

MICHAEL K. JEANES  
 Clerk of the Superior Court  
 By Shannon LaSpaluto, Deputy  
 Date 11/02/2012 Time 16:15:48

Description	Amount
CASE# CV2012-016882	
CIVIL NEW COMPLAINT	301.00
TOTAL AMOUNT	301.00

Receipt# 22560789

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8 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
 9 **IN AND FOR THE COUNTY OF MARICOPA**

9 TAMIKA DIXON,  
 10 Plaintiff,  
 11 vs.  
 12 PLANNED PARENTHOOD OF ARIZONA,  
 13 INC., an Arizona Corporation; DR. DOE, a  
 14 Physician licensed to practice in the State of  
 15 Arizona; JOHN DOES 1-5; JANE DOES 1-5;  
 16 and ABC CORPORATIONS 1-5,  
 17 Defendants.

CV2012-016882  
 No. CV2012-

**COMPLAINT**  
 (Medical Malpractice)

17 For her complaint, Plaintiff Tamika Dixon ("Tamika") alleges as follows:

18 **PARTIES AND JURISDICTION**

- 19 1. At all times here involved, Tamika was a resident of Maricopa County, Arizona.
- 20 2. The events contained herein occurred within the last two (2) years in Maricopa  
 21 County, Arizona.
- 22 3. At all times here involved, upon information and belief, Defendant Dr. Doe, M.D.,  
 23 was a licensed physician who performed abortions and other related women's medical and health  
 24 services in Maricopa County, Arizona. He/she is licensed under the laws of the State of Arizona.  
 25 Dr. Doe was employed by and/or acted as the medical director at Planned Parenthood. Upon  
 26 information and belief, Plaintiff would have relied upon Dr. Doe to provide proper medical care,  
 27 attention and advice.

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1 provide any real counseling, or provide Plaintiff with any other options except abortion. Planned  
2 Parenthood did not determine if Plaintiff was a proper candidate for an abortion.

3 12. Planned Parenthood did not have a physician counsel or advise her as to the medical  
4 risks of a so-called "medical abortion."

5 13. Planned Parenthood did not have a physician determine if a "medical abortion" was  
6 medically necessary for Plaintiff.

7 14. Defendant, by and through its employees, performed a medical abortion on Plaintiff  
8 on or about November 6, 2010, by providing her with Mifeprex and Cytotec to terminate her  
9 pregnancy.

10 15. Tamika called on November 8, 2010, complaining of problems and wishing to come  
11 in for a visit.

12 16. Tamika called again on November 10, 2010, complaining of problems and wishing  
13 to come in for a visit.

14 17. On or about November 17, 2010, Plaintiff returned to Planned Parenthood. Defendant  
15 Planned Parenthood had an ultrasound performed and prepared a closing report dated November 17,  
16 2010. Planned Parenthood claimed that her uterus was empty. Planned Parenthood failed to  
17 properly assess Plaintiff's condition on November 17, 2010.

18 18. Upon information and belief, no physician ever saw Plaintiff when she arrived at  
19 Planned Parenthood in Phoenix, Arizona, for the follow-up appointment.

20 19. Upon information and belief, no physician ever saw Tamika following the ultrasound  
21 on November 17, 2010.

22 20. Upon information and belief, Tamika never met with a physician to discuss after-care,  
23 or what to do if there were any complications.

24 21. Tamika was not shown the initial ultrasound, nor was she provided with a referral to  
25 allow for a second opinion prior to taking the abortion drugs.

26 22. Any information that the abortion was necessary was false, untrue and designed to  
27 coerce Plaintiff into having the medical abortion.

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1           23.    Upon information and belief, Planned Parenthood induced Plaintiff to sign documents  
2 on November 6, 2010.

3           24.    Plaintiff was given medication during the appointment.

4           25.    Upon information and belief, on November 6, 2010, when Planned Parenthood  
5 performed the medical abortion, its personnel failed to obtain the informed consent of Plaintiff, and  
6 therefore breached its duty and caused Plaintiff serious physical, emotional and psychological  
7 injuries.

8           26.    On the day Planned Parenthood performed the abortion, no doctor ever personally  
9 explained the risks of the procedure or advised Plaintiff as to possible alternatives to the procedure.  
10 Planned Parenthood's personnel never determined that this abortion was medically necessary for  
11 Plaintiff.

12          27.    Tamika suffered an incomplete abortion, resulting in serious complications due to the  
13 actions of Defendant Planned Parenthood. These complications resulted in her going to the hospital  
14 and suffering physical, psychological, and other injuries.

15          28.    A doctor-patient relationship was never established between Defendants, John Does  
16 1-5 and Jane Does 1-5 inclusive, and Plaintiff.

17          29.    Defendants Dr. Doe, M.D., Planned Parenthood, John Does 1-5, and Jane Does 1-5  
18 inclusive knew or should have known of the risks of a medical abortion.

19          30.    Defendants Dr. Doe, M.D., Planned Parenthood, John Does 1-5, and Jane Does 1-5  
20 inclusive had a duty to disclose to Tamika sufficient information to enable her to make an informed  
21 judgment whether to give or withhold consent to the medical abortion. No doctor provided Tamika  
22 with any proper advice as to what she should have expected in the event of problems after the  
23 abortion.

24          31.    Planned Parenthood failed to advise Tamika that she could have continued the  
25 pregnancy and kept the baby.

26          32.    Planned Parenthood failed to refer her to another physician who could have assisted  
27 her in continuing the pregnancy.

28    ///

1           33.     Upon information and belief, Planned Parenthood employee Jane Doe talked to  
2 Tamika prior to the abortion, and told her information about a medical abortion. She misrepresented  
3 the health and condition of Tamika's unborn child. The Planned Parenthood employee did not know  
4 the health, condition, or age of the child. The Planned Parenthood employee was not a physician and  
5 did not have the medical training and expertise to provide Plaintiff with appropriate medical advice  
6 and accurate medical information. Planned Parenthood took no tests to check on the health and  
7 condition of the child.

8           34.     Upon information and belief, Tamika could have continued the pregnancy without  
9 any harm to her or her unborn child.

10          35.     Tamika was never fully informed by the Defendants or by anyone on their behalf of  
11 the risks involved with a medical abortion.

12          36.     Tamika relied upon the information provided her by Planned Parenthood, to her  
13 detriment.

14          37.     As a direct and proximate result of their actions and representations, Defendants  
15 caused injuries to Plaintiff and, by their actions, death to Tamika's unborn child.

16          38.     On December 3, 2010, Tamika was admitted to Maryvale Hospital for emergency  
17 surgery addressing serious and persistent bleeding, and to remove "products of conception."

18          39.     Defendants' negligence fell below the standard of care under such circumstances, and  
19 was the direct and proximate cause of Plaintiff's injuries.

20          40.     Plaintiff suffered serious and possibly permanent injury to her uterus and said damage  
21 to her uterus could place Plaintiff in a serious and high-risk designation if she was to ever become  
22 pregnant again.

23          41.     The Defendants breached their duty to the Plaintiff by failing to disclose to her  
24 sufficient information to enable her to make an informed judgment whether to give or withhold  
25 consent to have a medical abortion.

26          42.     Had there been full disclosure of the risks of an abortion at that stage of her  
27 pregnancy, and at her age and health conditions at that time, neither the Plaintiff, Tamika Dixon, nor  
28 any reasonable person would have proceeded with having the abortion.







**COUNT V**

1  
2       65.     The Plaintiff, Tamika Dixon, restates and incorporates by reference the allegations  
3 contained in Paragraphs 1 through 64 of the complaint.

4       66.     Upon information and belie, the Defendants and each of them inclusive, committed  
5 professional misconduct by negligently or intentionally failing to divulge in a reasonable manner to  
6 Tamika Dixon sufficient information to enable her to make an informed judgment whether to give  
7 or withhold consent to an abortion procedure.

8       67.     Defendants misrepresented to Tamika Dixon whether she could carry the baby to  
9 term.

10       68.     Defendants intended to deceive Plaintiff and desired Plaintiff to go through the  
11 abortion.

12       69.     Defendants had a financial incentive to deceive Plaintiff and to misrepresent the state  
13 and conditions of her pregnancy on November 6, 2010.

14       70.     The Defendants, John Does 1-5 and Jane Does 1-5 inclusive, performed a medical  
15 abortion upon the Plaintiff, who was a pregnant woman, on November 6, 2010, by misrepresenting  
16 the state and condition of her unborn child.

17       71.     As a direct and proximate cause of the failure of the defendants, John Does 1-5 and  
18 Jane Does 1-5 inclusive, to obtain Tamika Dixon's informed consent, Tamika Dixon has incurred  
19 serious and permanent damages, including, but not limited to, physical and psychological injury,  
20 pain, and suffering, past and future medical expenses, loss of use, severe emotional distress and  
21 incidental damages, and inability to have any further children, all in an amount in excess of the  
22 minimum jurisdictional amount of this Court.

23       72.     Upon information and belief, ABC Corporations 1-5 have manufactured, marketed  
24 and supplied to Planned Parenthood medications and drugs of questionable value and serious  
25 potential harm to women such as Plaintiff.

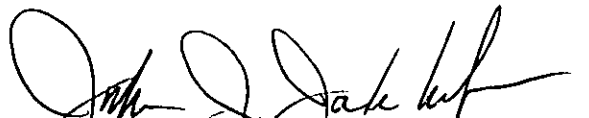
26       73.     Upon information and belief, the medication was intentionally promoted and sold for  
27 the singular purpose of causing death to unborn children, that as a direct and proximate result cause  
28 of the actions by ABC Corporations 1-5, Plaintiff suffered serious and permanent damages,

1 including, but not limited to, physical and psychological injury, pain, and suffering, past and future  
2 medical expenses, loss of use, severe emotional distress and incidental damages, and inability to  
3 have any further children, all in an amount in excess of the minimum jurisdictional amount of this  
4 Court.

5 WHEREFORE, the Plaintiff demands judgment against the Defendants, John Does 1-5 and  
6 Jane Does 1-5 inclusive, with interest and costs.

7 WHEREFORE, Plaintiff demands judgment on all her causes of action against the  
8 Defendants, individually, jointly and severally, and for all compensatory damages in an amount to  
9 be determined at trial, together with attorney's fees, Plaintiff's costs expended herein, and such other  
10 and further relief as this Court may deem just and proper.

11 Dated this 2<sup>nd</sup> day of November, 2012.

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15 John J. Jakubczyk, Esq.  
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17 Phoenix, Arizona 85018  
18 Attorney for Plaintiff  
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