

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW



Plaintiff, 25-000037-NH
vs. No. 25- -NH
Hon. JUDGE JULIA B. OWDZIEJ
PLANNED PARENTHOOD OF MICHIGAN;
HALLEY CRISSMAN, M.D. and
CHARISSE MARIE LODER, M.D.
Jointly & Severally,
Defendants.

BRIAN J. McKEEN (P34123)
DAVID T. TIRELLA (P79456)
McKEEN & ASSOCIATES, P.C.
Attorneys for Plaintiff
2000 Town Center, Suite 1200
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**PLAINTIFF'S COMPLAINT WITH AFFIDAVIT
OF MERIT AND DEMAND FOR JURY TRIAL**

There is no other civil action pending, or previously filed and dismissed, transferred, or otherwise disposed of arising out of the transaction or occurrence alleged in the complaint.

/s/ Brian J. McKeen
BRIAN J. McKEEN (P34123)

NOW COMES Plaintiff,  by and through her attorneys, McKeen & Associates, P.C., and for her Complaint and Demand for Jury Trial hereby states the following:

1. The amount in controversy exceeds Twenty-Five Thousand (\$25,000.00) Dollars, excluding costs, interest and attorney fees and is otherwise within the jurisdiction of this court.
2. The cause of action arose in the County of Genesee, State of Michigan.

3. Plaintiff [REDACTED] was at all times relevant a resident of the County of Washtenaw, State of Michigan.

4. Defendant Planned Parenthood of Michigan was at all times relevant hereto a health institution conducting business in the County of Washtenaw, State of Michigan.

5. Defendant Halley Crissman, M.D., hereto a licensed and practicing physician, specializing in Obstetrics and Gynecology, conducting business in the County of Washtenaw, State of Michigan.

6. Defendant Charrise Marie Loder, M.D., hereto a licensed and practicing physician, specializing in Obstetrics and Gynecology, conducting business in the County of Washtenaw, State of Michigan.

7. On March 17, 2023, 29-year-old [REDACTED] presented to Planned Parenthood of Michigan-Power Family Health Center at 3100 Professional Drive, Ann Arbor, to undergo an abortion procedure at 19 5/7-weeks gestation.

8. Laminaria had been placed the day before.

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9. The procedure was performed by Halley Crissman, MD; and Charisse Marie Loder, MD. According to the procedure summary authored by Dr. Crissman:

...Procedure performed with ultrasound guidance; difficult to visualize uterus and POCs (products of conception) well after amniotomy. Long instruments required due to body habitus. After removal of all fetal extremities, difficulty reaching calvarium in left cornua area. Dr. Loder called to help ultrasound. Transvaginal ultrasound used to confirm cal in uterus due to difficult visualization. Decision made to give misoprostol 800 mcg buccally and wait to allow medication to bring cal into lower uterine segment; no external bleeding noted at this time...After more than 30 minutes, repeat scan showed cal in lower uterus. Repeat procedure performed with extraction of cal. Suction with 15 cannula performed with gritty texture, but again difficult to follow on ultrasound. On examination of POC provider became concerned not enough thorax accounted for. Decision made to repeat ultrasound both

transabdominally and transvaginally; again, very difficult to see, but stripe appeared thin and there was clearly a portion of spine retained but it did not appear within the uterus. Suspect posterior perforation...Patient was comfortable initially while laying down, but experienced increased pain with sitting up...EMS called...Called report to Emergency Department and GYN on-call physician at Michigan Medicine...

10. Upon arrival at Michigan Medicine, [REDACTED] was taken to the operating room for a diagnostic laparoscopy, vaginal exam, lysis of adhesions, and intraoperative ultrasound.

11. A uterine perforation was found, along with a left retroperitoneal hematoma, and intraabdominal adhesions.

12. The ultrasound was suspicious for possible ongoing retained POC within a false passage in the retroperitoneum.

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13. This was unable to be safely accessed vaginally. A CT was recommended to assess.

14. [REDACTED] was started on antibiotic therapy due to the complexity of her case and her recent surgeries.

15. A CT was performed which confirmed the false passage with retained fetal parts.

16. An MRI was performed on March 20, 2023, which showed the fetal parts were in close proximity to major vessels in the pelvis.

17. Due to this, a radical hysterectomy was recommended.

18. On March 21, 2023, [REDACTED] was taken to the operating room for an exploratory laparotomy, radical abdominal hysterectomy, bilateral salpingectomy, cystoscopy with stent placement and removal, left ureterolysis, and removal of retained POC.

19. She was discharged on March 25, 2023.

20. Currently, [REDACTED] continues to have pelvic/abdominal pain due to scar tissue. She will have to undergo additional surgeries to remove adhesions.

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21. She is experiencing pre-menopause, but she cannot take any medication due to a high-risk of blood clots.

22. She has anxiety and will be unable to get pregnant in the future. Her quality of life has been greatly reduced.

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COUNT I: MEDICAL NEGLIGENCE OF PLANNED PARENTHOOD OF MICHIGAN


23. Plaintiff repeats and re-alleges the allegations contained in all prior paragraphs of Plaintiff's Complaint as though fully incorporated herein.

24. Defendant Planned Parenthood of Michigan, was negligent, inter alia, in the following particulars, in that a licensed and accredited health care facility, through its agents, actual, and/or ostensible, servants, and/or employees, including, but not limited to Halley Crissman, M.D., and Charrise Marie Loder, M.D., which holds itself out to the public as being competent of rendering medical services, when confronted with a patient such 

owed a duty to timely and properly:

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- a. Select, employ, train and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;
- c. Any additional acts of negligence identified through the discovery process.

25. As a direct and proximate result of the above-named violations of the applicable standard of care by the above-named health care providers,  improperly performed abortion, failure to recognize retained fetal parts resulting in the need for additional surgeries, continued pelvic/abdominal pain, early menopause and the inability to get pregnant in the future.

26. WHEREFORE, Plaintiffs hereby request an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand

[\$25,000.00] dollars that Plaintiffs are found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

COUNT II: MEDICAL NEGLIGENCE OF HALLEY CRISSMAN, M.D.

27. Plaintiffs repeat and re-allege the allegations contained in all prior paragraphs of Plaintiffs' Complaint as though fully incorporated herein. Pro-Life Michigan

28. Defendant Halley Crissman, M.D. was negligent, inter alia, in the following particulars, in that as a reasonable and prudent, licensed and practicing physician, practicing Obstetrics and Gynecology, when presented with a patient such as [REDACTED] owed a duty to timely and properly:

- a. Determine and/or recommend the most prudent treatment for [REDACTED] condition;
- b. Refrain from recommending any procedure that is not in the patient's best interest;
- c. Have the skill, knowledge, and education to properly perform the proposed procedure;
- d. Use proper surgical technique when performing the abortion procedure on March 17, 2023;
- e. Confirm the instruments were in the uterine cavity before applying any force to the instruments;
- f. If unable to visualize the uterine cavity properly, stop the procedure and transfer [REDACTED] to a tertiary care facility;
- g. If the abortion procedure is not feasible, discontinue the procedure and recommend induction of labor;
- h. Refrain from perforating the uterus/cervix and refrain from pushing the fetal parts into the retroperitoneal space;
- i. Refrain from continuing the procedure in a false channel in the uterus/cervix with force resulting in fetal parts being pushed into the retroperitoneal space;

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j. Refer the patient to and/or directly consult with an appropriate medical specialist, whenever the patient's condition indicates that referral and/or consultation is necessary;


k. Any and all acts of negligence as identified through additional discovery.

29. Defendant Halley Crissman, M.D. did none of these things, and such acts or omissions constitute professional negligence for which Defendant Halley Crissman, M.D., is directly liable to Plaintiff.

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30. At all times relevant hereto, Halley Crissman, M.D. was an employee, agent, servant, or ostensible agent of Planned Parenthood of Michigan. Therefore, Planned Parenthood of Michigan is vicariously liable for the negligence of Defendant Halley Crissman, M.D., pursuant to the Doctrine of Respondeat Superior and ostensible agency.

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31. As a direct and proximate result of the above-named violations of the applicable standard of care by the above-named health care providers,  improperly performed abortion, failure to recognize retained fetal parts resulting in the need for additional surgeries, continued pelvic/abdominal pain, early menopause and the inability to get pregnant in the future.

32. WHEREFORE, Plaintiffs hereby request an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiffs are found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

COUNT III: MEDICAL NEGLIGENCE OF CHARISSE MARIE LODER, M.D.

33. Plaintiffs repeat and re-allege the allegations contained in all prior paragraphs of Plaintiffs' Complaint as though fully incorporated herein.

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34. Defendant Charisse Marie Loder, M.D. was negligent, inter alia, in the following particulars, in that as a reasonable and prudent, licensed and practicing physician, practicing Obstetrics and Gynecology, when presented with a patient such as [REDACTED] owed a duty to timely and properly:

- a. Determine and/or recommend the most prudent treatment for [REDACTED] condition;
- b. Refrain from recommending any procedure that is not in the patient's best interest;
- c. Have the skill, knowledge, and education to properly perform the proposed procedure;
- d. Use proper surgical technique when performing the abortion procedure on March 17, 2023;
- e. Confirm the instruments were in the uterine cavity before applying any force to the instruments;
- f. If unable to visualize the uterine cavity properly, stop the procedure and transfer Rebecca to a tertiary care facility;
- g. If the abortion procedure is not feasible, discontinue the procedure and recommend induction of labor;
- h. Refrain from perforating the uterus/cervix and refrain from pushing the fetal parts into the retroperitoneal space;
- i. Refrain from continuing the procedure in a false channel in the uterus/cervix with force resulting in fetal parts being pushed into the retroperitoneal space;
- j. Refer the patient to and/or directly consult with an appropriate medical specialist, whenever the patient's condition indicates that referral and/or consultation is necessary;
- k. Any and all acts of negligence as identified through additional discovery.

35. Defendant Charisse Marie Loder, M.D. did none of these things, and such acts or omissions constitute professional negligence for which Defendant Charisse Marie Loder, M.D., is directly liable to Plaintiff.

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36. At all times relevant hereto, Charisse Marie Loder, M.D. was an employee, agent, servant, or ostensible agent of Planned Parenthood of Michigan. Therefore, Planned Parenthood of Michigan is vicariously liable for the negligence of Defendant Charisse Marie Loder, M.D., pursuant to the Doctrine of Respondeat Superior and ostensible agency.

37. As a direct and proximate result of the above-named violations of the applicable standard of care by the above-named health care providers, [REDACTED] improperly performed abortion, failure to recognize retained fetal parts resulting in the need for additional surgeries, continued pelvic/abdominal pain, early menopause and the inability to get pregnant in the future.

38. WHEREFORE, Plaintiffs hereby request an award of damages against the Defendants herein, jointly and severally, in whatever amount above Twenty-Five Thousand [\$25,000.00] dollars that Plaintiffs are found to be entitled to, together with costs, interest and attorney fees, as well as all other damages allowed under Michigan Law.

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Respectfully Submitted:

McKEEN & ASSOCIATES, P.C.

/s/ Brian J. McKeen

BRIAN J. McKEEN (P34123)

DAVID T. TIRELLA (P79456)

Attorneys for Plaintiff

2000 Town Center Suite 1200

Southfield, MI 48226

(313) 961-4400

DATED: January 3, 2025


RE: REBECCA ELLEDGE

AFFIDAVIT OF MERITORIOUS CLAIM OF ROBERT DEIN, M.D.

STATE OF PENNSYLVANIA)
) SS
COUNTY OF MONTGOMERY)

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I, Robert Dein, M.D. by this Affidavit, state that during the relevant time period at issue in this matter, I was a licensed and practicing physician, specializing in, and devoting a majority of my professional time for the preceding year to, the clinical practice of Obstetrics and Gynecology, and I attest to the following:


1. I have read the Notice of Intent to File a Claim in this action.
2. I have reviewed all of the medical records provided to me by Plaintiff.
3. Halley Crissman, M.D.; and Charisse Marie Loder, M.D., licensed and practicing physicians, specializing in Obstetrics and Gynecology, and agents and/or employees of Planned Parenthood of Michigan when presented with a patient exhibiting the history, signs and symptoms such as those demonstrated by  had a duty to timely and properly:

- a. Determine and/or recommend the most prudent treatment for Rebecca Elledge's condition;
- b. Refrain from recommending any procedure that is not in the patient's best interest;
- c. Have the skill, knowledge, and education to properly perform the proposed procedure;
- d. Use proper surgical technique when performing the abortion procedure on March 17, 2023;
- e. Confirm the instruments were in the uterine cavity before applying any

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force to the instruments;

- f. If unable to visualize the uterine cavity properly, stop the procedure and transfer  to a tertiary care facility;
- g. If the abortion procedure is not feasible, discontinue the procedure and recommend induction of labor;
- h. Refrain from perforating the uterus/cervix and refrain from pushing the fetal parts into the retroperitoneal space;
- i. Refrain from continuing the procedure in a false channel in the uterus/cervix with force resulting in fetal parts being pushed into the retroperitoneal space;
- j. Refer the patient to and/or directly consult with an appropriate medical specialist, whenever the patient's condition indicates that referral and/or consultation is necessary;
- k. Any and all acts of negligence as identified through additional discovery.

4. Planned Parenthood of Michigan, a duly accredited and licensed health care institution, by and through their agents, actual and/or ostensible, servants and/or employees, including but not limited to, Halley Crissman, M.D. and Charisse Marie Loder, M.D., which hold themselves out to the public as being competent of rendering medical services, when confronted with a patient with the signs and symptoms such as those demonstrated by Rebecca Elledge, owed a duty to:

- a. Select, employ, train and monitor its agents, actual and/or ostensible, servants, employees and/or its staff of physicians, nurses and residents, to ensure they were competent to perform adequate medical care for a patient;
- b. Ensure that appropriate policies and procedures are adopted and followed;
- c. Any additional acts of negligence identified through the discovery process.

5. It is my opinion, based upon the available information, as well as my training knowledge, education and experience in Obstetrics and Gynecology that there was a failure to do

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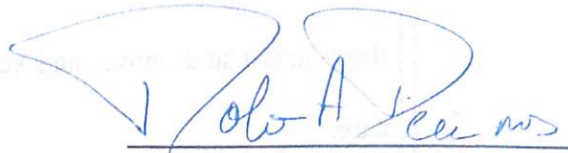
those acts listed above, and such omissions constitute violations of the applicable standard of care.

6. In order to have conformed to the standard of care, the above-named should have done those things listed in paragraphs 3 through 4, and the respective subsections above.

7. As a direct and proximate result of the above-listed breaches of the applicable standard of practice or care, [REDACTED] improperly performed abortion, failure to recognize retained fetal parts resulting in the need for additional surgeries, continued pelvic/abdominal pain, early menopause and the inability to get pregnant in the future.

8. This opinion is based upon a review of the information to date and may or may not change upon review of additional materials.

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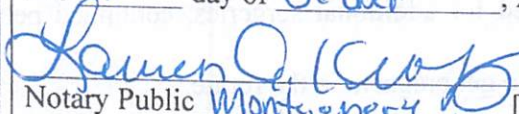


ROBERT A. DEIN, M.D.

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Subscribed and sworn to before me on
this 1 day of October, 2024

 [Name]
Notary Public Montgomery [County]
My Commission Expires: 9/03/2026

Commonwealth of Pennsylvania - Notary Seal
LAUREN A KRAFT - Notary Public
Montgomery County
My Commission Expires September 3, 2026
Commission Number 1088872