

DEC 22 2023

SUPERIOR COURT - NEW LONDON
JUDICIAL DISTRICT AT NEW LONDON