

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

JANE ROE,

Plaintiff,

vs.

PLANNED PARENTHOOD OF
NEBRASKA & COUNCIL BLUFFS, INC.,
and MERYL A. SEVERSON, M.D.,

Defendants.

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**COMPLAINT FOR
MEDICAL MALPRACTICE
AND PRAECIPE**

COMES NOW the Plaintiff and for her claim against the Defendants states:

1. Plaintiff is a 40 year old female resident of the State of Nebraska. The name "Jane Roe" is a pseudonym and is being utilized in this action in order to protect the privacy of the Plaintiff.

2. Defendant Planned Parenthood of Nebraska & Council Bluffs is a corporation which operates a facility known as the "South Street Center" located at 3705 South Street, Lincoln, Lancaster County, Nebraska. One of the services provided by the Defendant at the South Street Center is abortion.

3. Defendant Meryl A. Severson, M.D. is a physician licensed by the State of Nebraska. Defendant Severson is held out as the "Medical Director" of Planned Parenthood of Nebraska & Council Bluffs and he performs abortions at the South Street Center.

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Original filed by the
CLERK DISTRICT COURT
of Lancaster County, NE
on AUG 31 2007

4. Neither of the Defendants qualify under the Nebraska Hospital-Medical Liability Act, Neb. Rev. Stat. § 44-2801 et seq. and, therefore, are not covered by the provisions or protections of the act.

5. Sometime in mid- to late July 2007, Plaintiff called Planned Parenthood to inquire about family planning services. She had just learned that she was pregnant and approximately 8 weeks along. Plaintiff was told that abortions are performed on Fridays at the South Street Center and that the soonest available appointment would be on August 17th. Plaintiff was also told during that call that if she wanted to have an abortion she was to listen to a recorded message. If she listened to the complete message, an appointment would then be made for 9:00 a.m. on August 17, 2007. Plaintiff listened to the complete recorded message.

6. Plaintiff, accompanied by a friend, went to the center at 9:00 a.m. on August 17, 2007. The Plaintiff first completed some paperwork and then met with a “counselor” who told her that later she would be summoned to a room for the abortion procedure. It was explained to Plaintiff that when the abortion was about to be performed she would be given “a shot to deaden” her cervix and that she would then hear some suctioning from a machine.

7. Later Plaintiff was taken to a room with an ultrasound machine. An ultrasound of Plaintiff’s abdomen was performed but the Planned Parenthood attendant had trouble visualizing the area. Defendant Severson was summoned to the room to look at the ultrasound and Plaintiff overheard Severson say to the attendant that Plaintiff had a “tilted uterus.” Plaintiff was not offered the opportunity to look at the ultrasound.

8. After the ultrasound, Plaintiff was taken to another area where her finger was pricked and some blood was drawn by an employee of Planned Parenthood. That employee gave the Plaintiff a Valium tablet and returned her to the waiting room. The employee told the Plaintiff to take the Valium to "help her relax."

9. There were many women in the waiting area that day and Plaintiff was not called back for the abortion procedure during the morning. Due to the long delay, Plaintiff and her friend had been paying special attention to the time it seemed to take for each patient to be seen. Based upon the timing of the other patients, Plaintiff and her friend anticipated that whenever Plaintiff was called back for the procedure, it would be approximately 45 minutes before Plaintiff was done. Finally, at about 2:20 p.m. Plaintiff's name was called and she was taken to another room. Plaintiff and her friend anticipated that Plaintiff would be finished by 3:05 p.m.

10. After being called back to the examination room, Plaintiff was attended by two Planned Parenthood employees and Defendant Severson. Plaintiff was laid back on an examination table and her feet were placed up in stirrups. She then felt an injection into her cervix. The shot was painful and she cried out and told the attendants and Defendant Severson of the painful nature of the injection. Shortly thereafter, Plaintiff heard a suctioning sound and felt pressure in her uterus. Plaintiff immediately complained of excruciating pain and told the attendants and Defendant Severson that something was terribly wrong and to stop the procedure. Defendants refused. Plaintiff continued to complain of pain and continued to plead for the procedure to be stopped. Defendant Severson refused and continued moving the suctioning

device into the Plaintiff's uterus. Plaintiff told Defendant Severson and the attendants that the pain was unbearable. Rather than stopping the procedure or providing Plaintiff with pain medication, Defendant Severson told the Plaintiff, "We can't stop," and instructed the attendants to hold her down. A third employee of Defendant Planned Parenthood was called into the room and they forcibly held Plaintiff down while Defendant Severson continued the suctioning procedure.

11. At all times herein, the employees of Defendant Planned Parenthood were acting in the course and scope of their employment.

12. After the procedure, Plaintiff was in acute pain, nauseous, and bleeding from the vagina. A pad was placed over Plaintiff's vaginal area, and her underwear and shorts were placed back on her by a Planned Parenthood employee. Plaintiff was then asked to walk over to the recovery room. Plaintiff advised the employees that she was in too much pain. She was then assisted to the recovery area by Planned Parenthood employees where Plaintiff was seated in a recliner and offered juice and cookies. When Plaintiff continued to complain of pain, she was provided a heating pad. Plaintiff was not otherwise provided with additional medical treatment at that time. Plaintiff continued to be in pain and so advised the Planned Parenthood attendants on numerous occasions. Plaintiff was given a prescription for 800 mg. Ibuprofen to be filled after she left the center.

13. At about 3:40 p.m., a Planned Parenthood employee brought Plaintiff's friend back to the recovery area. Plaintiff told her friend that she was in tremendous pain. Plaintiff was

pale and appeared to be in distress. Plaintiff continued to complain to Planned Parenthood staff that she was in pain. During this time, a Planned Parenthood employee attempted to take the Plaintiff's blood pressure but could not obtain a reading on the blood pressure monitor. Defendant Severson then came to the area where Plaintiff was seated and tried to obtain a radial pulse rate on the Plaintiff. He appeared to be having difficulty doing so as he moved his hand around in various positions on Plaintiff's wrist. Defendant Severson did not provide any other medical treatment to Plaintiff at that time.

14. At approximately 4:10 p.m., Plaintiff's friend tried to help Plaintiff to the bathroom which was 5 to 6 paces from where they were seated. In attempting to get to the bathroom, Plaintiff passed out, fell to the floor, and suffered a seizure type event. Plaintiff was on the floor for approximately 10 to 15 minutes during which time Planned Parenthood's medical treatment of the Plaintiff consisted of placing numerous blankets on her because she was complaining of being cold. Eventually, Defendant Severson reappeared and took Plaintiff's blood pressure and then ordered the infusion of intravenous fluid. While on the floor, Plaintiff suffered a second seizure type event. Then Plaintiff, with assistance, was returned to one of the recliner chairs where she suffered a third seizure, this one more acute than the others with Plaintiff's body stiffening and her eyes rolling up into her head. Plaintiff's condition continued to deteriorate, and at 4:38 p.m. Lincoln Fire and Rescue was called.

15. A Lincoln Fire and Rescue team arrived at the South Street Center at 4:42 p.m. The paramedics immediately assessed the Plaintiff and reported that her radial pulse was absent

and her blood pressure was 60/40. She was “complaining of abdominal pain,” was “pale and cool to the touch,” and “bleeding from the vaginal area.” Defendant Severson told the paramedic team that “the hemorrhage wasn’t unusual for the procedure.” Lincoln Fire and Rescue then treated and transported Plaintiff to Bryan LGH East Medical Center via ambulance at 5:11 p.m.

16. At Bryan LGH East, Plaintiff underwent life-saving emergency surgery. During surgery, the hospital physician discovered that Plaintiff had suffered a catastrophic perforation of her uterus during the abortion. Defendant Severson had cut into and through the sidewall of Plaintiff’s uterus and had suctioned tissue from the surrounding area thereby ripping through uterine vessels and ligament.

17. The BryanLGH operative report states that during the emergency surgery, among other things, there was found “a massive amount of blood and clot in the peritoneal cavity;” bright red blood was “pouring from the patient’s left lower quadrant;” the left pelvic sidewall had sustained “a large hematoma” with a dissected area running from the “hematoma all the way up through the retroperitoneum” to “around the level of the kidney;” and a major connecting ligament in the uterine area known as the broad ligament had been “shredded.”

18. Due to the “extensive nature of the trauma” the operating physician at BryanLGH, a well-respected practicing OB/GYN in Lincoln, Nebraska called in another skilled OB/GYN physician to assist and together they performed an emergency hysterectomy. The physicians had to surgically remove the Plaintiff’s uterus and “photographs were taken to illustrate the damage to the patient’s left uterine sidewall.” Upon examination, the operating physicians found

a 2 ½ to 3 cm. gaping wound on the left sidewall of the Plaintiff's uterus which had been created during the abortion procedure. The blood supply to the left fallopian tube and ovary had also been damaged during the abortion and were surgically removed and photographed. During the surgery, the operating physicians also found a smaller puncture in the lower segment of the uterus and yet another in the mesocolon of the sigmoid.

19. Neither of the operating physicians had ever seen such extensive wounds to the female uterus and surrounding tissues. Said wounds were caused by the actions of Defendant Severson, with the assistance of Defendant Planned Parenthood employees, in the abortion procedure.

20. As a result of the catastrophic perforation of the Plaintiff's uterus, and the other damage caused by the abortion, Plaintiff suffered internal bleeding and life-threatening blood loss. Plaintiff required multiple blood transfusions at the hospital. Her final blood loss was approximately 4 liters which is equivalent to 80 percent of the average woman's total blood volume.

21. Had she not received the emergency care of the paramedics and the life-saving care of the Bryan LGH medical team when she did, Plaintiff would likely have hemorrhaged to death.

COUNT I: NEGLIGENCE

22. Defendants were negligent in their care and treatment of Plaintiff:
- a. In failing to properly perform the abortion procedure, inflicting multiple perforations and wounds to the uterus and surrounding tissues;
 - b. In failing to provide Plaintiff with proper pain control during the procedure;
 - c. In failing to stop when Plaintiff requested them to stop due to the extensive pain she was experiencing;
 - d. In holding Plaintiff down against her will;
 - e. In failing to recognize the signs of uterine perforation, hemorrhaging, hemorrhagic shock, hypotension, and physical distress in Plaintiff;
 - f. In failing to properly monitor the condition of the Plaintiff;
 - g. In failing to provide Plaintiff with timely medical care and treatment after the procedure; and
 - h. In failing to call for emergency medical help for Plaintiff in a timely fashion.

COUNT II: BATTERY

23. Plaintiff withdrew her consent when she told the Defendants she was in severe pain and ordered them to stop the procedure. By failing to heed the requests of the Plaintiff to stop, and by physically restraining her against her will, Defendants committed a battery upon the Plaintiff.

DAMAGES

24. As a direct and proximate result of the actions of the Defendants, Plaintiff has or will suffer the following damages:

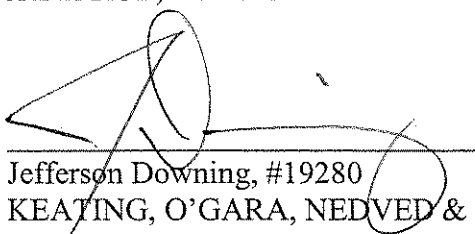
- a. Physical pain and mental suffering, past and future;
- b. Medical expenses in the amount of \$36,850.70 in the past, it being reasonably certain that she will incur medical expenses in the future;
- c. Permanent injury, disfigurement, and disability, including the loss of her uterus, left fallopian tube and left ovary;
- d. Lost income;
- e. Permanent impairment of her earning capacity.

WHEREFORE, Plaintiff prays for judgment against Defendants for her general and special damages as allowed by law, reasonable attorney's fees, and the costs of this action.

DATED this 31st day of August, 2007.

JANE ROE, Plaintiff

By:



Jefferson Downing, #19280
KEATING, O'GARA, NEDVED &
PETER, P.C., L.L.O.
530 South 13th Street, Suite 100
Lincoln, NE 68508
402-475-8230

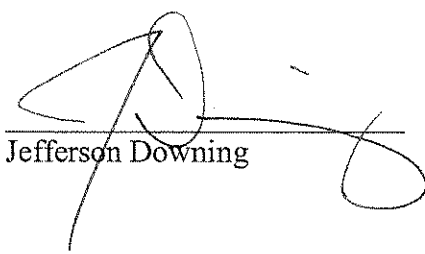
PRAECIPE

TO THE CLERK OF SAID COURT:

Please issue Summons, endorsed according to law, for service upon Chris Funk, registered agent and executive director of Planned Parenthood of Nebraska & Council Bluffs, 2246 O Street, Lincoln, NE 68510; and upon Meryl A. Severson, M.D., 3341 N. 107th Street, Omaha, NE 68134; along with copies of the attached Complaint and Praecipe.

Please return the summonses to the attention of Jefferson Downing of Keating, O'Gara, Nedved & Peter, P.C., L.L.O. 530 South 13th Street, Suite 100 Lincoln, Nebraska 68508 for service by certified mail.

Dated this 31st day of August, 2007.


Jefferson Downing