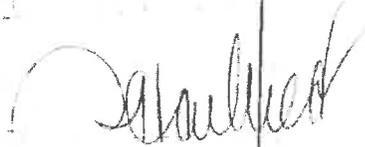


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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 FOR THE COUNTY OF CONTRA COSTA

SUMMONS ISSUED

10 UNLIMITED JURISDICTION

30290
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11 C 05 - 01743 - BY FAX

12 KELLY HORDE

Case No.

13 Plaintiff,

Complaint filed:

14 v.

COMPLAINT FOR DAMAGES:

15 PLANNED PARENTHOOD, CONTRA
16 COSTA REGIONAL MEDICAL CENTER
and DOES 1 - 50, inclusive.

PER LOCAL RULE 5 THIS
CASE IS ASSIGNED TO
DEPT 2

17 Defendants.
18

19 COMES NOW Plaintiff, KELLY HORDE and brings against defendants PLANNED
20 PARENTHOOD, CONTRA COSTA COUNTY REGIONAL MEDICAL CENTER, (hereinafter
21 "Contra Costa Regional") and DOES 1 - 50, inclusive THE FOLLOWING CAUSES OF
22 ACTION:

- 23 1. Kelly Horde resides in Baypoint, California.
- 24 2. The facts stated in support this complaint occurred in Contra Costa County.
- 25 3. Planned Parenthood's principal place of business is in Concord, California.
- 26 4. Contra Costa Regional's principal place of business is in Martinez, California.

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1 12. On August 17, 2004, when Ms. Horde was at least two months pregnant, she went
2 to the Contra Costa Regional because of violent vomiting and heartburn. There, she told the staff
3 that she was taking Depo Privera. The nurse drew five vials of blood and Ms. Horde was
4 completely examined. Apparently, she was not checked for pregnancy. She was diagnosed with
5 a peptic ulcer and acid reflux. She was prescribed medication, which she began taking
6 immediately.

7 13. On August 21, 2004, Ms. Horde went to Planned Parenthood for her annual exam
8 and to find out if the vomiting and acid reflux were side effects of Depo Privera. The annual
9 exam included a wet pap smear and pelvic examination. She was told she was healthy and not
10 pregnant. There was no explanation for the vomiting and acid reflux as these are not side effects
11 of Depo Privera.

12 14. On September 21, 2004, when Horde was four months pregnant, she returned to
13 Planned Parenthood for the scheduled Depo Privera injection. She gave a urine sample, for
14 which she believed was for pregnancy testing. She was injected and left. At no time was she
15 told she was pregnant. In the interim, she went to the County Hospital in Pittsburgh. She
16 thought she had a tumor because her abdomen was getting larger. Again, she was assured she
17 was not pregnant because she was taking Depo Privera.

18 15. On October 21, 2004, Ms. Horde returned to Planned Parenthood and asked for a
19 pregnancy test. She had thought that the urine she gave on each visit to Planned Parenthood was
20 for pregnancy testing. Apparently, the results were either disregarded or not read because by this
21 time, although three urine samples had been given while she was pregnant and she underwent a
22 complete pelvic examination, she was twenty two weeks pregnant. She was provided a list of
23 doctors who would do second trimester abortions for cash because after twenty weeks medi-care
24 is no longer accepted.

25 16. Ms. Horde went to her obstetrician and underwent a sonoram. The fetus was fully
26 formed and sucking his thumb. At this point, Ms. Horde could not undergo an abortion once she
27 had seen her child. She waited out the remainder of her pregnancy with great anxiety that the
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1 baby would be born with birth defects given she had two Depo Privera injections and prescribed
2 medications for a peptic ulcer and acid reflux while she was pregnant.

3 17. Ms. Horde gave birth on March 29, 2005, to a healthy baby boy whom she named
4 Elijah.

5 18. At all times herein mentioned, Planned Parenthood carelessly and negligently
6 failed to diagnose Kelly Horde as pregnant. Planned Parenthood's conduct caused Kelly Horde
7 to suffer severe personal injuries, including shock to her nervous system and person and pain and
8 suffering, all to her general damage in a sum subject to proof at trial.

9 19. Because of Planned Parenthood's negligence, Kelly Horde will have to pay for the
10 upbringing of her child from birth until the age of eighteen years. Planned Parenthood is
11 responsible for the cost of raising that child.

12 **SECOND CAUSE OF ACTION**

13 **(Medical Malpractice/Wrongful Life)**

14 **(Against Planned Parenthood and DOES 1 through 25)**

15 20. Paragraphs 1 though 19 are incorporated herein.

16 21. Planned Parenthood failed to meet the standard of care in the medical community
17 for pregnancy testing. Planned Parenthood allowed Kelly Horde to undergo Depo Privera
18 injections while pregnant.

19 22. At all times herein mentioned, Planned Parenthood carelessly and negligently
20 failed to meet the standard of care in the medical community by failing to diagnose Kelly Horde
21 as pregnant. Planned Parenthood's conduct caused Kelly Horde to suffer severe personal
22 injuries, including shock to her nervous system and person and pain and suffering, all to her
23 general damage in a sum subject to proof at trial.

24 23. Because of Planned Parenthood's negligence which gives rise to medical
25 malpractice, Kelly Horde will have to pay for the upbringing of her child from birth until the age
26 of eighteen years. Planned Parenthood is responsible for the cost of raising that child.

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THIRD CAUSE OF ACTION

(General Negligence)

(Against Contra Costa Regional Medical Center and Does 26 through 50)

24. Paragraphs 1, 2, 4-8 and 12 are incorporated herein.

25. On August 17, 2004, when Ms. Horde was at least two months pregnant, she went to the Contra Costa Regional because of violent vomiting and heartburn. There, she told the staff that she was taking Depo Privera. The nurse drew five vials of blood and Ms. Horde was completely examined. Apparently, she was not checked for pregnancy. She was diagnosed with a peptic ulcer and acid reflux. She was prescribed medication, which she began taking immediately.

26. Ms. Horde gave birth on March 29, 2005, to a healthy baby boy whom she named Elijah.

27. At all times herein mentioned, Contra Costa Regional carelessly and negligently failed to diagnose Kelly Horde as pregnant. Contra Costa Regional's conduct caused Kelly Horde to suffer severe personal injuries, including shock to her nervous system and person and pain and suffering, all to her general damage in a sum subject to proof at trial.

28. Because of Contra Costa Regional's negligence, Kelly Horde will have to pay for the upbringing of her child from birth until the age of eighteen years. Contra Costa Regional is responsible for the cost of raising that child.

29. Kelly Horde has complied with the Government Tort Claims Act by filing both a claim and leave to file a late claim. Both were denied on the basis that she failed to file a claim within six months of the date of discovery that she was pregnant. Kelly Horde could not file a claim until her child was born because damages begin to accrue once the child is born. Kelly Horde currently has another claim pending with the Contra Costa Regional. Kelly Horde's damages accrue from the date of birth of her son. Kelly Horde filed a claim within six months of the date that her son was born.

FOURTH CAUSE OF ACTION**(Medical Malpractice/Wrongful Life)**

(Against Contra Costa Regional Medical Center and DOES 26 through 50)

30. Paragraphs 24 through 29 are incorporated herein.

31. On August 17, 2004, when Ms. Horde was at least two months pregnant, she went to the Contra Costa Regional because of violent vomiting and heartburn. There, she told the staff that she was taking Depo Privera. The nurse drew five vials of blood and Ms. Horde was completely examined. Apparently, she was not checked for pregnancy. She was diagnosed with a peptic ulcer and acid reflux. She was prescribed medication, which she began taking immediately.

32. Ms. Horde gave birth on March 29, 2005, to a healthy baby boy whom she named Elijah.

33. At all times herein mentioned, Contra Costa Regional carelessly and negligently failed to meet the standard of care in the medical community by failing to diagnose Kelly Horde as pregnant. Contra Costa Regional's conduct caused Kelly Horde to suffer severe personal injuries, including shock to her nervous system and person and pain and suffering, all to her general damage in a sum subject to proof at trial.

23. Because of Contra Costa Regional's negligence which gives rise to medical malpractice, Kelly Horde will have to pay for the upbringing of her child from birth until the age of eighteen years. Contra Costa Regional is responsible for the cost of raising that child.

29. Kelly Horde has complied with the Government Tort Claims Act by filing both a claim and leave to seek a late claim. Both were denied on the basis that she failed to file a claim within six months of the date of discovery that she was pregnant. Kelly Horde could not file a claim until her child was born because damages begin to accrue once the child is born. Kelly Horde currently has another claim pending with the Contra Costa Regional. Kelly Horde's damages accrue from the date of birth of her son. Kelly Horde filed a claim within six months of the date that her son was born.

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PRAYER

KELLY HORDE THEREFORE PRAYS FOR JUDGMENT;

A. A judgment decreeing that Kelly Horde is entitled to a monetary judgment against Planned Parenthood and Contra Costa Regional Medical Center for both general and special damages according to proof a trial.

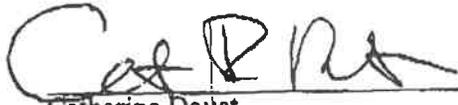
B. An award of Kelly Horde's reasonable attorneys' fees, if appropriate.

C. An awarding Kelly Horde's costs of suit; and

E. Any other further relief that the court deems just.

Dated: August 16, 2005

CATHERINE R. DOUAT & ASSOCIATES



Catherine Douat
Attorney for Plaintiff
KELLY HORDE