

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

VALARIE ISABEL,)
716 NE Ball Drive, Apt A)
Lee's Summit, MO 64086)

Plaintiff,)

vs.)

Case No. _____

PLANNED PARENTHOOD OF)
KANSAS AND MID-MISSOURI,)
Serve Registered Agent)
Douglas Ghertner)
4600 Madison Avenue, Suite 600)
Kansas City, MO 64112)

and)

VICTORIA ZADOYAN, CNM,)
815 N Noland Rd Suite 6)
Independence, MO 64050)

and)

CENTER FOR DISEASE DETECTION,)
Serve Registered Agent)
CT Corporation Sytem)
1999 Bryan Street, Suite 900)
Dallas, TX 75201)

Defendants.)

PETITION FOR DAMAGES
(Medical Negligence)

COMES NOW Plaintiff, Valarie Isabel, by and through her attorneys, and for her

Petition states:

1. Plaintiff is a resident of Lee's Summit, Jackson County, Missouri.

2. Planned Parenthood of Kansas and Mid-Missouri (“Planned Parenthood”) is a nonprofit corporation organized under the laws of Missouri. Defendant, Victoria Zadoyan, CNM was a certified nurse midwife employed by Planned Parenthood under the supervision of Defendant Orrin A. Moore, M.D., who was also employed by Planned Parenthood.

3. On March 5, 2014, Plaintiff went to the office of Planned Parenthood located at 815 N. Noland, Suite 6, in Independence, Missouri for a normal periodic well woman examination. Plaintiff was examined by Defendant, Victoria Zadoyan, CNM. As part of her examination, Defendant, Victoria Zadoyan performed a pap smear and ordered CT/GT Combo-Swab and Thin Prep RFX – ASCUS-LSIL, which is a screening test for cervical cancer.

4. The CT/GT Combo-SWAB was completed, but the Thin Prep RFX – ASCUS-LSIL was not completed. Plaintiff was informed at the time of her pap smear that she would be notified of any abnormality in her test results and thus assumed because she was not notified that all of her pap smear tests were normal.

5. For reasons unknown to Plaintiff, the Thin Prep RFX-ASCUS-LSIL was never obtained and Plaintiff, Valerie Isabel, was never informed that the test was not obtained.

6. Plaintiff returned to Planned Parenthood on June 1, 2015 for a well woman visit and a pap smear was obtained again. The CT/GT Combo-Swab test was completed and this time a ThinPrep/HPV Combo was performed and the test was abnormal. There was a high grade squamous intraepithelial lesion (HSIL) encompassing: moderate to severe dysplasia (CIN 2/ CIN 3/ CIS). The test was obtained from the Center for Disease Detection, a Delaware corporation whose office was located in San Antonio, Texas at 11603 Crosswinds Way. According to the pathology report, the interpretation was verified by Sharon K. Rosenthal, M.D.

7. Plaintiff was subsequently advised that she had cervical cancer and her physicians advised her to have a hysterectomy performed, which was performed on January 8, 2016.

8. On information and belief, Plaintiff believes that the Center for Disease Detection was the pathology lab in March of 2014 that was performing laboratory analysis of pap tests to determine if premalignant and malignant lesions existed in and on the cervix. Plaintiff has not been informed as to whether Center for Disease Detection failed to obtain a proper test, failed to communicate the results of the test to Planned Parenthood, or never received the pap test to perform the analysis.

9. Planned Parenthood, acting through Defendant Victoria Zadoyan, CNM, who was acting under the supervision of Defendant Orrin A. Moore, M.D., and one or more unidentified employees of Planned Parenthood who were responsible for transmitting pap smears to the lab, reporting the results of pap smear testing by the lab, and for notifying patients of the results of tests or failure of tests, were negligent in the following respects:

- a) They failed to properly transmit the pap smear to the laboratory;
- b) They failed to take precautions in transmittal of the pap smear so proper testing could be obtained;
- c) They failed to notify Plaintiff of the test results, or the failure of the test, or that a test was not done, or that a test needed to be redone;
- d) They failed to notify Plaintiff that because of the failure of the test, they could not determine if she had premalignant or malignant lesions;
- e) They failed to inform Plaintiff that she was at risk for premalignant and malignant lesions;
- f) They failed to retest Plaintiff in a timely manner; and

g) They failed to report and record that the test was not properly done or done at all.

10. Defendant Center for Disease Detection was negligent in the following respects:

- a) It failed to properly test the pap smear;
- b) It failed to report the results of the pap smear;
- c) It failed to properly handle the pap smear to test it; and
- d) It failed to notify Planned Parenthood that the test could not be done.

11. The negligence of Defendants directly caused or directly contributed to cause a 14 month delay in diagnosing pre-malignancy or malignancy and as a direct result of the delay, Plaintiff had to undergo a hysterectomy.

12. Plaintiff has incurred significant medical expenses in an undetermined amount as a direct result of the hysterectomy.

13. Plaintiff has incurred lost income as a result of the surgery and recovery from the surgery.

WHEREFORE, Plaintiff prays the Court for its judgment for a fair and reasonable amount in excess of Twenty-five Thousand Dollars (\$25,000.00) as determined by a jury, together with the costs incurred herein and for such further relief as the court may deem just and proper.

Respectfully submitted,

WHITE, GRAHAM, BUCKLEY & CARR, LLC

By: /s/ C. Robert Buckley

C. Robert Buckley #28837
William L. Carr #40091
19049 E. Valley View Parkway, Suite C
Independence, Missouri 64055
(816) 373-9080
(816) 373-9319 Tele-facsimile
bbuckley@wagblaw.com
bcarr@wagblaw.com