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SAN LUIS OBISPO SUPERIOR COURT  
BY Carol L. McGulrk, Deputy Clerk

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7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN LUIS OBISPO – CIVIL DIVISION

10 LORENA ANDERSON, an individual;

11 Plaintiff,

12 vs.

13 DIGNITY HEALTH, a corporation; MARIA  
14 RASUL, MD, an individual; RITE AID  
15 CORPORATION, a corporation; and DOES 1  
16 through 100, Inclusive,

17 Defendants.  
18

CASE NO. 19CV-0007

**COMPLAINT FOR DAMAGES;  
DEMAND FOR JURY TRIAL**

1. Negligence & Medical Negligence  
2. Negligent Infliction of Emotional Distress

19  
20 Plaintiff LORENA ANDERSON (“Plaintiff”) allege as follows:

21 **THE PARTIES**

22 1. Plaintiff LORENA ANDERSON is an individual residing in Atascadero,  
23 California.

24 2. Defendant DIGNITY HEALTH is a corporation organized and existing under and  
25 by virtue of the laws of the State of California with its principal place of business in the city of  
26 Elk Grove, California. Defendant DIGNITY HEALTH owns and operates Bishop's Peak  
27 Women's Health Center located at 1941 Johnson Ave., Suite 301, San Luis Obispo, California.

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1           3.       Upon information and belief, Defendant MARIA RASUL, MD (“Dr. Rasul”) is  
2 an individual residing in Pismo Beach, California.

3           4.       Defendant RITE AID CORPORATION is a business entity organized duly  
4 organized under the laws of the State of Delaware, with its principal place of business in Camp  
5 Hill, Pennsylvania. Defendant RITE AID CORPORATION owns and operates the Rite Aid  
6 Pharmacy located at 7025 El Camino Real, Atascadero, California.

7           5.       At all times herein mentioned, “Defendants” refers to DIGNITY HEALTH,  
8 MARIA RASUL, MD, RITE AID CORPORATION and DOES 1 through 100, Inclusive.

9           6.       At all times herein mentioned, “Medical Defendants” refers to DIGNITY  
10 HEALTH, MARIA RASUL, MD and DOES 1 through 50.

11          7.       At all times herein mentioned, “Pharmacy Defendants” refers to RITE AID  
12 CORPORATION and DOES 41 through 75.

13          8.       At all times mentioned herein, Defendant DOES 1 through 100 include doctors,  
14 nurses, pharmacists, and/or support staff employed by Defendants.

15          9.       The true names and capacities, whether individual, corporate, associate, or  
16 otherwise, of Defendants sued herein as DOES 1 through 100, inclusive, are unknown to  
17 Plaintiff who therefore sue said Defendants by such fictitious names. Plaintiff pray for leave to  
18 amend this Complaint to assert the true names and capacities of said Defendants when  
19 ascertained. Plaintiff are informed and believe and thereupon allege that each of the fictitiously  
20 named Defendants is responsible in some manner for the occurrences herein alleged, and that  
21 Plaintiff’s losses as herein alleged were legally caused by such conduct.

22          10.       Plaintiff is informed and believes and thereon alleges that at all times herein  
23 mentioned, Defendants and DOES 1 through 100, and each of them, were the agent and  
24 employee of each other Defendant, and in doing the things herein alleged were acting in the  
25 course and scope of such agency and employment and with the permission and consent of their  
26 co-defendant(s).

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1 VENUE

2 11. At all times herein mentioned, the incident on which this action is based occurred  
3 within the boundaries of the Superior Court of the State of California, County of San Luis  
4 Obispo, said incident occurring in the City of San Luis Obispo, County of San Luis Obispo,  
5 California.

6 12. Venue is proper in this judicial district pursuant to the provisions of Code of Civil  
7 Procedure §395 as one or more Defendants reside and/or are headquartered in the County of San  
8 Luis Obispo, California.

9 FACTUAL BACKGROUND

10 13. On March 20, 2018, and for a considerable period of time before that date,  
11 Defendant DIGNITY HEALTH owned, maintained and operated health care facilities at Bishop's  
12 Peak Women's Health Center located at 1941 Johnson Ave., Suite 301, San Luis Obispo,  
13 California. Defendant DIGNITY HEALTH employs doctors, nurses, nurses practitioners,  
14 physician's assistants as well as other medical and support staff at Bishop's Peak Women's  
15 Health Center, including Dr. Rasul and DOES 1 through 50.

16 14. On March 20, 2018, and for a considerable period of time before that date, Dr.  
17 Rasul was a medical doctor specializing in obstetrics and gynecology practicing medicine at  
18 Bishop's Peak Women's Health Center located at 1941 Johnson Ave., Suite 301, San Luis  
19 Obispo, California.

20 15. On March 20, 2018, Plaintiff was a patient of Dr. Rasul and Medical Defendants  
21 at Bishop's Peak Women's Health Center. On said date, Plaintiff suspected she was pregnant and  
22 presented to Dr. Rasul at Bishop's Peak Women's Health Center. Plaintiff advised Dr. Rasul that  
23 she suspected she was pregnant. Dr. Rasul ordered and/or performed a pregnancy test and  
24 ultrasound. Dr. Rasul confirmed that Plaintiff was pregnant and advised Plaintiff of the same. At  
25 discharge on March 20, 2018, Dr. Rasul carelessly and negligently prescribed Plaintiff  
26 misoprostol 200 mcg oral tablet. Misoprostol is also known by the brand name Cytotec and is  
27 commonly referred to as the "abortion pill".

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1           16.     At all times mentioned herein, Dr. Rasul and Medical Defendants neglected to  
2 inform Plaintiff that misoprostol had been prescribed to Plaintiff.

3           17.     At all times mentioned herein, Dr. Rasul and Medical Defendants neglected to  
4 inform Plaintiff of the nature and effects of misoprostol. Dr. Rasul and Medical Defendants also  
5 neglected inform Plaintiff that if Plaintiff ingested misoprostol, Plaintiff's unborn fetus would be  
6 aborted.

7           18.     At all times mentioned herein, Dr. Rasul and Medical Defendants forwarded the  
8 prescription of misoprostol 200 mcg oral tablet to be filled and provided to Plaintiff at the Rite  
9 Aid Pharmacy located at 7025 El Camino Real, Atascadero, California.

10          19.     Dr. Rasul and Medical Defendants aver that on March 20, 2018, Dr. Rasul and  
11 Medical Defendants were made aware that Dr. Rasul and Medical Defendants had carelessly and  
12 negligently prescribed misoprostol to Plaintiff and thereafter contacted the Rite Aid Pharmacy  
13 located at 7025 El Camino Real, Atascadero, California and canceled the prescription.  
14 Notwithstanding, Dr. Rasul and Medical Defendants failed to advise Plaintiff that Dr. Rasul and  
15 Medical Defendants had carelessly and negligently prescribed Plaintiff misoprostol. Dr. Rasul  
16 and Medical Defendants likewise failed to inform Plaintiff not to take the misoprostol should the  
17 prescription be filled.

18          20.     Shortly after Plaintiff was discharged from Bishop's Peak Women's Health Center  
19 on March 20, 2018, Plaintiff presented to the Rite Aid Pharmacy located at 7025 El Camino  
20 Real, Atascadero, California and retrieved the misoprostol 200 mcg oral tablets.

21          21.     When Plaintiff retrieved the misoprostol 200 mcg oral tablets from the Rite Aid  
22 Pharmacy located at 7025 El Camino Real, Atascadero, California on March 20, 2018, Pharmacy  
23 Defendants neglected to inform Plaintiff of the nature and effects of misoprostol. Pharmacy  
24 Defendants neglected to enquire if Plaintiff was pregnant. Pharmacy Defendants also neglected  
25 inform Plaintiff that if she ingested misoprostol Plaintiff's unborn fetus would be aborted.

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1           22.     In the alternative, Dr. Rasul and Medical Defendants contacted the Rite Aid  
2 Pharmacy located at 7025 El Camino Real, Atascadero, California and canceled the prescription  
3 of misoprostol 200 mcg oral tablets which Dr. Rasul and Medical Defendants carelessly and  
4 negligently prescribed to Plaintiff prior to Plaintiff retrieving the misoprostol 200 mcg oral  
5 tablets. Thereafter, Pharmacy Defendants carelessly and negligently filled the prescription  
6 misoprostol 200 mcg oral tablets and provided the same to Plaintiff.

7           23.     On March 20, 2018, Plaintiff orally ingested one (1) tablet of misoprostol 200  
8 mcg as directed by Dr. Rasul and Medical Defendants which had been provided to Plaintiff by  
9 Pharmacy Defendants. As a result of Plaintiff ingesting the misoprostol, Plaintiff's unborn fetus  
10 was aborted.

11           24.     As a proximate result of the negligence of Defendants, and each of them, Plaintiff  
12 was hurt and injured in her health, strength, and activity, sustaining injury to her body and shock  
13 and injury to her nervous system and person, all of which said injuries have caused, and continue  
14 to cause Plaintiff great mental, physical and emotional distress and pain and suffering, all to her  
15 general damages in an amount to be proven at trial.

16           25.     As a proximate result of the negligence of the Defendants, and each of them,  
17 Plaintiff has incurred and will continue to incur medical and related expenses, in an amount that  
18 is unknown at this time but which will be proven at the time of trial.

19           26.     As a proximate result of the negligence of the Defendants, and each of them,  
20 Plaintiff has sustained economic damages and loss of earnings in an amount that is unknown at  
21 this time but which will be proven at the time of trial.

22           27.     As a further proximate result of the negligence of the Defendants, and each of  
23 them, Plaintiff has suffered, a loss of earning capacity in an amount presently unknown but  
24 which will be proven at the time of trial.

25           28.     As a further proximate result of the negligence of the Defendants, and each of  
26 them, Plaintiff has suffered general damages in an amount presently unknown, but which will be  
27 proven at the time of trial.

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1 Plaintiff suffered serious physical injuries which required otherwise unnecessary and painful  
2 medical care.

3 38. The negligent conduct of Defendants, and each of them, in failing to provide  
4 proper medical and pharmaceutical care to Plaintiff, constituted gross negligence.

5 39. As a legal result of the negligence of Defendants, and each of them, Plaintiff was  
6 injured in her health, strength, and activity, and sustained injuries to her person, all of which  
7 injuries have caused Plaintiff great mental and physical pain and suffering. As a result of such  
8 injuries, Plaintiff has suffered general damages in an amount in excess of the jurisdictional  
9 minimum of this Court and to be proven at the time of trial in this action.

10 40. As a direct and proximate result of the aforementioned negligence and  
11 carelessness of the Defendants, and each of them, Plaintiff was compelled to and did fall and  
12 sustain serious injuries. As a direct result of sustaining said injuries, Plaintiff was caused to  
13 incur expenses for medical care, and other incidental expenses for the care and treatment of her  
14 injuries, and will have to incur additional like expenses in the future, all in an amount presently  
15 unknown to plaintiff, but according to proof at the time of trial of this matter.

16 41. As a direct and proximate cause of Defendants' wrongful acts, Plaintiff was  
17 injured in her health, strength, and activity, sustaining severe injury to her body, all of which  
18 caused her great physical pain and suffering.

19 42. As a further proximate result of Defendants' wrongful acts, Plaintiff was attended  
20 by physicians or other health care providers to examine and care for her, and did incur medical  
21 and incidental expenses.

22 43. As a proximate result of the negligence of Defendants, and each of them, Plaintiff  
23 was hurt and injured in her health, strength, and activity, sustaining injury to her body and shock  
24 and injury to her nervous system and person, including but not limited to the loss of her unborn  
25 fetus, all of which said injuries have caused, and continue to cause Plaintiff great mental,  
26 physical and emotional distress and pain and suffering. Plaintiff is informed, believes and  
27 thereon alleges, that said injuries will result in some permanent disability to said Plaintiff, all to  
28 her general damages in an amount to be proven at trial.





