

Assigned for all purposes to: Spring Street Courthouse, Judicial Officer: Stephen Goorvitch

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7 Attorney for Plaintiff:
8 MARIA FERNANDA MONTENEGRO

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF LOS ANGELES

11 MARIA FERNANDA MONTENEGRO,

12 Plaintiff,

13 vs.

14 PLANNED PARENTHOOD (an entity);
15 PLANNED PARENTHOOD LOS ANGELES
16 (an entity);
17 PLANNED PARENTHOOD CLINIC (an
18 entity);
19 and DOES 1 through 200, inclusive,

20 Defendants.
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Case No. 20STCV45197

[Unlimited Jurisdiction Case]

COMPLAINT FOR DAMAGES FOR:

1) Negligence – Medical Malpractice;

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23 COMES NOW Plaintiff MARIA FERNANDA MONTENEGRO, and alleges the
24 following against the Defendants PLANNED PARENTHOOD (an entity); PLANNED
25 PARENTHOOD LOS ANGELES (an entity), PLANNED PARENTHOOD CLINIC (an entity)
26 and DOES 1 through 200, inclusive, and each of them:
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GENERAL ALLEGATIONS

1. At all relevant times herein, Plaintiff MARIA FERNANDA MONTENEGRO (hereinafter "MONTENEGRO"), was and is an individual, over the age of eighteen, and was a resident of the State of California. MONTENEGRO is also known by the name of "Maria Fernanda Montenegro Soriano").

2. At all relevant times herein, the injury to Plaintiff MONTENEGRO, which is the subject of this complaint, occurred in Los Angeles County, State of California.

3. Plaintiff is informed and believes and thereupon alleges, that at all relevant times herein PLANNED PARENTHOOD (hereinafter "PLP") was and is an entity of unknown organization and form.

4. Plaintiff is informed and believes and thereupon alleges, that at all relevant times herein PLANNED PARENTHOOD LOS ANGELES (hereinafter "PPLA") was and is an entity of unknown organization and form, purporting to provide health care services to the public and doing business within the County of Los Angeles, in the State of California.

5. Plaintiff is informed and believes and thereupon alleges, that at all relevant times herein PLANNED PARENTHOOD CLINIC (hereinafter "PPC") was and is an entity of unknown organization and form, purporting to provide health care services to the public and doing business within the County of Los Angeles, in the State of California.

6. Plaintiff is informed and believes and thereupon alleges, that at all relevant times herein PLP, PPLA owned, operated, managed, controlled, administered, supervised, and oversaw PPC.

1 7. Plaintiff is informed and believes and thereupon alleges, that at all relevant
2 times herein Defendants PLP, PPLA, PPC and DOES 1 through 200, inclusive represented
3 themselves to the public as persons and/or organizations who are licensed and authorized to
4 practice medicine and the healing arts within the State of California; and that said Defendants
5 are in fact so licensed and authorized.

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7 8. The full extent of the facts linking the fictitiously designated Defendants (DOES)
8 with each cause of action alleged herein is unknown to Plaintiff, and the true names and
9 capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of
10 DOES 1 through 200, are unknown to Plaintiff. Plaintiff therefore sues said Defendants by
11 such fictitious names. Plaintiff is informed and believes, and thereupon alleges that each of
12 the Defendants designated herein as a "DOE" is negligently, recklessly, tortiously, and
13 unlawfully responsible in some manner for the events and happenings herein referred to, and
14 negligently, tortiously, unlawfully, and legally caused injury and damages thereby to Plaintiff
15 as herein alleged. Plaintiff will hereafter seek leave of Court to amend this Complaint to show
16 said Defendants' true names and capacities after the same have been ascertained. Plaintiff
17 is alleging causes of action against each DOE Defendant under every theory of recovery set
18 forth below.

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20 9. At all times herein mentioned, the Defendants, and each of them, were the
21 agents, servants, associates, employees, and joint venturers of each of the remaining co-
22 defendants, and were at all times herein mentioned acting within the course, scope, and
23 purpose of said agency, employment, association and joint venture. Specifically, Plaintiff is
24 informed and believes that PLP and PPLA at all relevant times were each affiliated as a
25 principal, officer, director, supervisor, manager, agent, owner, controller, shareholder,
26 employer, employee and/or joint venturer, or in some other professional capacity, with PPC
27 and DOES 1 through 100, inclusive.

10. On or about August of 2018, Plaintiff MONTENEGRO sought and received medical care and treatment with Defendants PLP, PPLA, PPC and DOES 1 through 200, inclusive, and each of them, at PPC located at or near 1014 ½ N. Vermont Avenue, in Los Angeles, California. Said care was provided to Plaintiff in a negligent and wrongful manner (below the standard of care for the relevant medical community) thereby causing Plaintiff the injuries and damages stated below. Plaintiff did not become reasonably aware of the facts demonstrating or showing Defendants' negligence until December 2019 or sometime thereafter.

FIRST CAUSE OF ACTION
(Negligence – Medical Malpractice)

COMES NOW Plaintiff MARIA FERNANDA MONTENEGRO and for a First Cause of Action against the Defendants PLANNED PARENTHOOD (an entity); PLANNED PARENTHOOD LOS ANGELES (an entity), PLANNED PARENTHOOD CLINIC (an entity) and DOES 1 through 200; inclusive, and each of them, complains and alleges as follows:

11. Plaintiff realleges each and every allegation contained in paragraphs 1 through 10, inclusive and incorporates them herein by this reference.

12. At the time MONTENEGRO sought medical care and treatment from the Defendants on August 2018, and thereafter, Defendants and each of them, negligently, wrongfully, carelessly, tortiously, unlawfully treated/failed to treat; diagnosed/failed to diagnose; examined/failed to examine; tested/ failed to test; failed to heal and cure; monitored/failed to monitor; advised/failed to advise; controlled/failed to control; and improperly administered (or failed to administer) care, medicine, diagnostic and treatment techniques to the Plaintiff in a manner not within and actually below the standard of care for

1 Defendants' profession amounting to medical malpractice. Moreover, Defendants, and each
2 of them, negligently and wrongfully failed to adequately, properly and carefully supervise,
3 train, test, monitor, screen, manage, control, instruct and hire their employees, servants,
4 doctors, workers, partners, fellows, staff and agents in the course of MONTENEGRO'S care,
5 treatment, testing, diagnosis, recuperation and examination of MONTENEGRO, and
6 prescription of medicine, treatment and therapy to the Plaintiff, all in violation of the applicable
7 standard(s) of care for the Defendants' profession. Said negligence and malpractice resulted
8 in injuries and damages to the Plaintiff as described below.

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10 13. On or about August of 2018, MONTENEGRO went to PPC to receive medical
11 care and treatment. Defendants and each of them through their employees and agents
12 implanted in Plaintiff's body an intrauterine device ("IUD") device for purposes of birth
13 control. The IUD device was improperly selected, chosen and/or placed in Plaintiff's body
14 during said procedure. Defendants and each of them were negligent and careless in the
15 selection, placement, management, control, and monitoring of said IUD in Plaintiff's body.
16 Said IUD caused serious injuries and damages to Plaintiff's body and became difficult and
17 dangerous to extract. Because of said Defendants negligent and wrongful actions, the
18 Plaintiff unnecessarily suffered intense pain, discomfort, and other temporary and
19 permanent damage to her body. Therefore, Defendants and DOES 1 through 200 and
20 each of them, negligently, wrongfully and tortiously failed to properly provide medical care
21 and treatment to the Plaintiff, which was below the standard of care in Los Angeles,
22 California.

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24 14. As a direct and legal result of the wrongful and negligent conduct of
25 Defendants, and each of them, Plaintiff unnecessarily suffered intense and exquisite pain and
26 was hurt and injured in her health, strength and activity, sustaining significant injuries to her
27 nervous system and body; all of which injuries have caused Plaintiff great mental, physical,
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1 nervous pain and suffering and emotional distress. As a result of such injuries Plaintiff has
2 suffered damages in an amount within the "unlimited" jurisdiction of the Superior Court, and in
3 amounts to be proven at the time of trial. Said amount is estimated to be over \$50,000.00.
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5 15. As a further direct and legal result of the negligence and wrongful conduct of
6 the Defendants, and each of them, Plaintiff has suffered special damages including (but not
7 limited to), damages for future medical care, loss of earning capacity, and other special
8 damages in an amount to be proven at the time of trial.
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10 WHEREFORE, Plaintiff MARIA FERNANDA MONTENEGRO prays for a judgment
11 and relief against Defendants PLANNED PARENTHOOD (an entity); PLANNED
12 PARENTHOOD LOS ANGELES (an entity), PLANNED PARENTHOOD CLINIC (an entity)
13 and DOES 1 through 200, inclusive, and each of them as follows:
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15 FOR A FIRST CAUSE OF ACTION FOR NEGLIGENCE – MEDICAL MALPRACTICE:

16 1. For medical expenses, loss of earnings and earning capacity and other
17 special damages, according to proof;

18 2. For general damages for emotional distress, pain and suffering, and loss of
19 enjoyment of life, according to proof;

20 3. For prejudgment interest, according to proof;

21 4. For costs of this lawsuit, according to proof;

22 5. For such other and further relief as the Court may deem just and proper.
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27 [Signature on following page]
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1 DATED: November 23, 2020

LAW OFFICES OF
K. CHRISTOPHER GHahreman

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5 K. Christopher Ghahreman
6 Attorney for Plaintiff
7 MARIA FERNANDA MONTENEGRO
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