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7 *Attorneys for Plaintiff*

**ELECTRONICALLY FILED**  
Superior Court of California,  
County of Orange  
**03/08/2018** at 01:16:54 PM  
Clerk of the Superior Court  
By Angelina Nguyen-Do, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF ORANGE

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11  
12 Johana Fagan, an individual,  
13 Plaintiff,

14 vs.

15 Planned Parenthood of Orange and San  
16 Bernardino Counties, Inc., a California  
17 corporation; and DOES 1 through 10,  
18 inclusive,

19 Defendants.

30-2018-00978200-CU-MM-CJC

Case No.:

Judge Geoffrey T. Glass

Complaint

[TRIAL BY JURY DEMANDED]

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21 Plaintiff JOHANA FAGAN, by and through her attorneys at Spreter &  
22 Petiprin, APC, complain against defendant PLANNED PARENTHOOD OF  
23 ORANGE AND SAN BERNARDINO COUNTIES, INC., and Does 1 through 10  
24 as follows:

25 **GENERAL ALLEGATIONS**

- 26 1. At all times mentioned, Plaintiff was a resident of the County of Orange,  
27 State of California.

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- 2. At all times mentioned, Planned Parenthood of Orange and San Bernardino Counties, Inc. (“Planned Parenthood”), was a licensed medical provider located in County of Orange, State of California.
- 3. That the true names and capacities of the defendants designated as DOES 1 through 10 are presently unknown to Plaintiff at this time, who therefore sues said defendants by such fictitious names. When the true names and capacities of these defendants are ascertained, Plaintiff will amend this complaint accordingly.

**FIRST CAUSE OF ACTION FOR PROFESSIONAL NEGLIGENCE**  
**(Against Planned Parenthood)**

- 4. Plaintiff restates all preceding paragraphs in full here.
- 5. On March 30, 2015, Plaintiff presented for family planning services with Planned Parenthood at their office in Costa Mesa.
- 6. Planned Parenthood’s doctor employee Shannon Connolly implanted a Nexplanon birth control device in Plaintiff’s left arm.
- 7. On February 15, 2017, Plaintiff presented for removal of the birth control device at Planned Parenthood’s Costa Mesa office. Planned Parenthood’s employee and nurse practitioner Kristen Stumpf was unable to remove the implant. Plaintiff decided to leave the implant in for the time being because it was effective at controlling her ability to get pregnant despite confronting her with numerous unpleasant side effects.
- 8. On July 27, 2017, Plaintiff presented for a consultation with Candace Howe, MD, of HM Medical Group, LLC, in Newport Beach. Plaintiff wanted the implant removed because its side effects, including mood swings and irregular periods, were becoming too intense.
- 9. On August 14, 2017, Plaintiff against presented with Dr. Howe for removal of the Nexplanon implant. Dr. Howe was unable to remove it, however, because the implant rod palpated deep near Plaintiff’s bicep

1 muscle. Dr. Howe indicated Plaintiff would need to present again for  
2 surgical removal.

3 10. On October 3, 2017, Plaintiff again presented with Dr. Howe for removal  
4 of the implant.

5 11. While Dr. Howe was able to successfully remove the device, it was clear  
6 that the implant was improperly inserted by Planned Parenthood in  
7 2015. It was too close to her bicep muscle and not placed in an area of  
8 benign skin tissue; instead, it was placed in an area that caused severe  
9 nerve and muscle damage. This was the first time Plaintiff knew or  
10 should have known that the device was improperly implanted.

11 12. Because of the improper implantation of the Nexplanon device, Plaintiff  
12 suffers from permanent nerve damage and pain. Plaintiff is a yoga  
13 instructor and is unable to practice or teach yoga anymore because of the  
14 damage caused by the implant.

15 13. Plaintiff has lost mobility and will suffer the effects of the improper  
16 implantation for the rest of her life.

17 14. Planned Parenthood's actions fell below the standard of care in  
18 treatment of Plaintiff by placing the implant device and allowing it to  
19 stay in place for years in an area which caused permanent nerve and  
20 muscle damage.

21 15. Planned Parenthood's actions were a substantial factor in causing harm  
22 to Plaintiff.

23 **PRAYER FOR RELIEF**

24 Plaintiff prays for judgment as follows:

- 25 1. For general damages sustained by Plaintiff in an amount more than  
26 \$25,000.00 to be proven at trial;
- 27 2. For special damages sustained by Plaintiff in an amount more than  
28 \$25,000.00 to be proven at trial;

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- 3. For reasonable attorney's fees and costs;
- 4. For interest at the statutory rate; and
- 5. For such other relief as the Court may deem just and proper.

Date: March 7, 2018

**SPRETER & PETIPRIN, APC**

  
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Benjamin D. Petiprin, Esq.  
*Attorneys for Plaintiff*