

**DISTRICT COURT, COUNTY OF EL PASO,  
STATE OF COLORADO**

DATE FILED: September 14, 2016 4:48 PM  
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CASE NUMBER: 2016CV32503

**Court Address:**

270 South Tejon Street  
Colorado Springs, CO 80903

**Plaintiff:**

LILLIAN MAZUREK, a minor child acting through  
her mother and next friend TRINAH MAZUREK

**Defendants:**

PLANNED PARENTHOOD FEDERATION OF  
AMERICA, INC.; ROCKY MOUNTAIN  
PLANNED PARENTHOOD, INC. a/k/a PLANNED  
PARENTHOOD OF THE ROCKY MOUNTAINS,  
INC.; and MAJORS PROPERTY, LLC

*HEUSER & HEUSER, LLP*

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**▲ COURT USE ONLY ▲**

**Case No.**

**Division No. :**

**COMPLAINT**

COMES NOW Plaintiff, by and through her attorney, Benjamin P. Gifford, Esq. of Heuser & Heuser, LLP, and for her Complaint against Defendants, state and allege as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Lillian Mazurek is an 18-month-old child and is a resident of El Paso County within the State of Colorado. Lillian's next friend and Mother, Trinh Mazurek is 25 years old and is a resident of El Paso County who resides at 2315 Bruno Circle, Colorado Springs, Colorado 80916. Both Mother and daughter continue to reside in El Paso County at the time of the filing of this Complaint.
2. Defendant Planned Parenthood Federation of America, Inc. ("PPFA") is a New York Corporation. At all times relevant hereto this Defendant was registered to do business in the State of Colorado, and continues to be in good standing to do business in the State of Colorado at the time of the filing of this Complaint. PPFA provides a range of reproductive health care services in Colorado, including abortions.

3. Defendant Rocky Mountain Planned Parenthood, Inc. ("RMPP") a/k/a Planned Parenthood of the Rocky Mountains, Inc. is a Colorado Corporation that remains in good standing to do business within the State of Colorado at the time of the filing of this Complaint.
4. Defendant Majors Property, LLC ("MAJORS") is a Colorado Limited Liability Company and remains in good standing to do business in the State of Colorado.
5. Jurisdiction over Defendants is proper under C.R.S. § 13-1-124 by their regularly conducting business in El Paso County, State of Colorado, by their committing a tortious act in El Paso County, within the State of Colorado (as described more fully below) and by their ownership, use, and possession of real property situated in this state.
6. Venue is proper under C.R.C.P. 98(c) in that the events described below transpired in El Paso County, State of Colorado.

### **BACKGROUND AND FACTS**

7. PPFA is registered as a non-profit organization incorporated in the State of New York that operates over 600 clinics nationally through local and regional affiliates such as RMPP.
8. Upon information and belief, PPFA receives contributions from private and governmental sources of over \$196,000,000.00 per year.
9. On or about, August 4<sup>th</sup>, 2016 Trinah Mazurek entered into a Planned Parenthood facility to seek out personal health care.
10. Accompanying her on this visit was her 18-month-old daughter, Lillian Mazurek. While Trinah Mazurek was asked to answer intake questions by a staff member of Planned Parenthood, her daughter picked up and quickly started to ingest a liquid material that was negligently left out near an exam table, easily accessible and within the reach of a small child.
11. The ingested substance, later identified as Potassium Hydroxide, is toxic, potentially lethal, and is an extremely basic substance that is used, amongst other purposes, to conduct abortions.
12. Prior to August 4<sup>th</sup>, 2016, Plaintiff was a healthy toddler with no physical, mental or social problems.
13. As a direct and proximate cause of Defendants negligence in handling and storing a lethal chemical (Potassium Hydroxide) Plaintiff suffered severe burns to her mouth, esophagus and stomach lining amongst other burn related injuries, causing her to have surgical intervention and a prolonged stay in the intensive care unit. In addition, Plaintiff is now forced to participate in extensive ongoing medical care, which will continue into the future.
14. Because of her injuries, Plaintiff receives sustenance through a feeding tube and has significant psychological damage.

15. Plaintiff incurred significant medical bills, which continue to accrue, as she requires ongoing treatment for her injuries. Plaintiff has suffered and will continue to suffer various forms of past and future economic loss, pain, suffering, emotional distress, loss of enjoyment of life, fear of medical facilities, consistent nightmares, permanent physical impairment, and permanent disfigurement—all of which will continue into the foreseeable future.

**CLAIM FOR RELIEF AGAINST PPFA and RMPP– C.R.S. §13-21-115 (INVITEE)**

16. Plaintiff incorporates by reference paragraphs 1 through 15 above.
17. On or about, August 4<sup>th</sup>, 2016, PPFA and RMPP operated and occupied the Planned Parenthood clinic in Colorado Springs, Colorado and are considered “landowners” as defined within C.R.S. § 13-21-115.
18. Plaintiff was an invitee upon the property of PPFA and RMPP as defined per C.R.S. § 13-21-115(5).
19. Accordingly, Defendants PPFA and RMPP of Colorado had a duty of reasonable care.
20. At all times relevant herein, Plaintiff was an “invitee” under C.R.S. §13-21-115(5).
21. Defendants PPFA and RMPP owed Plaintiff a duty to exercise reasonable care to protect her against dangers of which they actually knew or should have known, pursuant to C.R.S. § 13-21-115(3)(c)(I).
22. Defendants breached that duty by unreasonably failing to exercise reasonable care. Specifically, Defendants PPFA and RMPP allowed children to enter their premises but left toxic and deadly materials lying around and at levels where young children could easily access them and; within a moment, ingest them.
23. As a result of Defendants unreasonable failure Plaintiff was severely burned, suffered personal injuries, incurred past and future medical bills, pain, suffering, emotional distress, loss of enjoyment of life, fear of similar situations, permanent physical impairment, and permanent disfigurement—all of which will continue into the foreseeable future.

**CLAIM FOR RELIEF AGAINST MAJORS– C.R.S. §13-21-115 (INVITEE)**

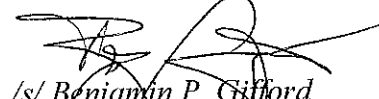
24. Plaintiff incorporates by reference paragraphs 1 through 23 above.
25. Upon information and belief, MAJORS owned and leased the land and building that is operated by PPFA and RMPP as the Planned Parenthood Clinic and is a “landowner” as defined by C.R.S. § 13-21-115.
26. Upon information and belief, MAJORS was aware that PPFA and RMPP were operating a Planned Parenthood Clinic in order to provide reproductive healthcare, including abortions, and that those abortions would by way of necessity, be using hazardous chemicals.

27. Plaintiff was an invitee upon the property owned and leased by MAJORS as per C.R.S. § 13-21-115(5).
28. MAJORS had a duty of reasonable care to protect Plaintiff and other similarly situated toddlers, of dangerous conditions on the premises of which they knew or should have known of, pursuant to § 13-21-115(3)(c)(I).
29. Given the known fact that hazardous materials were to be stored on the premises by PPFA and RMPP, it was foreseeable that chemical ingestion might occur if the chemicals were improperly stored.
30. MAJORS failed to comply with its statutory duties, including but not limited to:
  - A. Failing to provide, or requiring as part of its lease with PPFA and RMPP, that the parties provide proper storage containers, units, locked areas, or other safe spaces designated for the storage and housing of hazardous materials.
  - B. Failing to provide, or requiring as part of its lease with PPFA and RMPP, signage, posters, or other indications and warnings describing the risk of physical harm, injury or death associated with the hazardous chemicals openly housed at Planned Parenthood Clinics pose.
  - C. Failing to require PPFA or RMPP, as part of its lease agreement with them, that they properly train employees to provide reasonable and safe storage of any and all hazardous chemicals maintained on the premises.
31. MAJORS knew or should have known of the dangers and risks of the kind that occurred on August 4<sup>th</sup>, 2016 at the Planned Parenthood Clinic, or at least of the probability of the ingestion of improperly stored hazardous chemicals, that were caused by its failures as noted above.
32. MAJORS breached its duties as landowners under C.R.S. § 13-21-115.
33. As a direct and proximate cause of the dangerous conditions, Plaintiff was severely injured, incurring past and future medical bills, pain, suffering, emotional distress, loss of enjoyment of life, fear of similar situations, permanent physical impairment, and permanent disfigurement—all of which will continue into the future.

WHEREFORE Plaintiff respectfully moves this Honorable Court to enter judgment in her favor and against Defendants, for all damages allowable by law, including past and future economic loss, non-economic damages, damages for permanent impairment, costs, pre and post judgment interest; all as provided by law from the date this action occurred to the date of satisfaction of the judgment, and as otherwise provided by law, and for any and all such other and further relief this Honorable Court deems just and proper under the circumstances.

Respectfully submitted this 14<sup>th</sup> day of September 2016,

HEUSER & HEUSER, LLP



/s/ Benjamin P. Gifford  
Benjamin P. Gifford, #43571  
Attorney for Plaintiff

**Plaintiff's Address:**

2315 Bruno Circle  
Colorado Springs, Colorado 80916

*In accordance with C.R.C.P. 121 § 1-29(9) a printed copy of this document with original signatures is being maintained by the filing party and will be made available for inspection by other parties or the court upon request.*