

USTED ESTA ORDENADO COMPARECER EN Arbitration Hearing 1880 JFK Blvd. 5th fl. at 09:29 AM - 01/12/2010
 You must still comply with the notice below. USTED TODAVIA DEBE CUJPLIR CON EL AVISO PARA DEFENDERSE.
 This matter will be heard by a Board of Arbitrators at the time, date and place specified but, if one or more parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo or appeal from a decision entered by a Judge.

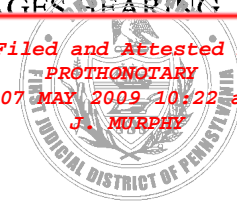
SAFFREN & WEINBERG
 By: Kenneth S. Saffren, Esquire

THIS IS AN ARBITRATION MATTER
 ASSESSMENT OF DAMAGES HEARING

Atty. I.D. No. 44195
 815 Greenwood Avenue, Suite 22
 Jenkintown, PA 19046
 Telephone: (215) 576-0100

IS REQUIRED
 Attorney For Plaintiff(s)

Filed and Attested by
 PROTHONOTARY
 07 MAY 2009 10:22 am
 J. MURPHY



TIFFANY ALLEN
 3709 North 6th Street, Apt. 2
 Philadelphia, Pa 19140
 Plaintiff,

: COURT OF COMMON PLEAS
 : PHILADELPHIA COUNTY

vs.

TERM, 2009

PLANNED PARENTHOOD OF
 SOUTHEASTERN PA
 1144 Locust Street
 Philadelphia, PA 19107
 and
 HOLLY HAMEL, C.R.N.P.
 c/o PLANNED PARENTHOOD OF
 SOUTHEASTERN PA
 1144 Locust Street
 Philadelphia, PA 19107
 Defendants.

: NO.

NOTICE TO PLEAD

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE. GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Reference Service
 One Reading Center
 Philadelphia, PA 19107
 Telephone: 238-6333

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asenter una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea a visado que si usted no se defiends, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso a notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted. LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO SI NO TIENE EL DINERO DUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

Service de Referencia Legal
 Uno Reading Centro
 Filadelfia, PA 19107
 Telefono: 238-6333

Commonwealth of Pennsylvania, engaged in the business of providing health care and/or medical care services to the general public within and about the Commonwealth of Pennsylvania, with a principal place of business located 1144 Locust Street in Philadelphia, PA.

4. It is believed and therefore averred that Defendant, Hamel, was the agent, servant, workman and/or employee of the Defendant, Planned Parenthood of Southeastern PA, or in the alternative, was a practitioner utilizing the facilities of said medical center. In the latter case said Defendant nurse practitioner was an apparent agent of the medical center, and was held out as an agent, servant, workman and/or employee to the public such as Plaintiff and therefore vicarious liability exists with respect to her activities.

5. Defendants hold themselves out, advertises and/or otherwise represents to the general public that it and its agents, servants, workmen and/or employees are competent to provide proper, adequate and/or appropriate medical care.

6. On or about May 26, 2007, Plaintiff presented to the Planned Parenthood of Southeastern PA to undergo an abortion.

7. On or about, May 26, 2007 Defendant, Planned Parenthood by and through its agents servants workmen and/or employees including but not limited to Defendant, Hamel, evaluated the Plaintiff and partially performed the abortion.

8. Thereafter, on or about May 26, 2007, Defendants discharged Plaintiff, despite the fact that the abortion was not complete.

9. Thereafter, through on or about June 1, 2007, Plaintiff suffered contractions, cramping, pain and bleeding.

10. At all times relevant hereto, Plaintiff was improperly and inappropriately treated by the Defendants despite the availability of Plaintiff's test results and screening

and Defendants' own review of the Plaintiff's condition, during the evaluation and treatment rendered to Plaintiff.

11. Based upon information and belief, as a result of being improperly and inappropriately treated by Defendants Plaintiff suffered severe and permanent injury including an incomplete abortion and the retaining of products of conception which required further surgical procedures including dilation and evacuation and exam under anesthesia.

COUNT I - NEGLIGENCE
PLAINTIFF V. DEFENDANT, HAMEL

12. Paragraphs 1 through 11 are incorporated herein by reference here as though more fully set forth at length herein.

13. Defendant, Hamel, holds herself out to be a nurse practitioner who possesses skill and knowledge in her respective specialty, who rendered care and/or treatment to Plaintiff and who held herself out to the public as being so qualified.

14. Defendant, Hamel, failed to exercise the judgment of a reasonable nurse practitioner under the circumstances as follows:

- a. Failing to properly perform diagnostic studies to evaluate the patient prior to surgery;
- b. Failing to perform proper tests, review the patient's history and to determine the appropriateness of treatment and/or surgery;
- c. Failing to perform a complete and thorough evaluation of the patient's condition prior to surgery and therefore failing to make a sound decision as to the necessity of the surgery performed or the proper course to take after surgery;

d. Failing to perform the procedures properly and in a competent manner so as to prevent the development of the problems which were encountered at surgery and thereafter;

e. Failing to perform an aggressive non-surgical management of the patient's complaints and symptoms;

f. Failing to call in adequate and/or appropriate expertise from other medical specialists when problems were encountered;

g. Failing to perform proper and/or adequate care and/or treatment;

h. Failing to order and properly evaluate diagnostic tests and/or history;

i. Failing to properly regard the patient's history and/or complaints of pains and/or other symptoms and neglecting same;

j. Failing to properly diagnose the nature of Plaintiff's problem or the seriousness thereof and act according to reasonable standards;

k. Failing to maintain and keep adequate records, reports and/or notes so as to allow proper treatment and/or follow-up by hospital employees, agents and/or servants;

l. Failing to prescribe and/or administer adequate medications prior to and subsequent to surgery when she knew or should have known that Plaintiff required the same;

m. Failing to recognize the existence of an incomplete abortion prior to the discharge; and

15. As a direct and/or proximate result of the conduct set forth, Plaintiff has suffered the following:

- a. Extended pain and/or suffering due to the failure to diagnose and/or properly treat Plaintiff's condition;
- b. Serious and permanent injuries due to the failure to diagnose and/or treat Plaintiff's condition;
- c. Unnecessary medical bills, lost wages and/or other expenses incurred as a result of the unnecessary surgery;
- d. Embarrassment, mental anguish and/or humiliation; and
- e. Excessive blood loss.

16. As a direct and/or proximate result of Defendant's negligence, Plaintiff has experienced excruciating pain and/or suffering, a necessity for extended care and/or treatment, embarrassment, mental anguish and/or humiliation as well as out of pocket expenses.

WHEREFORE, Plaintiff, Tiffany Allen, demands judgment against the Defendant, Holly Hamel, C.R.N.P. jointly, severally and/or individually in an amount not in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with interest and costs of suit of any other relief this Court deems just and proper.

**COUNT II - NEGLIGENCE
PLAINTIFF V. DEFENDANT,
PLANNED PARENTHOOD OF SOUTHEASTERN PA**

17. Paragraphs 1 through 16 are incorporated herein by reference here as though more fully set forth at length herein.

18. At all times relevant hereto, Defendant, Planned Parenthood of Southeastern PA, was acting by and through its agents, servants, workmen and/or employees who were acting in the course and scope of their employment and in the furtherance of the interests of the Defendant.

19. Defendant, Planned Parenthood of Southeastern PA, has a duty and/or responsibility to its patients and the public to furnish appropriate and/or competent medical care, medical staff, including pre-surgical, surgical and/or post-surgical medical staff in situations such as that presented by Plaintiff.

20. As part of its duties and/or responsibilities, Defendant has an obligation to establish policies and/or procedures and have competent medical people who will guarantee the quality of medical practice which is conducted within the institution.

21. As an entity acting through its administration, various boards, committees, individuals, Defendant is responsible for the standards of professional practice by members of its staff in the manner set forth.

22. Defendant has an obligation to establish proper treatment on individuals presenting symptoms such as those presented by Plaintiff.

23. Defendant was negligent in the following manner:

a. Nursing and/or other professional care failed satisfactorily to monitor Plaintiff's condition, recognize and/or take appropriate measures to remedy said condition;

b. Failing to adhere to reasonable nursing care in a manner which was far below what would ordinarily be expected;

c. Failing to recognize the failure of the physicians in obtaining other competent care and/or medical treatment;

d. Failing to perform a proper history, diagnostic tests, act upon the result of such tests and/or history of the patient;

e. Failing to hire, train and/or supervise physicians in a competent manner;

- f. Failing to properly supervise employees, agents, workmen and/or servants including doctors, in the care, management and treatment of Plaintiff;
- g. Failing to assure adequate and/or proper standards with respect to performance of surgery such as that was performed on Plaintiff and/or failing to assure adequate expertise available;
- h. Failing to hire and/or train competent physicians who would have discerned the nature of Plaintiff's problem and/or treated it properly;
- i. Failing to assign competent and/or professional staff in conformity with reasonable standards in treatment of individuals such as Plaintiff;
- j. Failing to supervise, employ or otherwise manage employees, staff, and/or medical personnel in the dispensing of reasonable services to the Plaintiff;
- k. Failing to establish proper and/or prudent procedures for obtaining medical histories and/or medical symptoms;
- l. Failing and/or refusing to extend proper and/or reasonable services;
- m. Failing to possess, hire and/or train individuals possessing the degree of professional learning, skill and/or ability which others similarly situated ordinarily possess in the treatment of people such as Plaintiff;
- n. Failing to exercise reasonable care and/or diligence in the application of knowledge and/or skill to Plaintiff's case;
- o. Failing to use best judgment in the treatment and/or care of patients such as Plaintiff;
- p. Holding out expertise which induced Plaintiff to believe that adequate and/or proper care would be provided when, in fact, adequate, proper and/or reasonable care was not available or was not provided;

q. Failing to meet recognized standards of good practice in the profession of treatment of individuals such as the Plaintiff;

r. Failing to adhere to accepted procedures of administering new treatment to individuals such as Plaintiff;

s. Failing to adequately and/or properly inform Plaintiff of her treatment, the effects thereof and/or alternative treatment;

t. Failing to Comply with a physician's order sheet;

u. Failing to provide proper accessibility to competent professionals; and

w. Failing to recognize the existence of an incomplete abortion prior to discharge.

24. As a direct and/or proximate result of the conduct set forth, Plaintiff has suffered the injuries and losses hereinabove described.

WHEREFORE, Plaintiff, Tiffany Allen, demands judgment against the Defendant, Planned Parenthood of Southeastern PA, jointly, severally and/or individually in an amount not in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with interest and costs of suit of any other relief this Court deems just and proper.

COUNT III - VICARIOUS LIABILITY

PLAINTIFF V. DEFENDANT,

PLANNED PARENTHOOD OF SOUTHEASTERN PA

25. Plaintiff hereby incorporates paragraphs 1 through 24 by reference as though the same were more fully set forth at length herein.

26. Defendant, nurse practitioner and medical providers at Planned Parenthood are agents, servants, workmen, employees, officers and/or directors of Defendant, Planned Parenthood of Southeastern PA, or are apparent agents held out as such.

27. At all relevant times, Defendant's physician(s) and nurse(s) were acting in the scope of their employment as agents, servants, workmen and/or employees of the Defendant, Planned Parenthood of Southeastern PA.

28. Defendant is vicariously liable for the actions and/or commissions or omissions of the Defendant physician(s) and nurse(s) fully as though the aforementioned hospital performed the acts and/or omissions itself.

29. As a direct and/or proximate result of the conduct set forth, Plaintiff has suffered the injuries and losses hereinabove described.

WHEREFORE, Plaintiff, Tiffany Allen, demands judgment against the Defendant, Planned Parenthood of Southeastern PA, jointly severally and/or individually in an amount not in excess of FIFTY THOUSAND DOLLARS (\$50,000.00), together with interest and costs of suit of any other relief this Court deems just and proper.

SAFFREN & WEINBERG

By: 

KENNETH S. SAFFREN, ESQUIRE
Attorney for Plaintiff

VERIFICATION

I, KENNETH S. SAFFREN, ESQUIRE, hereby state that I am the attorney for the Plaintiff in this action and that the statements made in the foregoing Amended Civil Action Complaint, are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.



KENNETH S. SAFFREN, ESQUIRE

DATED: 5/6/09