

MONROE COUNTY CLERK'S OFFICE

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Instrument: MISCELLANEOUS DOCUMENT

Control #: 202407161091

Index #: E2024005964

Date: 07/16/2024

Time: 2:25:47 PM

Return To:
LINDA A. MANDEL CLEMENTE

Brighton Residents Against Violence to Everyone, Inc.
ROC Love, Inc.
Crossed, Carol

Planned Parenthood of Central and Western NY, Inc.
New York Department of Health
The Bureau of Project Management of the New York
Department of Health
Westfall Medical Realty LLC

Total Fees Paid: \$0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK
SUPREME COURT

COUNTY OF MONROE

BRIGHTON RESIDENTS AGAINST VIOLENCE
TO EVERYONE, INC.;
ROC LOVE, INC., and
CAROL CROSSED

Plaintiffs-Petitioners,

-against-

AFFIDAVIT TO JOIN AS PARTY

PLANNED PARENTHOOD OF CENTRAL AND
WESTERN NEW YORK, INC.;
NEW YORK STATE DEPARTMENT OF HEALTH;
THE BUREAU OF PROJECT MANAGEMENT OF
THE NEW YORK STATE DEPARTMENT OF HEALTH
And WESTFALL MEDICAL REALTY, LLC,

INDEX NO. EF2024005964

Defendants-Respondents.

SHAMIKA SIMMONS, being duly sworn, deposes and says:

1. My name is Shamika (“Mika”) Simmons, and I live in the City of Rochester. I was a patient of the Planned Parenthood clinic in the City of Rochester during the period from December 21, 2023, to April 17, 2024, when I decided that I would not seek any kind of reproductive or health care from that facility ever again.

2. I have come to realize that, despite all of its promises, Planned Parenthood does not really care about the wellbeing of poor minority women like myself. Sadly, I have also come to see that the State of New York doesn’t seem to care about the poor quality of care that Planned Parenthood provides to poor people living in minority communities like the one I live in. I

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am asking to be added as a party to this lawsuit so that other poor women in urban centers won't have to go through what I went through, that the State of New York might actually be held to its promises about better healthcare for the poor and minority communities, especially for minority and poor women facing unexpected pregnancies, and that women like me will be able to obtain professional level healthcare from people who actually care about us.

3. I have two young children with my current boyfriend. Because he works, a lot of the care of those kids is on me. Both of my children have special needs, and my second child was born with a club foot. So, when I found out that I was pregnant again in December 2023, I had mixed feelings. I believe that children are a gift from God, but I wasn't planning on having so many so soon. I was also concerned that the baby might also have problems since my other child does, and the same boyfriend is the father of all of my children.
4. I had scheduled a doctor appointment, but I wasn't able to get there because I had something come up with my kids that I had to do that day. I had to reschedule and was told it would take several weeks to get in. While waiting for that new appointment, I kept worrying about whether the baby would also be born with problems because I wasn't feeling so good.
5. I decided that I couldn't wait several weeks for an ultrasound, so I called Planned Parenthood and said I was pregnant and wanted to have an ultrasound. I was asked if I was considering an abortion. I figured that's what I had to say to get an ultrasound quickly, so I told them yes and I got a scheduled appointment much faster than I could get one with my regular doctor.

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6. On December 21, 2023, I went to the Planned Parenthood at University Avenue in Rochester. I couldn't find my ID, but the woman at the desk told me that they could do my appointment anyway. I filled out my information on the tablet, including the fact that I have a history of seizures and high blood pressure, as well as the fact that I had pre-eclampsia with one of my babies. No one at the facility offered me any testing for HIV or other STDs. They didn't even take my blood pressure, after I had put down that I have a history of high blood pressure. Instead, after I filled all of this out, I was taken to a room for an ultrasound.
7. During the ultrasound, the woman wouldn't let me see the ultrasound screen. She kept tilting the screen so that I couldn't see what was going on, even when I asked her if she could turn it so that I could see it. She said I probably wouldn't be able to see much. They didn't listen for the baby's heartbeat, either, which I thought was pretty strange.
8. After asking me when I thought I had my last period and I said that I wasn't sure, she told me that she thought I was "4 months and some change" along in the pregnancy. I asked her if it was a boy or a girl and she said she couldn't tell me. That didn't seem right to me, because I was pretty sure that you could tell what sex the baby is at 4 months along. I asked her if she saw any defects with the baby because my other child has a club foot, and she told me that she wouldn't be able to tell that from "this kind of ultrasound" and that there are "different kinds of ultrasounds." She didn't seem to like me asking her questions, which I thought that I should be able to do if they were providing me health care.
9. She then told me that I was too far along to have an abortion at that facility, but that there were places that I could go to have one done. I told her "that's ok, I'm fine", but she wrote out a list of places, including Strong, Lac De Ville, and Buffalo (if I wanted an abortion at 6-

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7 months), that I could go to for an abortion. I didn't need the list, but she pushed it into my hand anyway even after I told her I was "fine".

10. She then told me that if I was going to proceed with the pregnancy, I should make an appointment with a primary care doctor, but she didn't give me any names or list for that.
11. I then went to leave and asked her for the ultrasound picture. She got all weird and kept saying it's not really going to show anything because "there are different types of ultrasounds and all equipment isn't the same". I couldn't figure out what was going on, but I had come to get an ultrasound and I wanted the picture so I pushed for it.
12. After I got a little pushy about it, she handed it to me. A true and accurate copy of the ultrasound picture that Planned Parenthood gave me is attached as Exhibit "1".
13. When I looked at it, it was so blurry I couldn't even see anything on it. It didn't look like anything, let alone a baby. Given that I had been told I was over 4 months pregnant, I couldn't believe how bad it was.
14. As I left the Planned Parenthood office, I saw some people standing on the sidewalk outside with signs. They told me that they were from Roc Love and asked me if I was ok, and I went over to talk to them. I told them about the appointment, and how I had gone into Planned Parenthood and had an ultrasound, and showed them my ultrasound picture. I asked them what they thought of it. They told me that I could have a free ultrasound right then in the mobile van. I agreed because I certainly wasn't happy with the one from Planned Parenthood.

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15. The woman sonographer in the mobile van was very nice and she had it set up so that I could see the screen at the same time that she was looking at it, which made me feel better right from the start. As soon as I saw the screen come up, I saw a very clear picture of my baby and heard the heartbeat. I also learned that I was about 17 weeks along, and that the baby was a girl! A true and accurate copy of the ultrasound that I was given by the Caring Choices mobile van, taken just 45 minutes after the Planned Parenthood one, is attached as Exhibit “2”.
16. I just couldn’t, and still can’t, believe the difference in two ultrasounds, done so close in time on the same day.
17. In the weeks after that, I was contacted by someone at Lac De Ville who told me that Planned Parenthood had notified them that I wanted to have an abortion. I told the person that I was not going to have an abortion.
18. I then got another call, again from Lac De Ville, telling me that if I wanted to have an abortion, I could still have one but that my deadline was coming up. Again, I told them that I didn’t want to have an abortion and please to stop calling me.
19. I then got another phone call telling me that my deadline was approaching for an abortion, and I again said that I did not want an abortion.
20. I think it’s interesting that in those same months, I never got a call from any regular doctor, telling me that Planned Parenthood had told them that I was pregnant and might need care.

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21. That contrast made me think a lot about that December 2023 Planned Parenthood appointment and how they didn't run any bloodwork or tests on me, didn't take my blood pressure, wouldn't let me see the ultrasound screen, and how they not only gave me a list of abortion providers after I had told them "No, I'm fine", but then apparently gave my phone number out to a clinic who kept calling me. Not once, though, did they suggest a good doctor to see me through my pregnancy and apparently don't even have a list of names to give to their patients.
22. It made me wonder whether their ultrasound equipment was just that bad, their people that untrained, or whether Planned Parenthood is deliberately doing lousy ultrasounds so that women find it easier to have an abortion than to go through with the pregnancy.
23. I decided to go back to Planned Parenthood near the end of my pregnancy and to get another ultrasound, to see if the first one was just a mistake. So, on April 17, 2024, when I was nearing the end of my pregnancy, I booked another appointment with Planned Parenthood and asked for an ultrasound. Again, I had to pretend that I was thinking about an abortion in order to get an appointment.
24. This time the ultrasound technician said that I was 35 weeks pregnant, just one month prior to having the baby, but, once again, I was given a blurry picture that didn't look much different than the one I had been given when I was 17 weeks along! A true and accurate copy of that ultrasound picture is attached as Exhibit "3".
25. I am just disgusted this is what passes for "reproductive health care" for poor and minority women like me. It made me wonder how many other women are out there who don't

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question the ultrasound quality and decide to think about it before rushing to end their pregnancy. How many others are looking for an ultrasound to see if there are problems with their babies and can't get answers? This is just not "reproductive health care" in any way.

26. On May 3, 2024, just two weeks after my last ultrasound at Planned Parenthood, I gave birth to a healthy baby daughter—a daughter who wasn't even visible in the Planned Parenthood ultrasounds.
27. I don't point fingers at any women who make different choices than me. Some women may even decide to go through with an abortion after they have a quality ultrasound and hear the heartbeat. I respect that, but I do think that every woman should be given high quality health care so that they can make a proper decision with all of the information and not proceed to decisions based upon information that is false or wrong. Imagine if I really had been an undecided pregnant woman; I might have gone through with the abortion thinking that my baby, so visible on the Roc Love ultrasound, was just a blurry blob not even able to be seen with any accuracy.
28. I was not given proper quality health care at the Planned Parenthood facility in the City of Rochester—not on December 21, 2023, and not on April 17, 2024.
29. I don't know the reason for the bad health care I was given—whether it was bad equipment, a poorly trained technician, or just a "schedule the abortion" attitude that made it less important to be accurate and professional toward me and my body.


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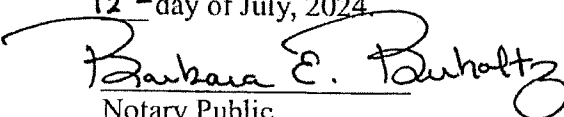
30. I do know, though, that I was given inadequate care and two really bad ultrasounds. Given my financial circumstances, if Planned Parenthood were my only “reproductive health care” provider, I would never have had a single good ultrasound picture of my baby, let alone the proper information or care to make a decision that involves life and death.
31. If the State is really serious about health equity, the fact that I had such a bad experience on two separate times at the University Avenue Planned Parenthood facility should tell the Department of Health that they had better start checking in on these facilities and making sure that poor and minority women don’t keep getting “whatever” level of service just because we’re too poor to go to someone other than Planned Parenthood.
32. I also know that DOH should not be allowing Planned P Parenthood to spend over a million dollars on a new facility in a richer neighborhood while allowing them to give the poor people in the inner cities horrible ultrasounds and no care at all.
33. NY State has said that health equity should be the law of the State now, and Planned Parenthood shouldn’t be given a pass on that by DOH.
34. I am one of the many people who the health equity law is supposed to be benefit, and yet I was a victim of it. As I was getting bad health care, DOH was working with Planned Parenthood to button up the plans for its new facility far outside of the urban center of Rochester and refusing to apply the law of the State of New York.
35. I am one of many women who go to the Rochester University Avenue Planned Parenthood. How many others are being harmed as I was?

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- 36. I didn't know that there was any lawsuit being thought about, or filed, so I had no opportunity to be part of this suit at the beginning. Frankly, I probably wouldn't have sued myself when it was first filed because I had only had one bad ultrasound, although a really bad one, at that time.
- 37. After having it happen to me again on April 17, 2024, though, I know that this is not a "one time" mistake, and apparently is a pattern of lousy care being passed along as "good enough" for poor people like me.
- 38. Because I am one of many women whom health equity is supposed to benefit, I ask that I be added as a party to the lawsuit. Someone needs to speak for the poor and minority women like me, ones who go to Planned Parenthood expecting to be treated like pregnant women in need of care, but instead are offered blurry ultrasounds and lousy "reproductive" healthcare coupled with a hard sales pitch for abortion.
- 39. I therefore ask that the Court grant my request to be added as a party to this lawsuit so that the New York Health Equity Law can actually mean something.

DATED: July 15, 2024


 SHAMIKA SIMMONS

Sworn to before me this
 15th day of July, 2024

 Notary Public

BARBARA E. BUHOLTZ
 NOTARY PUBLIC, STATE OF NEW YORK
 Registration No. 01BU6360415
 Qualified in Monroe County
 Commission Expires June 19, 2025