

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
ST. LOUIS CITY

ALEXIS GIBBONS, mother of)
Jackson Gibbons, deceased,)

And)

RICHARD GIBBONS, father of)
Jackson Gibbons, deceased,)

Plaintiffs,)

v.)

Cause No.

PLANNED PARENTHOOD OF THE)
ST. LOUIS REGION & SOUTHWEST)
MISSOURI,)

Division No.

Serve at: Mary M Kogut)
4251 Forest Park Ave)
St. Louis, MO 63108)

and)

JURY TRIAL DEMANDED

PATHOLOGY SERVICES, INC.,)
Serve at: James R. Miller, M.D.)
2916 S. Brentwood Blvd)
Brentwood, MO 63144)

Defendants.)

PETITION

GENERAL ALLEGATIONS

COMES NOW Plaintiffs Alexis Gibbons and Richard Gibbons for themselves and, for their general allegations against Defendants Planned Parenthood and Pathology Services, state and show the Court as follows:

1. Alexis Gibbons (herein "ALEXIS") is a resident of Lincoln County, State of Missouri.

2. Richard Gibbons (herein "**RICHARD**") is a resident of Lincoln County, State of Missouri.

3. Alexis and Richard are the natural parents of Jackson Gibbons, deceased.

4. Alexis and Richard, herein collectively "**PLAINTIFFS.**"

5. Planned Parenthood of the St. Louis Region & Southwest Missouri (herein "**PLANNED PARENTHOOD**") is a Missouri corporation which can sue and be sued in its own name.

6. Planned Parenthood owns, operates, manages and controls a Reproductive Health Center located at 4251 Forest Park Avenue in the City of St. Louis.

7. That Pathology Services Inc. (herein "**PATHOLOGY SERVICES**") is a Missouri corporation which can sue and be sued in its own name.

8. Plaintiffs' claims arise in part from events that took place on or about December 9, 2015, in the City of St. Louis, involving Planned Parenthood, Pathology Services and their respective employees, all acting within the course and scope of their employment, Jaclyn Grentzer (herein "**DR. GRENTZER**") and Carol Washington, and Sharon Hawthorne, amongst others.

9. That the acts complained of herein took place in the City of St. Louis and therefore venue is proper in the Circuit Court for the City of St Louis.

10. That each Defendant herein acted by and through its agents, servants and employees who were acting within the course and scope of agency, servitude and employment.

11. Each Defendant acted as the agent, servant and employee of the other.

12. On November 22, 2015, Alexis was seen by Dr. Michael Perosa and was told that Jackson Gibbons had Anencephaly and that Jackson Gibbons would not survive.

13. After consulting numerous doctors, Plaintiffs made arrangements to have a surgically induced abortion by standard dilation and evacuation (herein "D&E") at Planned Parenthood's Reproductive Health Center.

14. Plaintiffs made funeral and burial arrangements for Jackson Gibbons with Baue Funeral Home.

15. On December 7, 2015 Plaintiffs spoke with Dr. Grentzer to make it clear that they wanted the body of Jackson Gibbons and that Baue Funeral home would perform the cremation and ceremony.

16. On December 8, 2015, Alexis presented to Planned Parenthood's Reproductive Health Center in St. Louis, Missouri for a Transabdominal Ultrasound.

17. Alexis paid for the ultrasound and the D&E procedure on December 8, 2015.

18. On December 9, 2015 Alexis presented to Planned Parenthood's Reproductive Health Center in St. Louis, Missouri for the D&E procedure.

19. On December 9, 2015 Dr. Grentzer performed the D&E procedure and inserted an IUC.

20. Through this D&E procedure Jackson Gibbons was stillborn on December 9, 2015 at 10:28 AM.

21. Plaintiffs explicitly informed ALL Defendants and their employees, agents and servants of their wishes to have a funeral and burial for Jackson Gibbons.

22. On December 9, 2015 the body of Jackson Gibbons was "packaged" and refrigerated for transport to Pathology Services.

23. Planned Parenthood's records clearly show that Plaintiffs requested the remains of Jackson Gibbons to be returned to Reproductive Health Services after being sent to Pathology

Services.

24. On or about January 5, 2016, Baue Funeral Home called Defendant Planned Parenthood to request the status on the transportation of the body of Jackson Gibbons to the funeral home and was told a manager would follow up.

25. On or about January 12, 2016, Baue Funeral Home called Defendant Planned Parenthood again to request the transportation of the body of Jackson Gibbons to the funeral home and was told a manager would follow up shortly.

26. On or about January 12, 2016, Defendant Planned Parenthood's director of surgical services called Baue Funeral Home but no one answered.

27. On or about January 12, 2016 Alexis called Dr. Grentzer to see what was happening with Jackson Gibbon's body.

28. On or about January 13, 2016, Baue Funeral Home called Defendant PP again to request information about when the body of Jackson Gibbons would be transported to the funeral home.

29. On or about January 13, 2016, Defendant Planned Parenthood's director of surgical services spoke with the director of Baue Funeral Home and informed her that the body of Jackson Gibbons was not returned to Planned Parenthood from Pathology Services as requested and that she was investigating the situation.

30. Defendant Planned Parenthood's director of surgical services notes that security footages shows two boxes were taken down to the POC refrigerator storage awaiting pickup from Pathology Services on December 10, 2015.

31. On or about January 13, 2015, Alexis called Defendant Planned Parenthood and asked to speak to Hawthorne.

32. On or about January 14, 2015, Alexis called Defendant Pathology Services and asked if they received the body of Jackson Gibbons from Defendant Planned Parenthood, she was told someone would call her back. Defendant Pathology Services never called Plaintiffs.

33. On or about January 14, 2015, Alexis received a call from Washington and Hawthorne who stated that the body of Jackson Gibbons was discarded by Defendant Pathology Services.

34. Plaintiffs stated they were going to have Baue Funeral Home make hand and foot prints for them of Jackson Gibbons so they could make a necklace, and that they had purchased an urn and planned to keep Jackson Gibbons' remains on a shelf in their home as a memory of him.

**COUNT I – INTERFERENCE WITH THE RIGHT OF SEPULCHER AND
BURIAL PURSUANT TO RSMo 194.119**

COMES NOW Plaintiffs and for their cause of action under Count I against Defendants Planned Parenthood and Pathology Services, states as follows:

35. Plaintiffs incorporate the allegations set forth in paragraphs 1 through 34 above, as though fully set forth herein.

36. The Defendants' negligent conduct interfered with and violated the rights of Plaintiffs to the burial of their son. Defendants' were negligent in the following particulars:

- a. Chose not to follow the explicit and express wishes of Plaintiffs to bury their son; and
- b. Chose to dispose and/or lose of the body of Jackson Gibbons.

37. The Plaintiffs were damaged as a direct result of the negligence of Defendants. The Plaintiffs suffered, and continue to suffer, mental anguish as a result of Defendants interference with the right involving the handling of the Plaintiffs' son's body. The mental

anguish suffered by Plaintiffs was the natural and probable consequence of the character of the wrong committed by Defendants. Plaintiffs suffered, and continue to suffer, emotional distress and mental anguish sufficient to be medically diagnosable.

38. Defendants' conduct amounted to a wanton wrong of which the mental anguish and emotional distress to the Plaintiffs was incident to and a natural consequence of Defendants' negligence.

39. The Plaintiffs were entitled to the undisturbed possession and control of the body of their son and Defendants negligently and intentionally interfered with that right.

40. The Plaintiffs had the right to bury their deceased son in a peaceful and unobstructed manner.

41. Defendants' conduct manifested a reckless indifference to the rights of others including Plaintiffs, entitling Plaintiffs to an award of punitive damages. The Defendants' conduct demonstrated a conscious negligence tantamount to an intentional wrong such that punitive damages are proper and appropriate under the circumstances of the tort committed by the Defendants.

42. The conduct of Defendants resulted in emotional distress and anguish to the Plaintiffs.

WHEREFORE, Plaintiffs pray for an award of damages against Defendants in an amount in excess of \$25,000.00, in an amount to be determined by the jury, for punitive damages, together with interest and costs of suit, attorney's fees, and for such other relief as is just and proper.

COUNT II – PUNITIVE DAMAGES

COME NOW Plaintiffs and for their cause of action under Count II against Defendants,

state as follows:

43. Plaintiffs incorporate the allegations set forth in paragraphs 1 through 42 above, as though fully set forth herein.

44. Defendants' conduct in failing to deliver the body of Jackson Gibbons to Baue Funeral Home for burial amounted to outrageous conduct designed to cause mental anguish and emotional distress.

45. The Defendants' conduct was undertaken in reckless disregard for the rights of the Plaintiffs. The Defendants knew that the Defendants' act was wrong and was outrageous and was interfering with the peaceful rights of the Plaintiffs to bury their son.

46. The Defendants' by their extreme and outrageous conduct intentionally and/or reckless caused severe emotional distress and mental anguish to the Plaintiffs. The Defendant intentionally and recklessly caused severe emotional distress to Plaintiffs by the mishandling of their son's body after he had died.

47. Defendants' conduct demonstrated a conscious disregard for the rights of the Plaintiffs. Defendants' conduct was prompted by an improper motive. Defendants' conduct was reckless and was of such a nature to entitle the Plaintiffs to an award of punitive damages in an amount, which is sufficient to punish the Defendants and to deter the Defendants and others from like conduct.

WHEREFORE, Plaintiffs pray for an award of damages against Defendants in an amount in excess of \$25,000.00, in an amount to be determined by the jury, for punitive damages, together with interest and costs of suit, attorney's fees, and for such other relief as is just and proper.

Respectfully submitted,

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