

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

APR 27 2021

BY Michael Welch II
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8 SUPERIOR COURT OF CALIFORNIA
9 FOR THE COUNTY OF SAN BERNARDINO

10 CIV SB 2109985

11 Deseriee Christine Gonzalez, a minor, by and
12 through her Guardian Ad Litem Michelle
13 Gonzalez,
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15 Plaintiff,

16 vs.

17 PLANNED PARENTHOOD/ORANGE AND
18 SAN BERNARDINO COUNTIES, INC.; a
19 California corporation; JANET CAROL
20 JACOBSON M.D.; a individual, and DOES 1-
21 100, Inclusive.

22 Defendants.

Case No.:

COMPLAINT FOR DAMAGES

- 1. MEDICAL MALPRACTICE
(Professional Medical Negligence)
- 2. MEDICAL BATTERY

By Fax

BY FAX

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24 Plaintiff, Deseriee Christine Gonzalez, a minor, by and through her Guardian Ad
25 Litem Michelle Gonzalez, hereby alleges as follows:
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GENERAL ALLEGATIONS

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1. Plaintiff, Deseriee Christine Gonzalez (hereinafter "Plaintiff") is and at all times was, an individual residing in the County of Los Angeles, State of California.
2. Plaintiff is informed and believes and based thereon alleges that Defendant Planned Parenthood/Orange and San Bernardino Counties, inc. (hereinafter "Planned Parenthood") is a non-profit corporation that provides sexual health care services in San Bernardino and Orange Counties.
3. Planned Parenthood /Orange and San Bernardino Counties, Inc. is located at 700 S Tustin Street in Orange, California and operates other facilities within San Bernardino County, including where the subject tortuous actions took place: 1873 S. Commercenter Dr. W. San Bernardino, CA. 92408
4. Plaintiff is informed and believes and based thereon alleges that Defendant Janet Carol Jacobson M.D. (hereinafter "Dr. Jacobson") is a licensed physician within the state of California, that regularly provides her services in both Orange and San Bernardino Counties, and is an employee of Planned Parenthood.
5. Upon information and belief, Planned Parenthood employees many medical professionals, including those responsible for the injuries suffered by Plaintiff as described more thoroughly herein. At all times herein mentioned, Planned Parenthood has held itself out to exercise the degree of skill, ability, and learning common to medical facilities of the type that provide sexual health care services, notably abortions, in Orange and San Bernardino Counties.
6. Plaintiff is informed and believes and based thereon alleges that each of the defendants sued herein as DOES 1-100, inclusive, are negligently responsible for the events and happenings herein referred, thereby proximately and more likely than not caused the injuries and damages to Plaintiff as alleged herein.
7. Plaintiff is ignorant of the true names and capacities of defendants sued as DOES 1 through 100, inclusive, and therefore sue these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when

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ascertained. Plaintiff is informed and believes, and alleges that each fictitiously named defendant are responsible for the alleged occurrences and injuries to Plaintiff.

JURISDICTION AND VENUE

8. The Superior Court of California, County of San Bernardino, is the proper jurisdiction and venue for this action because: (i) Defendants have been or are doing business within the jurisdiction of this Court; and (ii) a substantial portion of the acts and omissions giving rise to this Complaint occurred within this jurisdiction and district.

9. Venue is proper in this Court pursuant to California Code of Civil Procedure §395, in that Plaintiff resides within San Bernardino County and defendant operates its clinics in the County of San Bernardino, California.

FACTUAL BACKGROUND

10. On or about April 17th, 2020, Plaintiff presented herself for a consultation and examination at the Planned Parenthood, San Bernardino location, for the intended purpose of undergoing an elective abortion.

11. Prior to the procedure she was asked if she wanted a contraceptive implant placed in her arm during the scheduled procedure, she specifically refused the offer of the contraceptive implant. However, when the plaintiff awoke, following the procedure, she became aware that the implant was placed in her arm, and when she requested that it be removed she was told that they could not remove it.

12. Subsequently, on or about April 20th, 2020, the Plaintiff was taken to St. Mary's Hospital by ambulance; her initial complaints were fever, abdominal pain, vomiting, and severe cramping. The Plaintiff was admitted into the hospital and required surgery in order to address a lacerated cervix, an infection, and to remove large amounts of fetal material.

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13. Following the surgery the plaintiff was informed that the damage caused to her reproductive organs would most likely prevent her from having another child and that a hysterectomy may be necessary in the future.

FIRST CAUSE OF ACTION

(Medical Malpractice)

(Against all Defendants)

14. Plaintiff re-alleges paragraphs 1-14 as though fully set forth herein.

15. At all relevant times herein, Dr. Jacobson owed Plaintiff a duty to have and to use the degree of learning, skill, and care, ordinarily possessed and/or exercised by practitioners of the medical profession in the same or similar locality, under similar circumstances.

16. At all times relevant herein, defendant, Planned Parenthood, was responsible for the acts of their doctors and staff, as they were employed by said medical facilities and the work they performed was done within the scope of their employment.

17. By and through the medical treatment provided to plaintiff, Dr. Jacobson breached the duty of care owed to plaintiff by failing to provide the level of skill, knowledge, and care ordinarily exercised by members of the relevant medical community, as follows:

a.) Failing to exercise due care in performing the Dilation and Curettage by leaving large amounts of fetal material within the uterus, resulting in a subsequent infection requiring hospitalization and surgery.

b.) Failing to exercise due care in performing the Dilation and Curettage by lacerating the plaintiffs cervix, resulting in a subsequent physical impairment of the cervix and infection requiring hospitalization and surgery.

c.) Failing to exercise due care in performing the Dilation and Curettage causing the Plaintiff to undergo subsequent hospitalization and incur substantial medical costs, to be determined at the time of trial.

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18. Defendants' wrongful acts and omissions, as described in the Complaint, were a substantial factor in causing Plaintiffs harm and injuries. As a direct and proximate result of Defendants wrongful acts and omissions, Plaintiff experienced severe pain, mental anguish, suffering, and was forced to undergo an additional surgical procedure.

19. As a direct and proximate result of Defendants acts described herein, Plaintiff has suffered, and will continue to suffer significant physical impairment as well as emotional pain and suffering

SECOND CAUSE OF ACTION

(Medical Battery)

(Against all Defendants)

20. Plaintiff re-alleges paragraphs 1-19 as though fully set forth herein.

21. Plaintiff presented herself at the Planned Parenthood, San Bernardino location, for the intended purpose of undergoing an elective abortion.

22. Consent was given for the elective abortion and the procedure was performed on April 17th, 2020. When the patient awoke from the procedure she found that a contraceptive device had been implanted in her arm.

23. The plaintiff had specifically instructed the nursing staff that she not be given the contraceptive implant.

24. The plaintiff immediately requested that this devise be removed but the nursing staff on duty denied her request, stating that they could not remove it.

DEMAND FOR JURY TRIAL

25. Plaintiff hereby demands a jury trial on all claims, damages, and other issues presented herein that are triable to a jury.

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DATED: December 3rd, 2020

BY: [Signature]
Bruce Ighani, Esq.

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