

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

JOELLEN WING-ANALLA,

Plaintiff,

vs.

REPRODUCTIVE HEALTH SERVICES
OF PLANNED PARENTHOOD OF THE
ST. LOUIS REGION, a Missouri Domestic
Non-Profit Corporation, PLANNED
PARENTHOOD FEDERATION OF
AMERICA, INC., a New York Non-Profit
Corporation, and ROBERT CRIST,

Defendants.

*Serve Defendant Reproductive Health
Services of the St. Louis Region:*

Paula M. Gianino, Registered Agent
4251 Forest Park Avenue
City of St. Louis, Missouri 63108

*Serve Defendant Planned Parenthood
Federation of America, Inc.:*

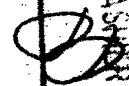
Peter B. Brownlie, Registered Agent
1001 E. 47th
Kansas City, Missouri 64110

Serve Defendant Robert Crist:

Robert Crist, M.D.
c/o 4251 Forest Park Avenue
City of St. Louis, Missouri 63108

No. 032-10585

Division 1

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PETITION—PERSONAL INJURY—IMPROPER HEALTH CARE

Plaintiff, Joellen Wing-Analla, by her undersigned attorneys, for cause of action against the defendants, and each of them, states:

**Count I—Claim Against All Defendants—
Improper Health Care**

1. The allegations of this Count I are incorporated by reference into each and every numbered Count hereafter.

2. At all times herein mentioned, the plaintiff, Joellen Wing-Analla, (“Analla”), was a citizen of the City of Johnston City, County of Williamson, State of Illinois.

3. Defendant Reproductive Health Services of the St. Louis Region (“RHS”) is and at all times material hereto has been a Missouri Domestic Non-Profit Corporation authorized and existing under the laws of the State of Missouri, with its principal place of business being located at 4251 Forest Park Avenue in the City of St. Louis, Missouri, and is a health care provider within the meaning of Rule 55.05, Missouri Rules of Civil Procedure. RHS’s registered agent is Paula M. Gianino, at the same address.

4. Defendant Planned Parenthood Federation of America, Inc., (“PPFA”) is and at all times material hereto has been a New York Non-Profit Corporation authorized and existing under the laws of the State of New York, and authorized to do business in and under the laws of the State of Missouri, doing business at all times relevant hereto through its affiliate and agent RHS within the City of St. Louis, Missouri. PPFA is a health care provider within the meaning of Rule 55.05, Missouri Rules of Civil

Procedure. PPFA's registered agent is Peter B. Brownlie, 1001 E. 47th, Kansas City, Missouri 64110.

5. Defendant Robert Crist ("Crist") is a medical doctor who regularly performs abortion services in the City of St. Louis at the RHS facility, and at all times material hereto was a physician licensed to practice medicine in the State of Missouri, and is a health care provider within the meaning of Rule 55.05, Missouri Rules of Civil Procedure.

6. At all times material hereto, Crist was acting as an agent, servant and/or employee of RHS, and was acting within the scope of his duties as an agent, servant and/or employee of RHS.

7. At all times material hereto, Crist was acting as an agent, servant and/or employee of PPFA, and was acting within the scope of his duties as an agent, servant and/or employee of PPFA.

8. At all times material hereto, RHS was acting as an agent and/or servant of PPFA, and was acting within the scope of its duties as an agent and/or servant of PPFA.

9. This cause of action arose within the City of St. Louis, Missouri.

10. That plaintiff's damages exceed the sum of Twenty Five Thousand Dollars, exclusive of costs and interest.

11. That in their capacities as medical care providers, defendants, and each of them, provided medical services to Analla between the dates of November 1, 2001 and December 18, 2001, for the termination of a pregnancy.

12. That on or about November 10, 2001, at RHS's facility in the City of St. Louis, defendants purported to perform on Analla a first trimester vacuum aspiration abortion of a fetus with an estimated gestational age of five weeks.

13. That on or about December 19, 2001, at her home in Johnston City, Illinois, Analla partially delivered a deceased baby.

14. That on or about December 19, 2001, at Marion Memorial Hospital in the City of Marion, County of Williamson, State of Illinois, Analla completed the delivery of a deceased baby with an estimated gestational age of between twenty-one and twenty-four weeks. A photograph of the deceased baby is attached to this petition, marked "Exhibit A," and by reference made a part hereof.

15. That Analla continued to receive medical treatment in the City of Marion, County of Williamson, State of Illinois, from December 19, 2001 through February 27, 2002.

16. That at all times herein mentioned, defendants owed Analla the duty to use due care, with competence and standards accepted and customary in the medical profession in and around the community of the City of St. Louis, State of Missouri, in the evaluation and performance of a proper abortion procedure based upon the gestational age of the fetus carried by plaintiff at the time of the performance of the abortion procedure.

17. That, notwithstanding said duty, defendants failed to use reasonable care in the course of the performance of said abortion services, including pre- and post-abortion care of Analla, in one or more of the following respects:

- a. Defendants did not determine the correct gestational age of Analla's fetus prior to performing the abortion procedure on Analla;
- b. Defendants advised Analla that at the time of the purported abortion the gestational age of the fetus was approximately five weeks, when in fact the gestational age of the fetus was between fifteen and twenty weeks;
- c. Defendants did not properly supervise subordinate personnel in their performance of readings of pre and post operative sonograms, or in the providing of counseling and obtaining informed consent from Analla prior to and after performing the abortion procedure on Analla;
- d. Defendants did not properly read a post-operative sonogram performed on Analla following the performance of the abortion procedure performed on Analla;
- e. Defendants did not remove all of the products of conception in the performance of the abortion procedure performed on Analla;
- f. Defendants performed the incorrect abortion procedure on Analla based upon the gestational age of the fetus at the time of the abortion procedure performed on Analla;
- g. Defendants did not provide proper post-operative medical care to Analla following the abortion procedure performed on Analla;

h. Defendants did not provide proper counseling to Analla concerning the actual gestational age of the fetus carried by Analla, either before or after the purported abortion procedure.

18. That as a direct and proximate result of one or more of Defendants' said negligent acts or omissions, Analla was injured, both physically and mentally, suffered severe shock, became sick and disabled, suffered great pain, physical and mental impairment, was kept from attending to ordinary affairs and duties, and has become liable for large sums of money for medical and hospital care and treatment.

WHEREFORE, Analla prays for judgment against defendants Crist, RHS and PPFA, jointly and severally, in such amount as will reasonably and justly compensate her for her injuries, for interest and for the costs of this action.

**Count II—Claim Against All Defendants—
Improper Health Care—Exemplary Damages**

19. Plaintiff repleads paragraphs 1-18 of Count I, inclusive.

20. The conduct of the defendants above-stated displayed defendants' reckless indifference to Analla's rights, entitling plaintiff to exemplary damages.

21. The conduct of the defendants above-stated also amounted to and displayed defendants' complete indifference to or conscious disregard for Analla and for her safety, entitling plaintiff to exemplary damages.

WHEREFORE, Analla prays for judgment against defendants Crist, RHS and PPFA, jointly and severally, in such amount as will reasonably and justly compensate her for her injuries, and in addition thereto such amount of exemplary or punitive

damages as will serve to punish defendants, and each of them, and to deter defendants, and each of them, and others, from like conduct, together with interest and for the costs of this action.

**Count III—Claim Against All Defendants—
Improper Health Care—Lack Of Informed Consent**

22. Plaintiff repleads paragraphs 1-18 of Count I, inclusive.

23. That defendants failed to adequately or accurately inform Analla of the stage of her pregnancy, and the gestational age of her baby, so that Analla was encouraged to make the decision to obtain an abortion, and consented to the abortion procedure, without being properly informed.

24. Defendants, and each of them, prior to the events complained of herein, held themselves out to the public generally and in particular to this plaintiff, as champions of reproductive rights, and assured the public and this plaintiff in particular that a woman's rights to accurate information, including the right to information regarding the stage of pregnancy and the gestational age of the unborn baby, were paramount to a woman's right to make an informed decision regarding the abortion procedure, which informed decision defendants claim belong to the woman alone, and in this case to the plaintiff alone.

25. Defendants, and each of them, undertook the obligation to accurately and properly inform plaintiff of the stage of her pregnancy and the gestational age of the unborn baby and related matters regarding the consequent medical options available to the plaintiff.

26. Notwithstanding defendants' duties as set forth in paragraphs 24 and 25, defendants, and each of them, failed to adequately or accurately inform Analla of the stage of her pregnancy, so that Analla was prohibited from making an informed decision regarding her pregnancy, whether or not to have an abortion, what medical options were available to her, and related matters bearing directly on her reproductive rights.

27. That plaintiff would not have consented to the abortion procedure if she had been properly informed by the defendants, and each of them.

WHEREFORE, Analla prays for judgment against defendants Crist, RHS and PPFA, jointly and severally, in such amount as will reasonably and justly compensate her for her injuries, for interest and for the costs of this action.

**Count IV—Claim Against All Defendants—
Improper Health Care—Lack Of Informed Consent—
Exemplary Damages**

28. Plaintiff repleads paragraphs 1-18 of Count I, inclusive.

29. Plaintiff repleads paragraphs 23-27 of Count III, inclusive.

30. The conduct of the defendants above-stated displayed defendants' reckless indifference to Analla's rights, entitling plaintiff to exemplary damages.

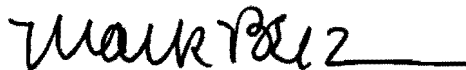
31. The conduct of the defendants above-stated also amounted to and displayed defendants' complete indifference to or conscious disregard for Analla and for her safety, entitling plaintiff to exemplary damages.

WHEREFORE, Analla prays for judgment against defendants Crist, RHS and PPFA, jointly and severally, in such amount as will reasonably and justly compensate

her for her injuries, and in addition thereto such amount of exemplary or punitive damages as will serve to punish defendants, and each of them, and to deter defendants, and each of them, and others, from like conduct, together with interest and for the costs of this action.



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