

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

BRITTNEY FORD,

Plaintiff,

v.

VERIFIED COMPLAINT

Index No.:

PLANNED PARENTHOOD OF CENTRAL AND
WESTERN NEW YORK, INC., AMY POTTER, M.D.,
and "JANE" or "JOHN" "DOE", M.D. (1-5), whose names
are fictitious but intended to be the doctors who treated,
provided care to and/or serviced Plaintiff at Planned
Parenthood – West Seneca Medical Center
on or about January 11, 2019,

Defendants.

Plaintiff, BRITTNEY FORD, individually, by and through her attorneys,
CAITLIN ROBIN & ASSOCIATES, PLLC, as and for her Complaint against Defendants herein,
respectfully alleges, upon information and belief, as follows:

1. Plaintiff BRITTNEY FORD was and is, at all times hereinafter mentioned, a
resident of the County of Erie, State of New York.

2. That upon information and belief, and at all time hereinafter mentioned,
Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC.
was and still is, a domestic not-for-profit corporation duly organized and existing under the laws
of the State of New York with a principal place of business located at 240 Center Road, West
Seneca, New York 14224.

3. That upon information and belief, at all times hereinafter mentioned, Defendant
PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC. owned,
operated, managed, directed, administered, and/or assumed responsibility for a medical health

center located at 240 Center Road, West Seneca, New York 14224, commonly known as Planned Parenthood – West Seneca Medical Center.

4. That upon information and belief, and at all times hereinafter mentioned, Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., by and through its agents, servants and/or employees, operated, maintained, managed and was in exclusive control of said Planned Parenthood – West Seneca Medical Center, which held itself out as a medical health center duly qualified and capable of rendering medical care and treatment to members of the general public, including but not limited to the Plaintiff, BRITTNEY FORD, and for such purposes engaged the services of doctors, nurses and other professional personnel and had a duty to manage, control and supervise the care and treatment provided to such parties.

5. That upon information and belief, and at all times hereinafter mentioned, Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., by and through its agents, servants, employees, physicians, doctors, residents, nurses and/or other medical staff undertook to and did render medical care, treatment and services to Plaintiff BRITTNEY FORD.

6. That upon information and belief, at all times hereinafter mentioned, Defendants AMY POTTER, M.D., was and still is, a physician duly licensed to practice in the State of New York.

7. That upon information and belief, at all times hereinafter mentioned, Defendants “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, were and still are, physicians duly licensed to practice in the State of New York.

8. Upon information and belief, at all times hereinafter mentioned, Defendant AMY POTTER, M.D., was an owner, operator, manager and/or controlled, and was doing business for and as Planned Parenthood – West Seneca Medical Center for the care of sick and injured persons located at 240 Center Road, West Seneca, New York 14224, making her actions binding on Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC.

9. Upon information and belief, at all times hereinafter mentioned, Defendants AMY POTTER, M.D., held herself out as duly qualified to render proper and adequate medical care, treatment, and services to members of the general public, including Plaintiff BRITTNEY FORD.

10. Upon information and belief, at all times hereinafter mentioned, Defendants “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, held herself out as duly qualified to render proper and adequate medical care, treatment, and services to members of the general public, including Plaintiff BRITTNEY FORD.

11. Upon information and belief, at all times hereinafter mentioned, Defendant AMY POTTER, M.D., undertook to and did render medical care, treatment and services to members of the general public, including Plaintiff BRITTNEY FORD.

12. Upon information and belief, at all times hereinafter mentioned, Defendants “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, undertook to and did render medical care, treatment and services to members of the general public, including Plaintiff BRITTNEY FORD

13. That upon information and belief, at all times hereinafter mentioned, Defendant AMY POTTER, M.D. was acting within the scope of authority, agency, association and/or employment with Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., in rendering medical care, treatment and services to Plaintiff BRITTNEY FORD.

14. Upon information and belief, at all times hereinafter mentioned, Defendants "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, were acting within the scope of authority, agency, association and/or employment with Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., in rendering medical care, treatment and services to Plaintiff BRITTNEY FORD.

15. That upon information and belief, Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC. is vicariously responsible for the negligent, careless and reckless actions of Defendant AMY POTTER, M.D., who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019 at Planned Parenthood – West Seneca Medical Center.

16. That upon information and belief, Defendant PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC. is vicariously responsible for the negligent, careless and reckless actions of Defendants "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center.

AS AND FOR A CAUSE OF ACTION AGAINST DEFENDANTS

17. Plaintiff BRITTNEY FORD incorporates, by reference, the allegations contained in paragraphs one (1) through nineteen (19) above, as if set forth herein.

18. That upon information and belief, Plaintiff BRITTNEY FORD did seek and received medical care, treatment and/or services from Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center (collectively, the “Defendants”) for care and/or treatment pertaining to her pregnancy.

19. That from the period of time between July 20, 2018 through February 18, 2019, a relationship of physician and patient existed between Plaintiff and Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, and such relationship was one of trust and confidence on the part of Plaintiff BRITTNEY FORD.

20. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to

and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, had a duty to use reasonable care and to meet good and accepted standards of practice in their care and treatment of Plaintiff BRITTNEY FORD, including medical evaluation, diagnosis, care, treatment, services, testing and/or consultations.

21. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, medically evaluated, tested, assessed, performed a medical procedure on Plaintiff BRITTNEY FORD, obtained the results of that medical procedure and interpreted the same.

22. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, knew of or should have known in the exercise of proper professional medical judgment that the results and interpretation

of the medical procedure rendered to Plaintiff BRITTNEY FORD were abnormal, and that further medical evaluation, assessment, diagnostic testing and treatment was warranted.

23. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, failed to perform a medically proper, appropriate and complete in-clinic abortion procedure and/or evaluation, diagnosis, care, testing, consultations treatment and services to Plaintiff BRITTNEY FORD.

24. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, failed to render immediate and/or urgent medical intervention, diagnosis, care, treatment, services and consultation.

25. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to

and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, committed professional medical malpractice, were negligent, reckless and/or careless in failing to use reasonable care and deviated from the good and accepted standards of medical practice in their care, treatment and services of Plaintiff BRITTNEY FORD, including but not limited to failure to perform a complete and proper medical abortion procedure and failure to timely, properly and appropriately perform an evaluation, assessment, care, treatment, services, testing and render medical advice relative to the same.

26. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, committed medical malpractice, negligence, carelessness, recklessness and gross negligence, in that on or about January 11, 2019, they failed to properly observe, monitor and evaluate Plaintiff BRITTNEY FORD despite their awareness that her uterine wall had been pierced during the aforementioned medical procedure and her complaints of extreme pain, discomfort, cramping, heavy bleeding and inability to and/or difficulty walking, dizziness, and nausea thereafter; failed and omitted to timely order or perform studies including but not limited to an ultrasound; failed and omitted to properly treat Plaintiff BRITTNEY FORD despite their awareness that her uterine wall had been

pierced during the aforementioned medical procedure and her complaints of extreme pain, discomfort, cramping, heavy bleeding and inability to and/or difficulty walking, dizziness, and nausea thereafter; failed and omitted to administer adequate pain control medication during and after the aforementioned medical procedure; failed and omitted to perform proper and timely tests, examinations, procedures, in giving medical care to the Plaintiff BRITTNEY FORD; failed and omitted to timely transfer Plaintiff BRITTNEY FORD to another facility capable of rendering a higher level of care and/or diagnostic imaging; failed to observe and address Plaintiff BRITTNEY FORD's continuing complaints of her complaints of extreme pain, discomfort, cramping, heavy bleeding and inability to walk and/or difficulty walking, dizziness, and nausea; and otherwise failed to properly monitor Plaintiff BRITTNEY FORD's symptoms and other vital signs.

27. That from the time period of July 20, 2018 through February 18, 2019, and at all times hereinafter mentioned, Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, committed professional medical malpractice, were negligent, reckless, and/or careless, failed to use reasonable care and deviated from the good and accepted standards of medical practice in failing to perform a proper, appropriate and complete in-clinic medical abortion procedure; timely, properly and appropriately interpret Plaintiff's results; failing to timely conduct appropriate diagnostic tests; in failing to timely, properly and appropriately treat Plaintiff's condition; in not prescribing proper

medication and/or medical regimen; in causing and allowing Plaintiff's medical condition to remain untreated causing her to sustain severe and permanent injury; in failing to timely, properly and appropriately monitor Plaintiff's condition; in failing to warn Plaintiff BRITTNEY FORD of the risk of the untreated, improperly treated and/or untimely treated medical condition; in failing to timely, properly and appropriately refer Plaintiff to a specialist; in negligently departing from accepted medical practice in the timely, proper and appropriate performance of a medical evaluation, assessment, diagnosis, care, treatment, services, testing and consultation for Plaintiff BRITTNEY FORD's then existing medical condition; and in failing to heed and appreciate the significance of the Plaintiff BRITTNEY FORD's then existing medical conditions and risks associated therewith.

28. As a result of the medical malpractice negligence, carelessness, recklessness, and gross negligence of the Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and "JOHN" or "JANE" "DOE", M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, either singularly or collectively, through their agents, servants, employees, doctors, nurses, and other medical personnel, she was caused to suffer grievous bodily injury with accompanying pain and suffering; was rendered sick, sore, lame, and sustained bodily injuries of a permanent nature; incurred special damages, including, but not limited to, expenses and obligations for medical, hospital, clinical and healthcare; loss of enjoyment of life and economic loss, including past lost earnings.

29. As a result of the Defendants' failure to render reasonable care and to meet good and accepted standards of practice in their care, treatment and services of Plaintiff BRITTNEY

FORD, from July 20, 2018 through February 18, 2019, including timely evaluation, assessment, diagnosis, care, treatment, services, and testing, Plaintiff BRITTNEY FORD sustained severe permanent, personal and emotional injuries, to which the full extent of each is not presently known, including but not limited to, upon information and belief, damage to her urine wall. Her claim is also for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of quality/enjoyment of life, loss of earnings, and all other damages to which claimant is entitled to by case law and statute. All injuries claimed and sustained are permanent.

30. Plaintiff BRITTNEY FORD has suffered damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

31. That filed herewith and attached hereto as Exhibit A, is a Certificate of Merit stating that counsel for the Plaintiff has consulted with a licensed physician who concurs that there is a reasonable basis for commencement of this action.

32. This action falls within one or more of the exceptions set forth in CPLR § 1602.

WHEREFORE, Plaintiff BRITTNEY FORD, hereby demands judgment against Defendants PLANNED PARENTHOOD OF CENTRAL AND WESTERN NEW YORK, INC., AMY POTTER, M.D. and “JOHN” or “JANE” “DOE”, M.D. (1-5), whose names are fictitious but intended to be the doctors who treated, provided care to and/or serviced Plaintiff BRITTNEY FORD, on or about January 11, 2019, at Planned Parenthood – West Seneca Medical Center, jointly and severally, in a sum that exceeds the jurisdictional limitation of all lower courts that would otherwise have jurisdiction in this action; and in an amount in excess of the jurisdictional limits of all lower courts that would otherwise have jurisdiction for punitive damages, together

with the costs and disbursements of this action, including attorney's fees, and for other, further and different relief as this Court deems just and proper.

DATED: New York, New York
March 18, 2020

CAITLIN ROBIN & ASSOCIATES, PLLC



Caitlin Robin, Esq.
Attorney(s) for Plaintiff, Brittney Ford
30 Broad Street, Suite 702
New York, New York 10004
Phone: (646) 524-6026
Fax: (929) 210-7549

SUPREME COURT OF THE STATE OF NEW YORK
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on or about January 11, 2019,
Defendants.

**ATTORNEY
VERIFICATION BY
AFFIRMATION**

Index No.:

CAITLIN ROBIN, ESQ., being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before the Courts of the States of New York and affirm the following to be true under penalties of perjury.

2. I am associated with **CAITLIN ROBIN & ASSOCIATES, PLLC**, attorneys of record for Plaintiff BRITTNEY FORD, I have read the annexed Summons and Verified Complaint and know the content thereof, and the same are true to my knowledge, except those matter therein which are stated to be alleged upon information and belief, and as to those matter I believe to be true. My belief, as those matter therein not stated upon knowledge, is based upon facts, records and other pertinent information contained in my files.

3. I make the foregoing affirmation of Plaintiff BRITTNEY FORD, because the Plaintiff resides outside of the county wherein your affirmant maintains offices.

DATED: New York, New York
March 18, 2020

CAITLIN ROBIN & ASSOCIATES, PLLC



Caitlin Robin, Esq.
Attorney(s) for Plaintiff, Brittney Ford
30 Broad Street, Suite 702
New York, New York 10004
Phone: (646) 524-6026
Fax: (929) 210-7549

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SUMMONS AND VERIFIED COMPLAINT

CAITLIN ROBIN & ASSOCIATES, PLLC
Attorneys for Plaintiff
30 Broad Street, Suite 702
New York, New York, 10004
(646) 524-6026
