

1 Jack M. Schuler / SBN 90899
2 SCHULER & BROWN
3 7100 Hayvenhurst Avenue, Suite 310
4 Van Nuys, California 91406
5 Tel: (818) 756-0999
6 Fax: (818) 756-0998

5 Attorneys for Plaintiff
6 ALETHEIA MELONCON

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

JUN 19 2007



LOS
JUN 19 2007
R

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF RIVERSIDE

11 ALETHEIA MELONCON,
12 Plaintiff,

13 vs.

14 PLANNED PARENTHOOD OF SAN
15 DIEGO AND RIVERSIDE
16 COUNTIES; COUNTY OF
17 RIVERSIDE; and DOES 1 through 50
18 Inclusive,

17 Defendants.

CASE NO. R1C473747

COMPLAINT FOR WRONGFUL
DEATH AND MEDICAL
MALPRACTICE

19 **INTRODUCTION**

20 1. Twenty-one year old Edrica Goode died at Riverside County Hospital on
21 February 14, 2007, as a direct result of medical treatment she received from Planned
22 Parenthood and a follow-up treatment she received from Riverside County healthcare
23 providers, including Riverside County Regional Hospital. Her mother, Aletheia Meloncon,
24 brings this action for wrongful death resulting from medical malpractice committed on
25 Edrica Goode by Defendants.
26

27 ///

1 2. Edrica Goode went to Planned Parenthood on for preliminary treatment for an
2 elective termination of pregnancy procedure. She was a little over 14 weeks pregnant at the
3 time.
4

5 3. The purpose and intention of this preliminary medical care was to screen and
6 evaluate her condition for the appropriateness of proceeding with the surgery and for the
7 placement of seaweed stick cervical dilators in her cervix so that it would be dilated at the
8 time that the procedure was to be performed. No physician examined her.
9

10 4. Upon pelvic evaluation by nurse practitioner K. Sorensen, N.P., an
11 odoriferous creamy-colored discharge was observed. A “wet prep” evaluation of this
12 discharge revealed positive clue cells which constituted a clear sign of bacterial infection in
13 her vagina. In fact, nurse practitioner K. Sorensen recorded “bacterial vaginosis” in her
14 assessment.
15

16 5. Despite the clearly demonstrated bacterial vaginosis infection, K. Sorensen,
17 N.P. proceeded to place five seaweed stick cervical dilators through Edrica Goode’s already
18 infected vagina and into her cervix. Thus, the seaweed stick cervical dilators became like
19 wicks that would take the existing local infection through the vagina into the cervix and turn
20 the local vaginal infection into a raging systemic infection rapidly leading to sepsis and
21 toxic shock syndrome of the entire body. She scheduled Edrica Goode for surgical
22 pregnancy termination the following day. This was done notwithstanding the fact that it is
23 common knowledge in the medical community that placement of seaweed stick cervical
24 dilators through the vagina and into the cervix creates a substantial risk of introduction of
25 bacterial vaginosis organism infection into the body. In fact, the Riverside County Coroner
26 determined that the cause of death was “toxic shock syndrome secondary to retained
27
28

1 laminaria cervical dilators.” At the conclusion of the procedure, Erica Goode was sent
2 home.

3
4 6. However, by the next morning Erica Goode was so ill from the infection
5 introduced into her body through the seaweed stick cervical dilator insertion that she was
6 physically and mentally unable to return to Planned Parenthood. In fact, she became so ill
7 and confused that she remained in bed for the next few days.

8
9 7. By February 4, 2007, Edrica was so ill that she could not stand and was
10 mentally confused. During this entire time, Planned Parenthood had knowledge that
11 women with retained seaweed stick cervical dilators were at risk for developing systemic
12 infection even if they did not start off a procedure with a bacterial vaginosis infection.
13 Further, Planned Parenthood knew or should have known that patients with retained
14 seaweed stick cervical dilators who had bacterial vaginosis at the time the seaweed stick
15 cervical dilators were placed were at much greater risk for developing systemic bodily
16 infection. Notwithstanding this, Planned Parenthood made woefully inadequate efforts to
17 contact Edrica Goode, determine her status, advise her that her illness was directly related to
18 infection resulting from retained seaweed stick cervical dilators rather than the flu, and that
19 she required immediate medical treatment including removal of the seaweed stick cervical
20 dilators and aggressive antibiotic therapy.
21
22

23 8. By Sunday morning, February 4, 2007, Edrica Goode had become so ill that
24 an ambulance was called, and she was transported by ambulance to Riverside County
25 General Hospital. Upon arrival at Riverside County General Hospital she was noted to have
26 an acute loss of consciousness, she was confused, and not able to speak appropriately.
27
28 Though she had a positive pregnancy test and pregnancy was confirmed by ultrasound, no

1 pelvic examination was performed. By February 8, 2007, Riverside County General
2 Hospital physicians advised Aletheia Meloncon that they intended to discharge Edrica
3 Goode even though they had not discovered the cause of her illness. Aletheia Meloncon
4 objected to hospital discharge for Edrica Goode because she remained so ill. Riverside
5 General Hospital physicians then indicated that they would transfer her to a psychiatry unit,
6 but her internist requested a gynecologic clearance before she was transferred. A
7 gynecological consult was obtained from an intern who failed to do a pelvic examination
8 and cleared Edrica Goode for transfer.
9
10

11 9. Edrica Goode was transferred that day to a psychiatry unit. Upon arrival of
12 Edrica Goode at the psychiatry unit, the psychiatrist who initially evaluated her immediately
13 returned her to Riverside County General Hospital to rule out infection/sepsis. Several days
14 later, the seaweed stick cervical dilators were found and removed. However, by this point
15 in time the infection had become so profound that ultimately Edrica died on February 14,
16 2007.
17

18 GENERAL ALLEGATIONS

19 10. The true names and capacities, whether individual, corporate associate or
20 otherwise, of Defendants Does 1 through 50, inclusive, are unknown to Plaintiff at this
21 time, who therefore sue said Defendants by such fictitious names, and when the true names
22 and capacities of said Defendants are ascertained, Plaintiff will amend this complaint
23 accordingly; Plaintiff is informed and believes and thereon alleges that each of the
24 Defendants designated herein as a Doe is responsible in some manner for the events and
25 happenings herein referred to and caused injury and damages proximately thereby to
26 Plaintiff as alleged herein.
27
28

1 11. At all times mentioned herein, each Defendant was the agent, servant, and/or
2 employee of each and every co-defendant, and in doing the things mentioned herein, were
3 acting within the scope and course of their agency, employment, and/or authority as such
4 agents and employees with the consent of their co-defendants; further, each Defendant was
5 a managing agent of each and every other Defendant and ratified, confirmed, and consented
6 to each and every act alleged herein; further, each and every co-defendant had advance
7 knowledge of the actions of each and every Defendant and failed to take action to prevent
8 those acts.
9

10
11 12. Plaintiff is informed and believes, and thereon alleges, that at all times
12 mentioned herein, the corporate Defendants, and each of them, are and were corporations
13 duly organized and existing by virtue of the laws of the State of California, with their
14 principal place of business at and in the county within which this matter was filed within the
15 State of California. The corporate Defendants, and each of them, are, and at all times
16 mentioned herein were, the alter egos of each and every other Defendant, and there exists,
17 and at all times mentioned herein, has existed, a unity of interest and ownership between the
18 Defendants such that any separateness between them has ceased to exist in that the
19 Defendants, and each of them, have completely controlled, dominated, managed, and
20 operated the corporate Defendants, and each of them, and have intermingled the assets of
21 each to suit their convenience. Further, the corporate Defendants, and each of them, are and
22 at all times mentioned herein were mere shells, instrumentalities, and conduits through
23 which the Defendants, and each of them, carried out their business in the corporate name,
24 exercising complete control and dominance of such business to an extent that individuality
25 or separateness did not, in fact, exist.
26
27
28

1 13. Plaintiff, Aletheia Meloncon, is the natural mother and is the sole surviving
2 heir of Edrica Goode, deceased.

3 14. Plaintiff Aletheia Meloncon shall, and hereby reserves the right to amend this
4 complaint pursuant to Code of Civil Procedure § 425.13.

5 15. Plaintiff complied with the Government Tort Claims Act by filing a
6 Government Entity Claim which was denied by the County of Riverside less
7 than six months from the date that this complaint is filed.
8

9
10
11 **FIRST CAUSE OF ACTION BY PLAINTIFF, ALETHEIA MELONCON,**
12 **AGAINST ALL DEFENDANTS FOR WRONGFUL DEATH**
13 **AND FOR MEDICAL MALPRACTICE**
14

15 16. Plaintiff hereby incorporates Paragraphs 1 through 15 as though fully set forth
16 herein.

17 17. The Defendants, and each of them, so carelessly and negligently provided
18 medical services and failed to provide medical services, and negligently cared for and
19 treated and failed to care for and treat Plaintiff's decedent, and so carelessly and negligently
20 failed to conform to the standards of practice in their community so as to cause the death of
21 Edrica Goode and the damages alleged herein. Further, the Defendants failed to obtain an
22 informed consent for the treatment provided and for the treatment not provided such that
23 Plaintiff's decedent and her mother were not able to make informed and intelligent
24 decisions concerning her medical care and treatment. Further, the Defendants, and each of
25 them, failed to use reasonable and appropriate care in the screening, selection, appointment,
26 and peer review of healthcare providers.
27
28

1 18. As a direct, legal, and proximate result of the aforementioned conduct of the
2 Defendants, and each of them, Plaintiff's decedent met her death on or about February 14,
3 2007.

4
5 19. As a further, legal, and proximate result of the conduct of the Defendants, and
6 each of them, Plaintiff has been forced to incur special damages, medical expenses, legal
7 expenses, and expenses for burial of said decedent, all in an amount which is not now
8 known; Plaintiff will pray leave to insert same herein when fully ascertained.

9
10 20. As a legal and proximate result of the conduct of the Defendants, and each of
11 them, Plaintiff has been deprived of the care, comfort, society, advice, counsel, and support
12 of Plaintiff's decedent, all to her general damages.

13 WHEREFORE, Plaintiff prays as follows:

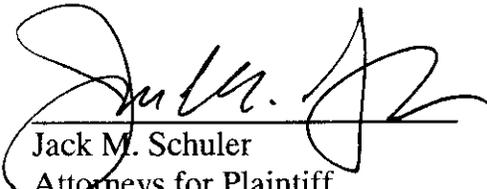
14 **FIRST CAUSE OF ACTION**

- 15
16 1. General damages according to proof;
17 2. Medical and related expenses, according to proof;
18 3. Funeral, burial, and miscellaneous expenses, according to proof;
19 4. Costs of suit incurred herein, according to proof;
20 5. For such other and further relief as this court deem proper and just.

21
22
23 DATED: June 18, 2007

Respectfully submitted,

SCHULER & BROWN

24
25
26 By: 

Jack M. Schuler
Attorneys for Plaintiff,
Aletheia Meloncon

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State bar number, and address):
Jack M. Schuler, Esq. (SBN 90899)
SCHULER & BROWN
7100 Hayvenhurst Avenue, Suite 310
Van Nuys, CA 91406
TELEPHONE NO.: (818) 756-0999 FAX NO.: (818) 756-0998
ATTORNEY FOR (Name): Plaintiff, ALETHEIA MELONCON

FOR COURT USE ONLY
CASE NUMBER: 21C473747
JUDGE:
DEPT:

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE
STREET ADDRESS: 4050 MAIN STREET
MAILING ADDRESS:
CITY AND ZIP CODE: RIVERSIDE, CA 92501
BRANCH NAME: RIVERSIDE HISTORIC COURTHOUSE

CASE NAME: MELONCON v. PLANNED PARENTHOOD

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter Joinder
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: 21C473747
JUDGE:
DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|--|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input checked="" type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. Large number of separately represented parties d. Large number of witnesses
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision

3. Type of remedies sought (check all that apply):
a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One: Wrongful Death/Medical Malpractice
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 18, 2007
Jack M. Schuler, Esq. (SBN 90899)
(TYPE OR PRINT NAME) SIGNATURE OF PARTY OR ATTORNEY FOR PARTY

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
4050 Main Street
Riverside, CA 92501
www.riverside.courts.ca.gov

NOTICE OF TRIAL DEPARTMENT ASSIGNMENT AND CASE MANAGEMENT CONFERENCE

MELONCON VS PLANNED PARENTHOOD ET AL
CASE NO. RIC473747

The above entitled case is ASSIGNED to the HONORABLE
JUDGE DOUGLAS E. WEATHERS in Department 03 for ALL PURPOSES.

The Case Management Conference described in Rules of Court 3.721 is
scheduled for 02/27/08 at 8:30 am/pm in Department 03.

The plaintiff/cross-complainant shall serve a copy of the Notice of
Trial Department Assignment and Case Management Conference on all
defendants/cross-defendants named or added to the complaint and file
proof of service thereof.

Any challenge pursuant to Section 170.6 of the Civil Code of Procedure
shall be made within twenty (20) days (15 days pursuant to 68616(I) GC
plus 5 days pursuant to 1013(a) CCP) from the date of this notice of
assignment, or if the party has not yet appeared, then within fifteen
(15) days after the party's first appearance.

If this case has been assigned to a Judge Pro Tempore, whose
appointment as Commissioner is in accordance with Article Six, Section
Twenty-two of the Constitution of this State and who has been
appointed as a Temporary Judge pursuant to an order of the Court
under the authority of Article Six, Section Twenty-one of the
Constitution and Section 259 of the Civil Code of Procedure; within
ten (10) days of the date of this notice, the parties MUST file a
Notice of Non-Stipulation if they do not stipulate to the hearing of
pre-trial, trial and all subsequent post-trial law and motion matters
before the Commissioner.

Failure to file such notice within (10) days shall be deemed
acceptance of the assignment.

DATE OF NOTICE: 06/19/07

CLERK'S CERTIFICATE

I, Clerk of the above entitled Court, do hereby certify that on this
date, I provided the plaintiff(s) or plaintiffs' attorney of record
with a copy of the foregoing NOTICE.

CLERK OF THE COURT

Date: 06/19/07

by:


KAI PARKER