

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

LETTIA DAVIES,

Plaintiff,

vs.

PLANNED PARENTHOOD OF THE
ST. LOUIS REGION

Defendant.

Cause No.:

052-9244

SERVE AT:

Registered Agent, Paula M. Gianino
4251 Forest Park Avenue
St. Louis, MO 63108

2005 AUG 24 PM 1:44

FILED
CIRCUIT CLERK'S OFFICE
MARIANO V. FAVAZZA

PETITION

COME NOW Plaintiff, by and through their counsel, and state and aver as follows:

1. Plaintiff Letitia Davies (hereinafter "Plaintiff") is a resident and citizen of the State of Missouri.
2. Defendant Planned Parenthood of the St. Louis Region (hereinafter Defendant Planned Parenthood) is a corporation organized under the laws of the State of Missouri and whose primary business is located within the confines of the City of St. Louis.
3. At all times concerned herein Defendant Planned Parenthood held themselves out to the public in general and to Plaintiff in particular as being an able and skilled medical care facility possessing residents, doctors and nurses having the same or higher level of skill and training as other members in their profession and that they were well able to render proper and adequate care for the conditions which Plaintiff then suffered from.

4. At all times concerned herein Marvin Camel, M.D., was a physician licensed to practice medicine in the State of Missouri and was an agent, servant and/or employee of Defendant Planned Parenthood and at the time he rendered any care and treatment to Plaintiff was acting within the course and scope of his agency and/or employment with Defendant Planned Parenthood.

4. At all times concerned herein Denise Jordan, C.F.N.P, was an agent, servant and/or employee of Defendant Planned Parenthood and at the time she rendered any care and treatment to Plaintiff was acting within the course and scope of his agency and/or employment with Defendant Planned Parenthood.

5. On or about August 6, 2003, Ms. Davies underwent a left breast exam due to complaints of left breast pain for three months. This exam was performed by Denise Jordan, C.F.N.P, under the supervision of Dr. Marvin Camel, both agents, servants and/or employees of Defendant Planned Parenthood. The diagnosis from the exam and visit was "breast pain".

6. No follow-up evaluation was ordered for this breast abnormality. No mammogram was ordered for this breast abnormality. No needle aspiration or other forms of biopsy or evaluation was done to evaluate the findings of the abnormality of the left breast.

7. On July 16, 2004, Plaintiff received a mammogram and was sent for evaluation to Dr. Jill Dietz at Washington University for an abnormality found on the mammogram.

8. An ultrasound confirmed a suspicious abnormality in the left outer quadrant of the left breast.

9. An MRI was also performed which revealed a geographic area in the left breast in the three o'clock position which was felt to be concerning for ductal carcinoma in situ. This was

performed by Dr. Dietz.

10. A sentinel lymph node biopsy procedure was performed on October 11, 2004. This reported no evidence of carcinoma in three lymph nodes. In one sentinel lymph node, micrometastasis was noted.

11. On October 25, 2004, she underwent a left mastectomy. This revealed invasive micropapillary carcinoma grade III/III. Ductal carcinoma in situ was also seen.

12. According to the pathology report, the diagnosis was a Stage II-A invasive micropapillary carcinoma of the left breast grade III/III.

COUNT I

COMES NOW Plaintiff, Letitia Davies, by and through her attorneys, and states the following cause of action against defendant Planned Parenthood. In support, plaintiff states the following:

13. Plaintiff re-alleges and incorporates by reference each allegation contained in Paragraphs 1 through 12 of plaintiff's petition as though fully set out herein;

14. At all times concerned herein Defendant Planned Parenthood held themselves out to the public in general and to Plaintiff in particular as being an able and skilled medical care facility possessing residents, doctors and nurses having the same or higher level of skill and training as other members in their profession and that they were well able to render proper and adequate care for the conditions which Plaintiff then suffered from.

15. The injuries and damages of Plaintiff as are hereinafter more fully set forth with a direct and proximate result of the negligence, carelessness, faults and omissions of Defendant Planned Parenthood by and through agents, servants and/or employees in one, more, or all the following particulars, to-wit:

- 1) failed to perform a thorough physical examination of the left breast Defendant negligently;
- 2) Defendant negligently failed to order a mammogram on the left breast.
- 3) Defendant negligently failed to perform any diagnostic tests of the left breast including a sonogram, an MRI, a mammogram or a surgical biopsy and/or surgical needle infiltration of the tenderness involved.
- 4) Defendant failed to refer the plaintiff to a physician for complete evaluation of the breast mass.
- 5) Defendant failed to refer the plaintiff to a breast cancer specialist for evaluation.

16. As a direct and proximate result of the negligence of this Defendant as aforesaid,

Plaintiff has sustained the following damages:

- 1) Plaintiff has incurred substantial medical bills, pharmaceutical bills and hospital bills in the past and will continue to do so in the future;
- 2) Plaintiff has sustained severe physical and mental pain and suffering in the past and will continue to do so in the future;
- 3) Plaintiff has lost enjoyment of life in the past and will continue to do so in the future.
- 4) Plaintiff has lost wages in the past and may continue to do so in the future.

WHEREFORE, Plaintiff prays for judgment against Defendant Planned Parenthood in such sum as will reasonably and fairly compensate her for her damages incurred herein in excess of Twenty-Five Thousand Dollars (\$25,000.00) together with her costs incurred herein. herein;

Respectfully Submitted,

COCRAN, CHERRY, GIVENS, SMITH,
CALDWELL & SINGLETON, L.L.C.



~~Michael L. Walton, #48428~~

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Attorneys for Plaintiff