

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAW OFFICES OF PAUL W. RALPH
500 North State College Boulevard, Suite 1100
Orange, CA 92868
O: (714) 919-4415 F: (714) 919-4315
Paul W. Ralph, SBN 152555

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

MAR 20 2012

ALAN CARLSON, Clerk of the Court

Attorney for Plaintiff, JIYON JENNIFER KIM

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE**

JIYON JENNIFER KIM,

Plaintiff,

CASE NO. **30-2012**
00555210

vs.

PLANNED PARENTHOOD FEDERATION
OF AMERICA, INC., PLANNED
PARENTHOOD/ORANGE AND SAN
BERNARDINO COUNTIES FAMILY
PLANNING SERVICES, INC., PLANNED
PARENTHOOD/ORANGE AND SAN
BERNARDINO COUNTIES
REPRODUCTIVE HEALTH SERVICES,
INC., PLANNED
PARENTHOOD/ORANGE AND SAN
BERNARDINO COUNTIES, INC., CINDY
CHAU, N.P., DEBRA KLIPPER, N.P.,
JOHN PAUL MCHUGH, M.D., ~~JOHN~~
~~PAUL MCHUGH, M.D.~~, and DOES 1
through 30, inclusive,

COMPLAINT FOR DAMAGES

1. Medical Negligence

**JUDGE DEREK W. HUNT
DEPT. C24**

Defendants

Plaintiff, JIYON JENNIFER KIM, alleges against Defendants, and each of
them, as follows:

1 **FIRST CAUSE OF ACTION**
2 **(Medical Negligence)**

3 1.

4 The true names and capacities of the Defendants, DOES 1 through 30,
5 whether individual, corporate, associate or otherwise, are unknown to Plaintiff at the
6 time of filing this Complaint and Plaintiff, therefore, sues said Defendants by such
7 fictitious names and will ask leave of Court to amend this Complaint to show their true
8 names or capacities when the same have been ascertained. Plaintiff is informed and
9 believes, and thereon alleges, that each of the DOE Defendants is, in some manner,
10 responsible for the events and happenings herein set forth and proximately caused
11 injury and damages to the Plaintiff as herein alleged.

12 2.

13 At all times herein mentioned, Defendants, CINDY CHAU, N.P., DEBRA
14 KLIPPER, N.P., JOHN PAUL MCHUGH, M.D., and DOES 1 through 10, were and are
15 nurses, physicians and surgeons duly licensed to practice nursing and medicine in the
16 State of California and/or authorized to do business and doing business in the County of
17 Orange, State of California.

18 3.

19 Defendants, PLANNED PARENTHOOD FEDERATION OF AMERICA,
20 INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES
21 FAMILY PLANNING SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN
22 BERNARDINO COUNTIES REPRODUCTIVE HEALTH SERVICES, INC., PLANNED
23 PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC., and DOES 11
24 through 20, are and were at all times herein corporations, limited liability corporations,
25 medical groups, hospitals, clinics and/or health care providers duly organized, existing
26 and licensed under and by virtue of the laws of the State of California and/or authorized
27 to do business and doing business in the County of Orange, State of California.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

4.

That at all times herein mentioned, Defendants, CINDY CHAU, N.P., DEBRA KLIPPER, N.P., JOHN PAUL MCHUGH, M.D., and DOES 1 through 10, inclusive, and each of them, were doctors, nurses, attendants, employees, assistants, and consultants, and the like of Defendants, PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES FAMILY PLANNING SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES REPRODUCTIVE HEALTH SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC., and DOES 11 through 20, inclusive.

5.

At all times herein mentioned, each of the Defendants was the agent and employee(s) of each of the remaining Defendants and was at all times herein mentioned acting within the scope of said agency and employment.

6.

That on or about March 21, 2011, and thereafter, Plaintiff, JIYON JENNIFER KIM, consulted and engaged for compensation, the services of Defendants, CINDY CHAU, N.P., DEBRA KLIPPER, N.P., JOHN PAUL MCHUGH, M.D., PLANNED PARENTHOOD FEDERATION OF AMERICA, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES FAMILY PLANNING SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES REPRODUCTIVE HEALTH SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC., and DOES 1 through 30, and each of them, to examine, diagnose, provide information, prescribe medicines and drugs and to care for and treat a problem involving her well-being and to perform the necessary medical procedure in the further treatment of this problem.

///

///

1 7.

2 That on or about March 21, 2011, and continuing thereafter, Defendants,
3 CINDY CHAU, N.P., DEBRA KLIPPER, N.P., JOHN PAUL MCHUGH, M.D., PLANNED
4 PARENTHOOD FEDERATION OF AMERICA, INC., PLANNED
5 PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES FAMILY PLANNING
6 SERVICES, INC., PLANNED PARENTHOOD/ORANGE AND SAN BERNARDINO
7 COUNTIES REPRODUCTIVE HEALTH SERVICES, INC., PLANNED
8 PARENTHOOD/ORANGE AND SAN BERNARDINO COUNTIES, INC., and DOES 1
9 through 30, inclusive, and each of them, undertook to examine, diagnose, provide
10 information, perform medical procedures, prescribe medicines and drugs and handle
11 and control the care and treatment of Plaintiff, for her general well-being.

12 8.

13 That in the aforesaid examination and diagnosis of Plaintiff, the
14 prescription of medicines and drugs, the providing of information relative to the medical
15 abortion ultimately performed, the handling and control of the care and treatment of
16 Plaintiff, and the performance of a medical abortion procedure on or about March 24,
17 2011, and thereafter, Defendants, and each of them, negligently failed to possess and
18 to exercise that degree of knowledge and skill ordinarily possessed and exercised by
19 other physicians and surgeons, hospitals, nurses, attendants, and the like, engaged in
20 said profession in the same or similar locality as the said Defendants, and each of them.

21 9.

22 As a direct and proximate result of the negligence, carelessness,
23 recklessness, wantonness, and unlawfulness of the Defendants, and each of them,
24 Plaintiff sustained severe and serious injury to her person, all to Plaintiff's damage in a
25 sum within the jurisdiction of this court and to be shown according to proof.

26 10.

27 By reason of the foregoing, Plaintiff has been required to employ the
28 services of hospitals, physicians, surgeons, nurses and other professional services, and

1 Plaintiff has been compelled to incur expenses for ambulance service, medicines, x-
2 rays, and other medical supplies and services. Plaintiff is informed and believes, and
3 thereon alleges, that further services of said nature will be required by Plaintiff in an
4 amount to be shown according to proof.

5 11.

6 By reason of the foregoing, Plaintiff was unable to work in her usual
7 gainful employment for some period of time following the alleged negligence of
8 Defendants and therefore incurred a loss of earnings in an amount to be shown
9 according to proof. Plaintiff is informed and believes, and upon such information and
10 belief, alleges that she will be unable to work at any gainful employment for an indefinite
11 period in the future, all to Plaintiff's damage in an amount to be shown according to
12 proof.

13 WHEREFORE, Plaintiff, JIYON JENNIFER KIM, prays for judgment
14 against the Defendants, and each of them, as follows:

15 **FIRST CAUSE OF ACTION**

- 16 A. General damages in a sum according to proof;
- 17 B. Sums incurred and to be incurred for services to hospitals,
18 physicians, surgeons, nurses and other professional services,
19 ambulance service, x-rays and other medical supplies and services;
- 20 C. Loss of income incurred and to be incurred according to proof;
- 21 D. For interest provided by law including, but not limited to, California
22 Civil Code, Section 3291;
- 23 E. Costs of suit and, for such other and further relief as the court
24 deems proper; and
- 25 F. For trial by jury.

26
27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: March 17, 2012

LAW OFFICES OF PAUL W. RALPH



By: _____
PAUL W. RALPH, Attorney for
Plaintiff, JIYON JENNIFER KIM