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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 MARTHA MARTINEZ, an individual,
12 Plaintiff,

13 vs.

14 PLANNED PARENTHOOD, a business entity,
15 form unknown, MAHZADEH NOURIZADEH,
16 NP, an individual, and DOES 1 to 100, inclusive,
17 Defendants.

30-2019-01112707-CU-MM-CJC
Case No.: JUDGE GLENN SALTER
Unlimited Filing

Judge:
Dept.:

**COMPLAINT FOR DAMAGES FOR
NEGLIGENCE**

18
19 COMES NOW Plaintiff MARTHA MARTINEZ, an individual, (hereinafter “Plaintiff”) and alleges,
20 avers, and claims against Defendants PLANNED PARENTHOOD, a business entity, form unknown,
21 MAHZADEH NOURIZADEH, NP, 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.

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- 1 2. Plaintiff is informed and believes and thereby alleges that Defendant PLANNED PARENTHOOD
2 (“Defendant Planned Parenthood”) is a business entity, form unknown, operating a facility under the
3 name Planned Parenthood Orange Health Center, located at 700 South Tustin Street in Orange, CA
4 92866 at all material times resident in or doing business in the State of California.
- 5 3. Plaintiff is informed and believes and thereby alleges that Defendant MAHZADEH NOURIZADEH,
6 NP (“Defendant Mahzadeh Nourizadeh, NP”) is an individual, at all material times resident in or
7 doing business in the State of California.
- 8 4. The true names and capacities of the defendants named herein as does 1 through 100, inclusive,
9 whether individual, corporate, associate or otherwise, are unknown to Plaintiff who therefore sues
10 such defendants by fictitious names pursuant to *California Code of Civil Procedure* (“CCP”) §474.
- 11 5. Plaintiff is informed and believes that doe defendants are California residents and/or do business in
12 California. Plaintiff will amend this Complaint to show such true names and capacities when they
13 have been determined.
- 14 6. Defendants, and each of them, are now, and/or at all times mentioned in this Complaint were in
15 some manner legally responsible for the events, happenings and circumstances alleged in this
16 Complaint.
- 17 7. Defendants proximately caused Plaintiff to be subjected to the unlawful practices, wrongs,
18 complaints, injuries and/or damages alleged in this Complaint.
- 19 8. Defendants, and each of them, at all times mentioned in this Complaint aided and abetted the acts
20 and omissions of each and every one of the other defendants thereby proximately causing the
21 damages alleged in this Complaint.
- 22 9. The damages alleged in this Complaint are within the jurisdiction of this Court.
- 23 10. This Court is the proper venue because the events and occurrences alleged in this Complaint
24 occurred within the jurisdiction of this Court.
- 25 11. Plaintiff is informed and believes that each defendant, and doe defendants, reside, do business, or
26 have sufficient minimum contacts in the State of California to justify personal jurisdiction over said
27 defendants.

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1 12. Plaintiff served notice of intent to sue on each named defendant pursuant to *California Code of Civil*
2 *Procedure*, s. 364 on or about June 20, 2019. Notice was sent less than 90 days prior to the
3 applicable limitation date, tolling the limitation date for 90 days pursuant to the decision in *Woods v.*
4 *Young* (1991) 53 Cal.3d 315.

5 **II.**

6 **GENERAL ALLEGATIONS**

7 **COMMON TO ALL CAUSES OF ACTION**

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

10 14. On or about September 14, 2018, Plaintiff went to Defendant Orange Health Center, a medical
11 facility operated by Planned Parenthood at 700 S. Tustin Street, Orange, California.

12 15. Plaintiff was suffering from long, terrible periods and was told it could be cancer. A cervical biopsy
13 was recommended.

14 16. A nurse practitioner, Defendant Mahzadeh Nourizadeh, NP, performed the cervical biopsy.

15 17. Plaintiff was told she would suffer discomfort for a few days, but that this was normal and would
16 abate in a few days.

17 18. Plaintiff was told to take ibuprofen for pain, if necessary and was discharged.

18 19. That night, Plaintiff began to suffer severe pain in the left side of her groin.

19 20. Plaintiff went to the Emergency Department of St. Joseph's Hospital in Orange, California, where
20 she was diagnosed with a perforated intestine and diverticulitis, likely requiring surgery.

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)**

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

- 1 23. Defendant Planned Parenthood had a duty to Plaintiff:
- 2 a. To use reasonable care in caring for Plaintiff, taking into account the mental and physical
- 3 condition of the patient,
- 4 b. To use reasonable care in the selection and maintenance of its staff; and
- 5 c. To use reasonable care to ensure the competency of its staff.
- 6 24. Defendant Planned Parenthood breached its duty to Plaintiff by failing to use reasonable care in
- 7 caring for Plaintiff, failing to use reasonable care in the selection and maintenance of its staff, and
- 8 failing to ensure the competency of its staff, thereby causing or contributing to the incident.
- 9 25. Defendant Planned Parenthood was negligent in the hiring, retention and supervision of its
- 10 employees and agents, who were incompetent to perform the tasks required of their position and
- 11 whose incompetence was a proximate cause of the injuries and damages suffered by Plaintiff.
- 12 26. Defendant Planned Parenthood is liable for the negligent acts of its employees under the principle of
- 13 *respondeat superior*.
- 14 27. Defendant Mahzadeh Nourizadeh, NP had a duty to Plaintiff:
- 15 a. To have the degree of learning and skill ordinarily possessed by practitioners of the medical
- 16 profession in the same or a similar locality, under similar circumstances;
- 17 b. To use the same degree of skill and care usually exercised by practitioners for the medical
- 18 profession in the same or a similar locality, under similar circumstances; and
- 19 c. To use reasonable diligence in the application of the physician's learning and skill.
- 20 28. Defendant Mahzadeh Nourizadeh, NP was incompetent to perform the tasks required of her position
- 21 and her incompetence was a proximate cause of the injuries and damages suffered by Plaintiff.
- 22 29. Defendant Mahzadeh Nourizadeh, NP breached her duty to Plaintiff by failing to have the degree of
- 23 learning and skill ordinarily possessed by medical professionals in the same locality, causing
- 24 Plaintiff's injuries and damages.
- 25 30. Defendant Mahzadeh Nourizadeh, NP breached her duty to Plaintiff by failing to use the degree of
- 26 learning and skill ordinarily exercised by medical professionals in the same locality, causing
- 27 Plaintiff's injuries and damages.
- 28

1 31. Defendant Mahzadeh Nourizadeh, NP breached her duty to Plaintiff by failing to use reasonable
2 diligence in the application of her learning and skill to treat Plaintiff's injuries.

3 32. 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 33. 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 34. 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;
- 27 h. For the interest provided by law including, but not limited to, *California Civil Code* § 3291;
- 28 and

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i. Costs of suit and for such other and further relief as the court deems proper.

Dated: November 14, 2019

NATIONAL CHOICE LAWYERS



Koorosh K. Shahrokh, Esq.
Attorney for Plaintiff