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16 CINTHIA GUTIERREZ

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF ALAMEDA**

19 DEPO-PROVERA CASES

20 THIS DOCUMENT RELATES TO:
21 CINTHIA GUTIERREZ,

22 Plaintiff,

23 vs.

24 PFIZER INC.; PHARMACIA & UPJOHN CO.
25 LLC; PHARMACIA LLC; PLANNED
26 PARENTHOOD OF THE PACIFIC
27 SOUTHWEST,

28 Defendants.

ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
06/10/2026 at 02:37:50 PM
By: Andrel Gospel,
Deputy Clerk

Case No.: 26CV193177

**SHORT FORM COMPLAINT FOR
DAMAGES AND DEMAND FOR JURY
TRIAL**

Hon: Patrick McKinney

Date:
Time:
Dept: 18

Complaint Filed:
Trial Date: None Set

1 The Plaintiff named below files this Short Form Complaint and Demand for Jury Trial against
2 the Defendant(s) selected in Paragraph 4. Plaintiff incorporates by reference the allegations and the
3 relief sought in Plaintiffs' Master Complaint and Demand for Jury Trial ("Master Complaint"), filed
4 in Depo-Provera Cases, JCCP No. 5375. Plaintiff files this Short Form Complaint as required by the
5 Court. As necessary, Plaintiff may include (a) additional Counts and supporting allegations against
6 Defendants, as set forth in Paragraphs 9 and 10 below and/or (b) additional claims and allegations
7 against Other Defendants not listed in the Master Complaint as set forth in Paragraph 4.c below. If
8 necessary, Plaintiff has attached additional pages to this Short Form Complaint.

9 **PARTIES, JURISDICTION, AND VENUE**

10 **PLAINTIFF**

- 11 1. Plaintiff, Cinthia Gutierrez ("Plaintiff"), is a resident and citizen of Coachella,
12 California.
- 13 2. Plaintiff alleges that venue lies in San Diego County pursuant to § 395(a) of the
California Code of Civil Procedure because (*check all that apply*):
- 14 ☐ The injuries alleged herein occurred in this county.
- 15 ☒ At the commencement of the action, a Defendant resided in this county.
- 16
- 17 3. Plaintiff brings this action (*check all that apply*):
- 18 ☒ On behalf of herself;
- 19 ☐ In representative capacity of the individual that sustained personal
20 injuries and damages, [INJURED PARTY FIRST NAME] [INJURED
21 PARTY LAST NAME], who is/was a citizen and resident of [CITY,
STATE];
- 22 ☐ For loss of society or consortium and their relationship to the following
23 individual of which Plaintiff's claims are derivative: [INJURED
24 PARTY FIRST NAME] [INJURED PARTY LAST NAME], who
sustained personal injuries and damages as a result of her use of
Defendants' products.

25 If any box is checked other than the first box, all references to Plaintiff in Paragraphs
26 4 through 8 of this Short Form Complaint refer to the primary injured party.

27 **DEFENDANT(S)**

- 28 4. Plaintiff names the following Defendants in this action (*check all that apply*):

1 a. Manufacturing Defendants

2 ☒ PFIZER INC.

3 ☒ PHARMACIA LLC

4 ☒ PHARMACIA & UPJOHN COMPANY LLC

5 b. Healthcare Defendants

6 ☐ THE PERMANENTE MEDICAL GROUP, INC.

7 ☐ SOUTHERN CALIFORNIA PERMANENTE MEDICAL GROUP

8 c. Other Defendants. For each "Other Defendant," Plaintiff contends these
9 additional parties are liable or responsible for Plaintiff's damages. Plaintiff may
10 attach additional pages to this Short Form Complaint, if necessary.

11 ☒ PLANNED PARENTHOOD OF THE PACIFIC SOUTHWEST,
12 Citizenship: CALIFORNIA

13 ☐ Click or tap here to enter text., Citizenship: Click or tap here to enter text.

14 ☐ Click or tap here to enter text., Citizenship: Click or tap here to enter text.

15 ☐ Click or tap here to enter text., Citizenship: Click or tap here to enter text.

16 **PRODUCT USE**

17 5. Plaintiff used Depo-Provera from approximately 2008 to 2011.

18 **INJURIES**

19 6. As a result of using Depo-Provera, Plaintiff was diagnosed with a meningioma in
20 approximately 2013.

21 7. As a result of using Depo-Provera, Plaintiff suffered and/or continues to suffer from
22 the following additional injuries.

23 ☐ Dizziness

24 ☐ Vertigo

25 ☒ Double vision

26 ☒ Headaches

27 ☐ Imbalance

28 ☐ Weakness in limbs

☐ Depression

☒ Other:

- Craniotomy

- Gamma knife radiation treatment
- Hearing loss, fatigue, personality changes
- Tinnitus, facial numbness

8. Defendants proximately caused Plaintiff's injuries.

CAUSES OF ACTION ASSERTED

9. The following claims and allegations are asserted by Plaintiff in the Master Complaint and are herein adopted by reference.

- ☒ Count I – Strict Products Liability – Failure to Warn
- ☒ Count II – Strict Products Liability – Design Defect
- ☒ Count III – General Negligence
- ☒ Count IV – Negligent Failure to Warn
- ☒ Count V – Negligent Design
- ☒ Count VI – Negligent Misrepresentation
- ☒ Count VII – Fraud - Intentional Misrepresentation
- ☒ Count VIII – Violation of Consumer Protection Laws
- ☐ Count IX – Other: _____

☐ Against all Defendants.

☐ Against only the following Defendants:

Click or tap here to enter text.

☐ Count X – Other: _____

☐ Against all Defendants.

☐ Against only the following Defendants:

Click or tap here to enter text.

Plaintiff may attach additional pages to this Short Form Complaint, if necessary.

10. If applicable, Plaintiff asserts the following additional factual allegations against Defendants: Plaintiff was prescribed and/or administered Depo Provera at Planned Parenthood Coachella Health Center in Coachella, California. See additional pages.

JURY DEMAND

11. Plaintiff hereby demands a trial by jury as to all claims in this action.

1 **ADDITIONAL ALLEGATIONS AND CLAIMS**

2 **DEFENDANTS**

3 12. Plaintiff adopts by reference all allegations, claims, and requests for relief set forth in
4 the Master Complaint, and asserts such allegations, claims, and requests for relief against Defendant
5 Planned Parenthood of the Pacific Southwest (“Planned Parenthood”), in addition to the defendants
6 identified in the Master Complaint.

7 13. All references to “Healthcare Defendants” in the Master Complaint, as incorporated
8 by this Short Form Complaint, include Defendant Planned Parenthood.

9 14. All references to collective “Defendants” in the Master Complaint, as incorporated by
10 this Short Form Complaint, including Defendants Pfizer and Planned Parenthood, as defined in the
11 Master Complaint and this Short Form Complaint.

12 **ADDITIONAL FACTUAL ALLEGATIONS SUPPORTING ALL CAUSES OF**

13 **ACTION**

14 15. Plaintiff was prescribed, administered, and sold Depo-Provera from Defendant
15 Planned Parenthood, and subsequently developed meningioma.

16 16. Defendant Planned Parenthood is a California nonprofit corporation with its principal
17 place of business in San Diego, California.

18 17. Defendant Planned Parenthood provides “confidential, comprehensive, high-quality
19 medical services to the communities of San Diego, Riverside, and Imperial counties” at “19 health
20 centers.”¹

21 18. The medical services provided by Planned Parenthood include the prescription and
22 administration of birth control, such as Depo-Provera.²

23
24
25
26 ¹ Planned Parenthood of the Pacific Southwest, Inc., About Us, [https://www.plannedparenthood.org/
planned-parenthood-pacific-southwest/who-we-are](https://www.plannedparenthood.org/planned-parenthood-pacific-southwest/who-we-are) (last visited June 4, 2026).

27 ² Planned Parenthood of the Pacific Southwest, Inc., *Services*, [https://www.plannedparenthood.org/
planned-parenthood-pacific-southwest/patients/services](https://www.plannedparenthood.org/planned-parenthood-pacific-southwest/patients/services) (last visited June 4, 2026); Planned
28 Parenthood, *Birth Control Shot*, [https://www.plannedparenthood.org/learn/birth-control/birth-
control-shot](https://www.plannedparenthood.org/learn/birth-control/birth-control-shot) (last visited June 4, 2026).

19. Defendant Planned Parenthood owns and operates the Planned Parenthood Coachella Health Center in Coachella, California,³ where Depo-Provera was prescribed and administered to patients, including Plaintiff.

20. Defendant Planned Parenthood prescribed and/or administered Depo-Provera to people, including Plaintiff, for years without warning of the increased risk of meningioma.

21. Plaintiff was the end user and purchaser of Depo-Provera. Defendant Planned Parenthood received a direct financial benefit from its actions and from the sale of Depo-Provera to Plaintiff and other consumers.

22. Plaintiff does not assert a claim of “professional negligence” against Defendant Planned Parenthood. Plaintiff’s claims against Defendant Planned Parenthood arise from Planned Parenthood’s acts and/or omissions relating to the prescription and administration of Depo-Provera that constitute misrepresentations that induced Plaintiff to use Depo-Provera. Plaintiff also alleges intentional and fraudulent acts and omissions by Planned Parenthood that are outside the scope of professional negligence.

CAUSES OF ACTION

23. For avoidance of doubt, Count I: Strict Products Liability – Failure to Warn, Count II: Strict Products Liability Design Defect, Count III: General Negligence, Count IV: Negligent Failure to Warn, Count VI: Negligent Misrepresentation, Count VII: Fraud - Intentional Misrepresentation, and Count VIII: Violation of Consumer Protection Laws asserted by Plaintiff in the Master Complaint are herein adopted by reference and asserted against all Defendants, Pfizer Inc., Pharmacia & Upjohn Co. LLC, Pharmacia LLC, and Planned Parenthood.

24. Count V: Negligent Design asserted by Plaintiff in the Master Complaint is herein adopted by reference and asserted against Manufacturing Defendants, Pfizer Inc., Pharmacia & Upjohn Co. LLC, and Pharmacia LLC.

A. Additional Facts Supporting Count IV: Negligent Failure to Warn

25. Defendant Planned Parenthood acted negligently, and breached its duties to Plaintiff, through acts and omissions including the following:

³ Planned Parenthood, *Coachella Health Center*, <https://www.plannedparenthood.org/health-center/california/coachella/92236/coachella-health-center-2186-90110> (last visited June 4, 2026).

1 26. Failing to undertake to provide adequate warnings, instructions, guidelines, and safety
2 precautions to those persons Planned Parenthood could reasonably foresee would use Depo-Provera;
3 a. Failing to disclose to Plaintiff, users/consumers, Plaintiff's prescribing
4 healthcare provider, and the general public that use of Depo-Provera presented
5 a risk of meningioma;
6 b. Failing to warn Plaintiff, consumers, and the general public that Depo-
7 Provera's risk of harm was unreasonable and that there were safer and effective
8 alternative contraceptives available to Plaintiff and other consumers;
9 c. Recommending the use of Depo-Provera, while concealing and failing to
10 disclose or warn of the dangers known or knowable to be associated with or
11 caused by the use of Depo-Provera.

12 **B. Additional Facts Supporting Count VI: Negligent Misrepresentation and Count VII:**

13 **Fraud - Intentional Misrepresentation**

14 27. Defendants negligently and/or intentionally fraudulently misrepresented the safety
15 risks of Depo-Provera to Plaintiff, her Depo-Provera prescribing and administering healthcare
16 providers, and the general public during the years that Plaintiff used Depo-Provera.

17 28. Defendants knew, or had reason to know, that Depo-Provera posed a risk of
18 meningioma.

19 29. Defendants falsely represented that Depo-Provera had been adequately tested and was
20 safe and effective, while intentionally concealing material information regarding its true risk profile,
21 including concealing the risk of meningioma. Defendants fraudulently concealed and intentionally or
22 recklessly omitted that Depo-Provera was less safe and less effective than other similar products on
23 the market at the time, and that testing and surveillance of Depo-Provera showed a higher risk of
24 adverse effects compared to alternatives.

25 30. Defendants disseminated these misrepresentations through Depo-Provera labeling
26 materials, advertising campaigns, print campaigns, Pfizer's website, information presented at point
27 of sale and in marketing, information disseminated by company representatives, reports, press
28 releases, television commercials, and print advertisements.

31. Defendants possess full information concerning their false misrepresentations made to Plaintiff, Plaintiff's Depo-Provera prescribing and administering healthcare providers, and the general public during the time period that Plaintiff used Depo-Provera.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff has been damaged as a result of Defendants' actions or inactions and demands judgment against Defendants on each of the above-referenced causes of action, jointly and severally to the full extent available in law or equity, as requested in the Master Complaint for compensatory and punitive damages.

Dated: June 10, 2026

Respectfully submitted,

By: /s/ Steve Lopez

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