

STATE OF NEW MEXICO  
COUNTY OF BERNALILLO  
SECOND JUDICIAL DISTRICT

Gena Lopez

ANATHEA GRIEGO,

PLAINTIFF,

No. D-202-CV-2012-08265

vs.

DR. RICHARD ADAMS  
DR. SHAUNA JAMISON  
PLANNED PARENTHOOD OF NEW MEXICO, INC.

DEFENDANTS.

**AMENDED COMPLAINT FOR MEDICAL NEGLIGENCE AND NEGLIGENCE,  
LACK OF INFORMED CONSENT, NEGLIGENT HIRING TRAINING AND  
SUPERVISION, RES IPSA LOQUITUR, NEGLIGENT INFLICTION OF  
EMOTIONAL DISTRESS, AND PUNITIVE DAMAGES**

COMES NOW, the PLAINTIFF Anathea Griego, by and through her attorneys of record, THE LAW OFFICE OF RICHARD A. SANDOVAL (Richard A. Sandoval) and COLLINS & COLLINS (Parrish Collins) and for her cause of action, states as follows:

1. PLAINTIFF Anathea Griego is a resident of the City of Albuquerque, County of Bernalillo, State of New Mexico.
2. Based upon information and belief, DEFENDANT Richard Adams M.D., is not a qualified healthcare provider as defined by the New Mexico Malpractice Act.
3. Based upon information and belief, DEFENDANT Shauna Jamison M.D., is not a qualified healthcare provider as defined by the New Mexico Malpractice Act.
4. Based upon information and belief, DEFENDANT Planned Parenthood of New Mexico, Inc. is registered in New Mexico and licensed by the New Mexico Department of Health to provide care to the public, which at all times material to this Complaint, owned, operated, and/or managed Planned Parenthood of New Mexico, Inc. least in part.

5. Upon information and belief, these DEFENDANTS operated Planned Parenthood of New Mexico, Inc. and were responsible for the care of Anatea Griego

6. All acts complained of herein occurred in the City of Albuquerque, County of Bernalillo, State of New Mexico.

7. Jurisdiction and venue are proper with this Court pursuant to N.M.S.A. § 38-3-1 (2012).

### STATEMENT OF FACTS

8. On August 29, 2011, Anatea Griego was admitted to DEFENDANTS' Planned Parenthood of New Mexico, Inc., located in Albuquerque, New Mexico.

9. At that time, she was evaluated for a Tubal Ligation. No other options for birth control were considered or presented to her.

10. While at the facility, Anatea Griego suffered preventable injuries including a perforated bowel.

11. She was discharged from the facility at 2:10p.m. to the care of her sister.

12. At 4:20 pm, PLAINTIFF'S sister called DEFENDANT'S Planned Parenthood of New Mexico, Inc., stating her sister "is in severe pain" and her incision was bleeding.

13. DEFENDANT Planned staff noted, "told (patient) sister was going to contact nurse on call and have her call (patient) back. Called Dr. Jamison no answer."

14. Two days later, on August 31, 2012, PLAINTIFF again called DEFENDANT Planned Parenthood of New Mexico, Inc., and stated she, "has been in pain-all across the lower (abdomen) stabbing pain, alternating with bloating constant pain since Augu29, 2012." After speaking with the PLAINTIFF, Dr. Jamison felt the patient "was fine."

15. On September 1, 2011, Anatheia Griego was admitted to University of New Mexico emergency room for worsening abdominal pain.

16. Anatheia Griego was diagnosed with a bowel perforation and admitted to the Emergency General Surgery Service where she underwent an emergent laparotomy.

17. On or around March 2012, PLAINTIFF became pregnant and is due to delivery her child in January 2013.

18. Due to her age, it is a high risk pregnancy.

**FIRST CAUSE OF ACTION**  
**MEDICAL MALPRACTICE AND NEGLIGENCE**

19. PLAINTIFF incorporates by reference as fully set forth herein each and every allegation contained in Paragraphs 1 through 18 of this Complaint.

20. In undertaking the diagnosis, care and treatment of PLAINTIFF, DEFENDANTS were under a duty to possess and apply the knowledge, skill, and care that is used by a reasonably well-qualified healthcare provider in the same or similar circumstances.

21. DEFENDANTS breached their duties and were negligent in the management of the PLAINTIFF's health and safety, specifically, through the negligent performance of a surgical procedure. DEFENDANTS negligence, errors, acts and omissions include, but are not limited to:

- a. Perforation of PLAINTIFF's bowels during a tubal ligation;



b. Failing to take the reasonable precautions that were necessary to properly perform surgery on PLAINTIFF, and prevent damage to the health and safety of PLAINTIFF;

c. Failing to develop, employ, and follow appropriate policies and procedures with regard to the assessment, treatment, pre- and post-operative management and performance of a surgical procedure on PLAINTIFF; and,

d. Failing to properly treat PLAINTIFF;

22. The surgical procedure performed by the DEFENDANTS on PLAINTIFF was reckless, wanton and performed with utter disregard for the safety and welfare of the PLAINTIFF.

23. As a direct and proximate result of the negligent acts and omissions of DEFENDANTS, PLAINTIFF suffered physical, emotional, and psychological pain and suffering from the time of the initial surgery until the second surgery and through the present time, all in an amount not presently determinable, but to be proven at the time of trial. As a further direct and proximate cause of DEFENDANTS negligence, PLAINTIFF is now unexpectedly pregnant.

24. As a further direct and proximate result of negligent acts and omissions of DEFENDANTS, PLAINTIFF experienced mental anguish, emotional distress and pain and suffering and will continue to suffer these ailments in the future.

**SECOND CAUSE OF ACTION**  
**LACK OF INFORMED CONSENT**

25. PLAINTIFF incorporates by reference as fully set forth herein each and every allegation contained in Paragraphs 1 through 24 of this Complaint.

26. A physician's duty of informed consent is laid out in NM UJI 13-1104A, which states: A doctor has a duty to obtain the patient's informed consent to an operation. For consent to be valid, it must be based upon information which a reasonably prudent patient would need to know in deciding whether to undergo the operation.

27. NM UJI 13-1104B States: In treating [his] [her] patient, a doctor is under the duty to communicate to the patient that information which a reasonably prudent patient under similar circumstances would need to know about:

- a. the patient's condition; [and]
- b. the alternatives for treatment; [and]
- c. the inherent and potential hazards of the proposed treatment; [and]
- e. the likely result if the condition remains untreated.

28. In undertaking the diagnosis, care and treatment of PLAINTIFF, DEFENDANTS were under the duty to obtain PLAINTIFF's informed consent for the subject procedure. As set forth hereinafter, DEFENDANT(s) breached such duty because they failed to inform PLAINTIFF of all of the "perils bearing significance." *See Gerety v. Demers*, 92 N.M. 396, 410, 589 P.2d 180, 194 (N.M. 1978).

29. Upon information and belief, DEFENDANTS breached their duty and failed to use ordinary care in obtaining PLAINTIFF's informed consent by the following acts and/or omissions, including but not limited to:

- a. Failing to provide all of the information that PLAINTIFF, as a reasonably prudent patient, needed to know in deciding whether to undergo the subject procedure,

- b. Failing to disclose information that is customarily disclosed by reasonably well-qualified doctors practicing under similar circumstances,
- c. Failing to fully disclose to PLAINTIFF any and all alternatives in treatment.

30. PLAINTIFF relied on the DEFENDANTS to fully disclose any and all information relating to the subject procedure.

31. The subject procedure was not an emergency, there was time to consider alternatives and appropriately weigh the risks of the procedure.

32. PLAINTIFF did not give informed consent to the subject procedure. Had PLAINTIFF been fully informed, she would not have consented to the procedure.

33. PLAINTIFF's injuries were a direct and proximate result of the aforementioned acts and/or omissions of DEFENDANTS.

34. As a further direct and proximate result of DEFENDANTS' acts and/or omissions, PLAINTIFF suffered severe physical, emotional, and psychological pain and suffering between the time of the initial injuries through the present time, all in an amount not presently determinable, but to be proven at the time of trial.

35. All injuries suffered by the PLAINTIFF relating to this incident, past, present and future, were due to the negligence of DEFENDANTS, without any contributing negligence on the part of the PLAINTIFF.

### THIRD CAUSE OF ACTION

### NEGLIGENT HIRING, TRAINING, AND SUPERVISION AGAINST DEFENDANT PLANNED PARENTHOOD



36. PLAINTIFF incorporates by reference as fully set forth herein each and every allegation contained in Paragraphs 1 through 35 of this Complaint.

37. DEFENDANT Planned Parenthood of New Mexico, Inc., had a duty to properly screen, supervise, educate, and train its employees, regarding proper treatment of patients.

38. On information and belief, DEFENDANT failed to properly train and supervise its employees, contractors, or agents in such a manner as alleged above directly caused damages to PLAINTIFF.

39. DEFENDANT is also liable for damages caused by their employees while working within the scope of their employment in an amount not presently determinable but to be proven at the time of trial.

#### **FOURTH CAUSE OF ACTION**

##### **RES IPSA LOQUITUR**

40. PLAINTIFF incorporates by reference as fully set forth herein each and every allegation contained in Paragraphs 1 through 39 of this Complaint.

41. That the injuries and damages, suffered by PLAINTIFF, were proximately caused by the DEFENDANT.

42. That it was DEFENDANT'S responsibility to manage and control their medical staff and the care and treatment of PLAINTIFF.

43. That the events causing the injuries and damages to PLAINTIFF were of a kind which do not ordinarily occur in the absence of negligence on the part of the DEFENDANT.

44. Thus, the doctrine of res ipsa loquitur is applicable as a theory of negligence, causation and damages in this case and appropriately pled herein.

#### **FIFTH CAUSE OF ACTION**

##### **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

45. PLAINTIFF incorporates by reference as fully set forth herein each and every allegation contained in paragraphs 1 through 44 of this Complaint.

46. PLAINTIFF saw, perceived or was otherwise aware of the injuries caused by the DEFENDANT, including, but not limited to:

- a. Continued pain and suffering as a result of the negligent performance of the initial surgery by the DEFENDANT.
- b. Frustration that her continued complaints of pain and suffering were not taken seriously or treated.
- c. The need for a second painful surgery to correct the defect in the first surgery, as caused by the DEFENDANT's negligence.
- d. Continued expenses for an unplanned high risk pregnancy.

47. As a result of the actions of DEFENDANT, PLAINTIFF suffered and continues to suffer physical and emotional injuries.

48. As a direct and proximate result of seeing, perceiving or otherwise being aware of this negligence, PLAINTIFF suffered severe emotional distress

#### **SIXTH CAUSE OF ACTION**

##### **PUNITIVE DAMAGES AS TO ALL DEFENDANTS**

49. PLAINTIFF re-alleges paragraphs 1 through 48 of this Complaint as if set forth fully herein.



50. The acts and omission complained of in the causes of action stated above are, upon information and belief, believed to be of such an egregious nature, in reckless, wanton and total disregard to the rights of Anathea Griego, that in addition to actual damages ascertained and demonstrated by a preponderance of the evidence, that punitive damages or exemplary damages to punish and deter this type of act and omission from occurring in the future may well be appropriate.

WHEREFORE, PLAINTIFF respectfully requests judgment against DEFENDANTS for compensatory damages in an amount to be determined by this Court as adequate for pain, suffering, and injuries to Anathea Griego, and for the maximum damages plus costs incurred by the PLAINTIFF and Anathea Griego, including pre-judgment and post-judgment interest, punitive damages, and for such further relief as the Court deems just and proper.

#### **JURY DEMAND**

PLAINTIFF exercises her right to have her claims heard by a jury.

Respectfully submitted,

THE LAW OFFICE OF RICHARD A. SANDOVAL

\_\_\_\_\_/s/ electronically filed

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