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8 ATTORNEY FOR PLAINTIFF

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **FOR THE COUNTY OF ORANGE – CENTRAL JUSTICE CENTER**

11
12 BAILEY BIBLE, an individual,

Plaintiff,

Case No.:
Unlimited Civil Filing over \$25,000.00

13 vs.

Assigned for all purposes to:

Judge: Linda Marks
Dept.: C10

14
15 PLANNED PARENTHOOD - ANAHEIM
16 HEALTH CENTER, a business entity, form
17 unknown, TARA AMINI, P.A., an individual,
18 and DOES 1 to 100, inclusive

Defendants.

**COMPLAINT FOR DAMAGES FOR
NEGLIGENCE AND BATTERY**

19 COMES NOW Plaintiff BAILEY BIBLE, an individual, (hereinafter “Plaintiff”) and alleges, avers, and
20 claims against Defendants PLANNED PARENTHOOD - ANAHEIM HEALTH CENTER, a business
21 entity, form unknown, TARA AMINI, P.A., an individual, and DOES 1 to 100, inclusive (hereinafter
22 “Defendants”) and each of them, as follows:

23 **I.**

24 **PARTIES & JURISDICTION**

- 25 1. Plaintiff is an individual over the age of eighteen (18) and is now and/or at all times mentioned in
26 this Complaint a resident of the State of California.
27 2. Plaintiff is informed and believes and thereby alleges that Defendant PLANNED PARENTHOOD -
28 ANAHEIM HEALTH CENTER (“Defendant Planned Parenthood”) is a business entity, form

1 unknown, operating a facility under the name Planned Parenthood - Anaheim Health Center, and at
2 all material times resident in or doing business in the State of California.

3 3. Plaintiff is informed and believes and thereby alleges that Defendant TARA AMINI, P.A.
4 (“Defendant Tara Amini, P.A.”) is an individual, at all material times resident in or doing business
5 in the State of California.

6 4. The true names and capacities of the defendants named herein as does 1 through 100, inclusive,
7 whether individual, corporate, associate or otherwise, are unknown to Plaintiff who therefore sues
8 such defendants by fictitious names pursuant to *California Code of Civil Procedure* (“CCP”) §474.

9 5. Plaintiff is informed and believes that doe defendants are California residents and/or do business in
10 California. Plaintiff will amend this Complaint to show such true names and capacities when they
11 have been determined.

12 6. Defendants, and each of them, are now, and/or at all times mentioned in this Complaint were in
13 some manner legally responsible for the events, happenings and circumstances alleged in this
14 Complaint.

15 7. Defendants proximately caused Plaintiff to be subjected to the unlawful practices, wrongs,
16 complaints, injuries and/or damages alleged in this Complaint.

17 8. Defendants, and each of them, at all times mentioned in this Complaint aided and abetted the acts
18 and omissions of each and every one of the other defendants thereby proximately causing the
19 damages alleged in this Complaint.

20 9. The damages alleged in this Complaint are within the jurisdiction of this Court.

21 10. This Court is the proper venue because the events and occurrences alleged in this Complaint
22 occurred within the jurisdiction of this Court.

23 11. Plaintiff is informed and believes that each defendant, and doe defendants, reside, do business, or
24 have sufficient minimum contacts in the State of California to justify personal jurisdiction over said
25 defendants.

26 12. Plaintiff served notice of intent to sue on each named defendant pursuant to *California Code of Civil*
27 *Procedure*, s. 364 on or about May 4, 2020. Notice was sent less than 90 days prior to the applicable
28

1 limitation date, tolling the limitation date for 90 days pursuant to the decision in *Woods v. Young*
2 (1991) 53 Cal.3d 315.

3 **II.**

4 **GENERAL ALLEGATIONS**

5 **COMMON TO ALL CAUSES OF ACTION**

6 13. Plaintiff incorporates by reference and alleges each and every one of the allegations contained in the
7 preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

8 14. On or about July 24, 2019, Plaintiff went to get a test done at Defendant Planned Parenthood for a
9 possible sexually transmitted disease, believing it was going to only be a blood or urine test.

10 15. However, the provider employed by Defendant Planned Parenthood – Defendant Tara Amini, P.A. -
11 insisted that Plaintiff had to be given a manual pelvic exam.

12 16. Plaintiff’s sister was prevented from going into the examination room with Plaintiff, though Plaintiff
13 desired her presence.

14 17. Plaintiff told the provider that she did not want to have a manual pelvic exam, but Defendant Tara
15 Amini, P.A. performed the exam anyway.

16 18. Plaintiff became very anxious and screamed, telling Defendant Tara Amini, P.A., “No!”

17 19. As a result of the forced manual pelvic exam, Plaintiff suffered emotional distress, anxiety and
18 depression.

19 20. Plaintiff also contends Defendant Planned Parenthood intentionally altered Plaintiff’s medical
20 records.

21 21. As a result of the negligence of Defendants, Plaintiff suffered injury, damage and loss.

22 **III.**

23 **CAUSES OF ACTION**

24 **FIRST CAUSE OF ACTION**

25 **NEGLIGENCE**

26 **(as to all Defendants)**

1 22. Plaintiff incorporates by reference and alleges each and every one of the allegations contained in the
2 preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

3 23. Defendant Planned Parenthood had a duty to Plaintiff:

- 4 a. To use reasonable care in caring for Plaintiff, taking into account the mental and physical
- 5 condition of the patient,
- 6 b. To use reasonable care in the selection and maintenance of its staff; and
- 7 c. To use reasonable care to ensure the competency of its staff.

8 24. Defendant Planned Parenthood breached its duty to Plaintiff by failing to use reasonable care in
9 caring for Plaintiff, failing to use reasonable care in the selection and maintenance of its staff, and
10 failing to ensure the competency of its staff, thereby causing or contributing to the incident.

11 25. Defendant Planned Parenthood was negligent in the hiring, retention and supervision of its
12 employees and agents, who were incompetent to perform the tasks required of their position and
13 whose incompetence was a proximate cause of the injuries and damages suffered by Plaintiff.

14 26. Defendant Planned Parenthood is liable for the negligent acts of Defendant Tara Amini, P.A. under
15 the principle of *respondeat superior*.

16 27. Defendant Tara Amini, P.A. had a duty to Plaintiff:

- 17 a. To have the degree of learning and skill ordinarily possessed by practitioners of the medical
- 18 profession in the same or a similar locality, under similar circumstances;
- 19 b. To use the same degree of skill and care usually exercised by practitioners for the medical
- 20 profession in the same or a similar locality, under similar circumstances; and
- 21 c. To use reasonable diligence in the application of the physician's learning and skill.

22 28. Defendant Tara Amini, P.A. was incompetent to perform the tasks required of her position and her
23 incompetence was a proximate cause of the injuries and damages suffered by Plaintiff.

24 29. Defendant Tara Amini, P.A. breached her duty to Plaintiff by failing to have the degree of learning
25 and skill ordinarily possessed by medical professionals in the same locality, causing Plaintiff's
26 injuries and damages.

1 30. Defendant Tara Amini, P.A. breached her duty to Plaintiff by failing to use the degree of learning
2 and skill ordinarily exercised by medical professionals in the same locality, causing Plaintiff's
3 injuries and damages.

4 31. Defendant Tara Amini, P.A. breached her duty to Plaintiff by failing to use reasonable diligence in
5 the application of her learning and skill to treat Plaintiff's injuries.

6 32. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiff sustained severe
7 and serious injury to her person, all to Plaintiff's damage in a sum within the jurisdiction of this
8 court and to be shown according to proof.

9 33. By reason of the foregoing, Plaintiff has been required to employ the services of hospitals,
10 physicians, surgeons, nurses and other professional services, and Plaintiff has been compelled to
11 incur expenses for medications and other medical supplies and services. Plaintiff is informed and
12 thereon alleges that further services of a similar nature will be required in an amount to be shown
13 according to proof.

14 34. At the time of the injury, as aforesaid, Plaintiff was regularly and gainfully employed or able to be
15 employed. By reason of the foregoing, Plaintiff has been unable to engage in employment for a time
16 subsequent to said incident, and Plaintiff is informed and believes, and upon such information and
17 belief, alleges that she will be unable to work for an indefinite period in the future, all to Plaintiff's
18 damage in an amount to be shown according to proof.

19 **SECOND CAUSE OF ACTION**

20 **BATTERY**

21 **(as to all Defendants)**

22 35. Plaintiff incorporates by reference and alleges each and every one of the allegations contained in the
23 preceding and foregoing paragraphs of this Complaint as if fully set forth herein.

24 36. Defendant Tara Amin, P.A. performed a medical procedure on Plaintiff without Plaintiff's consent.

25 37. Plaintiff was harmed as a result of the conduct of Defendant Tara Amini, P.A.

26 38. Defendant Tara Amini, P.A.'s conduct was a substantial factor in causing Plaintiff's harm.
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1 39. Defendant Planned Parenthood is liable for the negligent acts of Defendant Tara Amini, P.A. under
2 the principle of *respondeat superior*.

3 40. As a direct and proximate result of the wrongful conduct of Defendants, Plaintiff sustained severe
4 and serious injury to her person, all to Plaintiff's damage in a sum within the jurisdiction of this
5 court and to be shown according to proof.

6 41. By reason of the foregoing, Plaintiff has been required to employ the services of hospitals,
7 physicians, surgeons, nurses and other professional services, and Plaintiff has been compelled to
8 incur expenses for medications and other medical supplies and services. Plaintiff is informed and
9 thereon alleges that further services of a similar nature will be required in an amount to be shown
10 according to proof.

11 42. At the time of the injury, as aforesaid, Plaintiff was regularly and gainfully employed or able to be
12 employed. By reason of the foregoing, Plaintiff has been unable to engage in employment for a time
13 subsequent to said incident, and Plaintiff is informed and believes, and upon such information and
14 belief, alleges that she will be unable to work for an indefinite period in the future, all to Plaintiff's
15 damage in an amount to be shown according to proof.

16 **IV.**

17 **PRAYER FOR RELIEF**

18 **WHEREFORE**, Plaintiff prays for judgment against Defendants, and each of them, for:

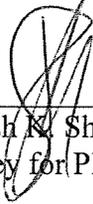
- 19 a. General Damages for negligence in the sum according to proof;
 - 20 b. Special Damages incurred and to be incurred for services of hospitals, physicians, surgeons,
21 nurses and other medical supplies and services in a sum according to proof at trial;
 - 22 c. Damages for permanent or temporary disability;
 - 23 d. Damages for emotional distress;
 - 24 e. Damages for loss of earnings, both past and prospective, in an amount to be proven at trial;
 - 25 f. Damages for loss of capacity to earn income in an amount to be proven at trial;
 - 26 g. Damages for loss of homemaking services in an amount to be proven at trial;
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- h. For the interest provided by law including, but not limited to, *California Civil Code* § 3291;
- and
- i. Costs of suit and for such other and further relief as the court deems proper.

Dated: August 5, 2020

NATIONAL CHOICE LAWYERS



Koorosh N. Shahrokh, Esq.
Attorney for Plaintiff