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5 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA R#23153392

6 IN AND FOR THE COUNTY OF MARICOPA

CV 2013-011287

7 Deborah Sanderson and Kent)
8 Sanderson, wife and husband) NO.
9 Plaintiffs,) COMPLAINT
10 vs.)
11 Rachel Spieldoch, M.D. and)
John Doe Spieldoch, Deborah D.)
12 Wilson, M.D., P.C., Planned)
Parenthood Arizona, Inc.,)
13 John Does I-X, Jane Does)
I-X ABC Corporations, I-X,)
14 XYZ Partnerships I-X,)
15 Defendants.)

16
17 Plaintiffs Deborah Sanderson and Kent Sanderson (Sanderson)
18 through undersigned counsel, for their Complaint against the
19 Defendants, allege as follows:

20 1.

21 The acts complained of herein occurred in Maricopa County,
22 Arizona.

23 2.

24 The amount in controversy is within the jurisdictional
25 limits for this Court.
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3.

Plaintiffs Deborah Sanderson and Kent Sanderson were at all times relevant to this Complaint residing in Maricopa County, State of Arizona.

4.

On information and belief, Defendants Rachel Spieldoch and John Doe Spieldoch are husband and wife, and were residing in Maricopa County, State of Arizona; and all acts of Defendant Rachel Spieldoch, M.D., alleged herein were performed in furtherance of the interests of the marital community; John Doe Spieldoch is named as a party in this case solely in his capacity as a member of the marital community and there are no other independent acts of Defendant John Doe Spieldoch that are otherwise alleged in this case.

5.

Deborah D. Wilson, M.D., P.C., is an Arizona health care business holding itself out to the public as an entity providing health care services in Maricopa County, State of Arizona, and does in fact provide health care services to the public in Maricopa County. Deborah D. Wilson, M.D., P.C. is directly and vicariously responsible for the actions of the owners, employees and agents through which it provides health care services.

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6.

Planned Parenthood Arizona, Inc. is an Arizona health care business holding itself out to the public as an entity providing health care services in Maricopa County, State of Arizona, and does in fact provide health care services to the public in Maricopa County. Planned Parenthood Arizona, Inc., is directly and vicariously responsible for the actions of the owners, employees and agents through which it provides health care services.

7.

The Planned Parenthood services that are in issue in this case were provided by an entity identified as Planned Parenthood Arizona and operated or may have operated as and through Planned Parenthood Arizona, Inc., Planned Parenthood of Arizona, Inc., Planned Parenthood of Central and Northern Arizona, Inc., and Plaintiffs accordingly reserve the right to substitute one of these entities or some other entity of which Plaintiffs are not aware or informed as of this time to the end of naming as the proper defendant party the entity through which services were provided as Planned Parenthood Arizona. Plaintiffs will use the name Planned Parenthood Arizona to refer to the specific facility where she went for care and Planned Parenthood Arizona, Inc., to refer to these health care entities.

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8.

Rachel Spieldich, M.D., Deborah D. Wilson, M.D., P.C. and Planned Parenthood Arizona, Inc. may be referred to hereafter as the Defendant Health Care Providers.

9.

John Does I-X and Jane Does I-X are fictitious names to designate unknown parties who may have in some manner contributed to Plaintiff's injuries and damages and are liable therefor. The true names for said defendants are unknown to the Plaintiff at this time and leave of court is sought to amend this Complaint to include their true names when, and if, ascertained.

10.

ABC Corporations I-X and XYZ Partnerships I-X are fictitious names to designate unknown corporations and partnerships who may have in some manner contributed to Plaintiff's injuries and damages and are liable therefor. The true names for said defendants are unknown to the Plaintiff at this time and leave of court is sought to amend this Complaint to include their true names when, and if, ascertained.

Allegations Common to All Counts

11.

On February 6, 2008 Plaintiff Deborah Sanderson (then known as Deborah Krausert) presented to Defendant Rachel Spieldoch, M.D. for an annual examination.

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12.

The annual examination Defendant Rachel Spieldoch, M.D. performed on February 6, 2008 included a physical examination that should have identified the presence of any uterine masses or fibroids then present and presenting a risk to the health and/or reproductive capability of Plaintiff Deborah Sanderson.

13.

Defendant Rachel Spieldoch, M.D., did not report to Plaintiff Deborah Sanderson at any time during or after the February 6, 2008 annual examination that she had detected the presence of any uterine masses or fibroids then present and presenting a risk to the health and/or reproductive capability of Plaintiff Deborah Sanderson.

14.

On March 5, 2009, Plaintiff Deborah Sanderson (then known as Deborah Krausert) presented to Rachel Spieldoch, M.D. for an annual examination.

15.

The annual examination Rachel Spieldoch, M.D. performed on March 5, 2009 included a physical examination that should have identified the presence of any uterine masses or fibroids then present and presenting a risk to the health and/or reproductive capability of Plaintiff Deborah Sanderson.

16.

Defendant Rachel Spieldoch, M.D., did not report to Plaintiff Deborah Sanderson at any time during or after the

1 March 5, 2008 annual examination that she had detected the
2 presence of any uterine masses or fibroids then present and
3 presenting a risk to the health and/or reproductive capability
4 of Plaintiff Deborah Sanderson.

5 17.

6 On May 25, 2010, Plaintiff Deborah Sanderson (then known as
7 Deborah Krausert) presented to Planned Parenthood Arizona for an
8 annual examination.

9 18.

10 An employee or agent of Planned Parenthood Arizona
11 performed an annual examination at the direction or under the
12 supervision of that person or those persons directing the
13 delivery of services at Planned Parenthood Arizona.

14 19.

15 As the available records do not identify the specific
16 person or persons who performed the annual examination
17 Plaintiffs reserve the right to amend this Complaint to name
18 such person or persons as a party defendant in this case.

19 20.

20 The annual examination performed on May 25, 2010 included
21 a physical examination that should have identified the presence
22 of any uterine masses or fibroids then present and presenting a
23 risk to the health and/or reproductive capability of Plaintiff
24 Deborah Sanderson.

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21.

The person or persons who performed the annual examination on May 25, 2010 did not report to Plaintiff Deborah Sanderson at any time during or after the May 25, 2010 annual examination that this person or those persons had detected the presence of any uterine masses or fibroids then present and presenting a risk to the health and/or reproductive capability of Plaintiff Deborah Sanderson.

22.

On August 2, 2011 Plaintiff Deborah Sanderson was scheduled by Patricia Hastings, NP, to undergo an ultrasound examination to assess for the presence of fibroids, ovarian cyst or multi-gestation.

23.

On August 3, 2011, Plaintiff Sanderson was informed about the results of the ultrasound and learned for the first time about the presence of multiple large fibroids throughout the uterus.

24.

On October 5, 2011 Plaintiff underwent hysteroscopic myomectomy for surgical removal of a submucosal fibroid and an endometrial mass.

25.

On October 27, 2011 Plaintiff underwent abdominal myomectomy for removal of a symptomatic uterine fibroids and in

1 the course of that surgery a large number of fibroids of varying
2 were removed.

3 26.

4 Following the October 27, 2011 surgical procedure Plaintiff
5 Deborah Sanderson was told to avoid future labor and plan
6 cesarean section for future birth delivery to minimize the risk
7 of uterine rupture.

8 **NEGLIGENCE**

9 (Defendant Rachel Spieldoch, M.D.)

10 27.

11 Plaintiffs incorporate by this reference Paragraphs 1
12 through 26 of the Complaint.

13 28.

14 Defendant Rachel Spieldoch, M.D., owed Plaintiff Deborah
15 Sanderson a duty to conduct their examinations of the Plaintiff
16 reasonably and prudently so as to identify the presence of
17 fibroids or other growths that threatened the health and well
18 being of Plaintiff Deborah Sanderson.

19 29.

20 Defendant Rachel Spieldoch, M.D., breached the duty owed
21 Plaintiff Deborah Sanderson, and so fell below the applicable
22 standard of care, when they failed in the course of their annual
23 examinations to detect the presence of the fibroids and other
24 growths that were present, to order appropriate tests to
25 determine the presence of fibroids and other growths and
26 otherwise to take such actions as to identify the presence of

1 abnormalities that threatened the health and well being of
2 Plaintiff Deborah Sanderson.

3 30.

4 As a direct and proximate result of the negligent acts and
5 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
6 Sanderson has suffered and continues to suffer various medical
7 problems and injuries.

8 31.

9 As a direct and proximate result of the negligent acts and
10 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
11 Sanderson was required and may be required to undergo a more
12 extensive surgical procedure, and confront greater risks to her
13 health and well being, than otherwise would have been necessary.

14 32.

15 As a direct and proximate result of the negligent acts and
16 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
17 Sanderson has incurred and may in the future incur medical and
18 other expenses.

19 33.

20 As a direct and proximate result of the negligent acts and
21 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
22 Sanderson experienced difficulty with becoming pregnant and
23 experienced difficulties with and complications of pregnancy.

24 34.

25 As a direct and proximate result of the negligent acts and
26 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah

1 Sanderson experienced a miscarriage she may not have experienced
2 with earlier notice of the presence of fibroids and growths and
3 medical care appropriate to address the presence of the fibroids
4 and growths that then existed.

5 35.

6 As a direct and proximate result of the negligent acts and
7 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
8 Sanderson experienced underwent more difficult and complication
9 surgery than otherwise she would have required.

10 36.

11 As a direct and proximate result of the negligent acts and
12 omissions of Defendant Rachel Spieldoch, M.D., Plaintiff Deborah
13 Sanderson suffered pain of body and mind, emotional distress,
14 loss of enjoyment of life, and a diminution in the quality of
15 her life.

16 37.

17 As a direct and proximate result of the negligent acts and
18 omission of Defendant Rachel Spieldoch, M.D., Plaintiffs Deborah
19 Sanderson and Kent Sanderson suffered a diminution in the
20 quality of the marital and familial relationship.

21 **NEGLIGENCE**

22 (Defendant Planned Parenthood Arizona, Inc.)

23 38.

24 Plaintiffs incorporate by this reference Paragraphs 1
25 through 37 of the Complaint.

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39.

Defendant Planned Parenthood Arizona, Inc., owed Plaintiff Deborah Sanderson a duty to conduct their examinations of the Plaintiff reasonably and prudently so as to identify the presence of fibroids or other growths that threatened the health and well being of Plaintiff Deborah Sanderson.

40.

Defendant Planned Parenthood Arizona, Inc., breached the duty owed Plaintiff Deborah Sanderson, and so fell below the applicable standard of care, when they failed in the course of their annual examinations to detect the presence of the fibroids and other growths that were present, to order appropriate tests to determine the presence of fibroids and other growths and otherwise to take such actions as to identify the presence of abnormalities that threatened the health and well being of Plaintiff Deborah Sanderson.

41.

As a direct and proximate result of the negligent acts and omissions of Defendant Planned Parenthood Arizona, Inc., Plaintiff Deborah Sanderson has suffered and continues to suffer various medical problems and injuries.

42.

As a direct and proximate result of the negligent acts and omissions of Defendant Planned Parenthood Arizona, Inc., Plaintiff Deborah Sanderson was required and may be required to undergo a more extensive surgical procedure, and confront

1 greater risks to her health and well being, than otherwise would
2 have been necessary.

3 43.

4 As a direct and proximate result of the negligent acts and
5 omissions of Defendant Planned Parenthood Arizona, Inc.,
6 Plaintiff Deborah Sanderson has incurred and may in the future
7 incur medical and other expenses.

8 44.

9 As a direct and proximate result of the negligent acts and
10 omissions of Defendant Planned Parenthood Arizona, Inc.,
11 Plaintiff Deborah Sanderson experienced difficulty with becoming
12 pregnant and experienced difficulties with and complications of
13 pregnancy.

14 45.

15 As a direct and proximate result of the negligent acts and
16 omissions of Defendant Planned Parenthood Arizona, Inc.,
17 Plaintiff Deborah Sanderson experienced a miscarriage she may
18 not have experienced with earlier notice of the presence of
19 fibroids and growths and medical care appropriate to address the
20 presence of the fibroids and growths that then existed.

21 46.

22 As a direct and proximate result of the negligent acts and
23 omissions of Defendant Planned Parenthood Arizona, Inc.,
24 Plaintiff Deborah Sanderson experienced underwent more difficult
25 and complication surgery than otherwise she would have required.
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47.

As a direct and proximate result of the negligent acts and omissions of Defendant Planned Parenthood Arizona, Inc., Plaintiff Deborah Sanderson suffered pain of body and mind, emotional distress, loss of enjoyment of life, and a diminution in the quality of her life.

48.

As a direct and proximate result of the negligent acts and omission of Defendant Planned Parenthood Arizona, Inc., Plaintiffs Deborah Sanderson and Kent Sanderson suffered a diminution in the quality of the marital and familial relationship.

NEGLIGENCE

(Deborah D. Wilson, M.D., P.C.)

49.

Plaintiffs incorporate by this reference Paragraphs 1 through 48 of the Complaint.

50.

Defendant Deborah D. Wilson, M.D., P.C., is vicariously liable for the negligent acts and omissions of its agents and employees, including but not limited to Defendant Rachel Spieldoch, M.D.

51.

On information and belief, Deborah D. Wilson, M.D., P.C., was or may have been negligent in the hiring, training and supervision of persons involved in the care of Plaintiff Deborah

1 Sanderson, and in so doing caused or contributed to the harm
2 Plaintiff Deborah Sanderson suffered.

3 52.

4 Defendant Deborah D. Wilson, M.D., P.C., breached the duty
5 it Plaintiff Deborah Sanderson, and so fell below the applicable
6 standard of care, either directly by its acts and omissions in
7 connection with the hiring, training and supervision of its
8 agents and employees or vicariously.

9 53.

10 As a direct and proximate result of the direct negligent
11 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
12 and/or by virtue its vicarious liability, Plaintiff Deborah
13 Sanderson has suffered and continues to suffer various medical
14 problems and injuries.

15 54.

16 As a direct and proximate result of the direct negligent
17 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
18 and/or by virtue its vicarious liability, Plaintiff Deborah
19 Sanderson was required and may be required to undergo a more
20 extensive surgical procedure, and confront greater risks to her
21 health and well being, than otherwise would have been necessary.

22 55.

23 As a direct and proximate result of the direct negligent
24 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
25 and/or by virtue its vicarious liability, Plaintiff Deborah
26

1 Sanderson has incurred and may in the future incur medical and
2 other expenses.

3 56.

4 As a direct and proximate result of the direct negligent
5 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
6 and/or by virtue its vicarious liability, Plaintiff Deborah
7 Sanderson experienced difficulty with becoming pregnant and
8 experienced difficulties with and complications of pregnancy.

9 57.

10 As a direct and proximate result of the direct negligent
11 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
12 and/or by virtue its vicarious liability, Plaintiff Deborah
13 Sanderson experienced a miscarriage she may not have experienced
14 with earlier notice of the presence of fibroids and growths and
15 medical care appropriate to address the presence of the fibroids
16 and growths that then existed.

17 58.

18 As a direct and proximate result of the direct negligent
19 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
20 and/or by virtue its vicarious liability, Plaintiff Deborah
21 Sanderson experienced underwent more difficult and complication
22 surgery than otherwise she would have required.

23 59.

24 As a direct and proximate result of the direct negligent
25 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
26 and/or by virtue its vicarious liability, Plaintiff Deborah

1 Sanderson suffered pain of body and mind, emotional distress,
2 loss of enjoyment of life, and a diminution in the quality of
3 her life.

4 60.

5 As a direct and proximate result of the direct negligent
6 acts and omissions of Defendant Deborah D. Wilson, M.D., P.C.,
7 and/or by virtue its vicarious liability, Plaintiffs Deborah
8 Sanderson and Kent Sanderson suffered a diminution in the
9 quality of the marital and familial relationship.

10 WHEREFORE, Plaintiffs requests this Court to enter judgment
11 against the Defendant Health Care Providers, individually and/or
12 collectively, for:

13 1. Special damages including but not limited to past and
14 future medical expenses;

15 2. General damages including for continuing medical care,
16 pain, suffering, anxiety, distress, disability, disruption of
17 relationships, and the loss of enjoyment of life.

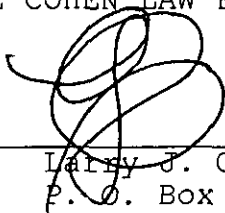
18 3. Costs incurred herein, and

19 4. Such other and further relief as the Court deems
20 appropriate under the circumstances.

21 Dated this 31st day of July, 2013.

22 THE COHEN LAW FIRM

23
24 By _____


Larry J. Cohen
P. O. Box 10056
Phoenix, Arizona 85064
Attorney for Plaintiffs