

JAMES L. SPAETH
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**IN THE COURT OF COMMON PLEAS
CIVIL DIVISION
WARREN COUNTY, OHIO**

DENISE FAIRBANKS,
c/o Crabbe Brown & James LLP
30 Garfield Pl. Suite 740
Cincinnati, Ohio 45202

Plaintiff,

VS.

**PLANNED PARENTHOOD
SOUTHWEST OHIO REGION
Serve: Statutory Agent
Alphonse A. Gerhardstein
1409 Enquirer Building
617 Vine Street
Cincinnati, Ohio 45202**

and

ROSLYN KADE, M.D.
2314 Auburn Avenue
Cincinnati, Ohio 45202

and

A.M.
2314 Auburn Avenue
Cincinnati, Ohio 45202

and

Julia Piercey
2314 Auburn Avenue
Cincinnati, Ohio 45219

:

:

and

:

L.P.
2314 Auburn Avenue
Cincinnati, Ohio 45202

:

:

and

:

B.B.
2314 Auburn Avenue
Cincinnati, Ohio 45202

:

:

Defendants.

Plaintiff Denise Fairbanks (hereinafter also referred to as “Plaintiff” or “Denise”) states the following complaint against defendants Planned Parenthood, Southwest Ohio Region, (“Planned Parenthood”), Roslyn Kade, M.D. (“Kade”), A.M., L.P., Julia Piercey (“Piercey”) and B.B.

INTRODUCTORY STATEMENT

When Denise arrived at Planned Parenthood’s clinic on November 15, 2004, she was 16 years old and had become pregnant as a result of the sexual abuse by her biological father. While at the clinic, Denise tried to put an end to this abuse, which had started in 2000, by informing a Planned Parenthood employee that she has been forced to have sex and to do things she did not want to do. Tragically for Denise, Planned Parenthood’s “don’t ask/don’t tell”¹ policy with respect to its duty to report suspected or known sexual abuse of minors was in full

¹See Ex. “1,” a document that is part of Planned Parenthood’s training files.

force on November 15, 2004.

Following its “don’t ask/don’t tell” policy, Planned Parenthood and at least one of the other defendants did not report their knowledge that Denise was a victim of sexual abuse. This violation of their duties under RC 2151.421 resulted in Denise being subjected to the sexual abuse of her biological father for another one and one-half years. In other words, the refusal by Planned Parenthood and one or more of the defendants to meet their RC 2151.421 reporting obligations resulted in Denise being sexually abused on many occasions over the next one and one-half years.

By this litigation Denise seeks damages to compensate her for the severe harm she has suffered as a direct result of Defendants’ breach of their duties owed her under RC 2151.421. In addition, Defendants’ conduct was reprehensible because it was done in accordance with Planned Parenthood’s “don’t ask/don’t tell” policy and as part of a pattern of wrongful conduct. For those reasons Denise also seeks an award of punitive damages that will be sufficient to not only punish Defendants for their reprehensible conduct, but also to deter Defendants and others who have reporting duties under RC 2151.421 from engaging in this type of conduct in the future.

PARTIES

1. Plaintiff Denise Fairbanks is and at all relevant times was a resident of the State of Ohio. In November, 2004 Denise was a resident of Warren County, Ohio.
2. Defendant Planned Parenthood is an Ohio corporation that in November, 2004 did and currently does business in 16 counties in Southwest Ohio, including Warren County, Ohio. Planned Parenthood operates a medical center at Auburn Avenue in Cincinnati, Ohio.

3. Defendant Kade at all relevant times was Planned Parenthood's Medical Director and shared responsibility for developing and implementing Planned Parenthood's policies, procedures and training programs. Kade at all relevant times also supervised employees located at the Auburn Avenue medical center. Kade at all relevant times was acting within the scope of her employment by Planned Parenthood. Kade is a resident of the State of Ohio.

4. Defendant A.M. at all relevant times was Planned Parenthood's Vice President of Patient Services and shared responsibility for developing and implementing Planned Parenthood's policies and procedures at that facility. A.M. at all relevant times was acting within the scope of her employment by Planned Parenthood. Denise states that, upon information and belief, A.M. is a resident of the State of Ohio.

5. Defendant L.P. at all relevant times was Manager of Planned Parenthood's Auburn Avenue medical center and shared responsibility for developing and implementing policies and procedures and supervising employees at that center. L.P. at all relevant times was acting within the scope of her employment by Planned Parenthood. Denise states that, upon information and belief, L.P. is a resident of the State of Ohio.

6. Defendant Julia Piercey ("Piercey") at all relevant times was Planned Parenthood's Vice President of Education and Training and was in charge of developing training programs for Planned Parenthood employees, including training with respect to the duty to report knowledge or suspicion of sexual abuse of minors. Piercey at all relevant times was acting within the scope of her employment by Planned Parenthood. Denise states that, upon information and belief, Piercey is a resident of the State of Ohio.

7. Defendant B.B. at all relevant times was an employee of Planned Parenthood who

worked at its Auburn Avenue medical center. B.B. was identified in the Complaint as Jane Doe #1. Denise states that on November 15, 2004 she met with B.B. at the medical center and informed B.B. that she had become pregnant as a result of forced sexual relations. Denise also states that B.B. did not report the notification of this sexual abuse as she was required to do under RC 2151.421. B.B. at all relevant times was acting within the scope of her employment by Planned Parenthood. Denise states that, upon information and belief, B.B. is a resident of the State of Ohio. Defendants' counsel have agreed to accept service of process on this Amended Complaint on behalf of B.B.

JURISDICTION AND VENUE

8. Plaintiff incorporates paragraphs 1-7 as if fully rewritten herein.
9. When Denise was taken by John Blanks ("Blanks"), her biological father, to Planned Parenthood's Auburn Avenue medical center on November 15, 2004, she resided with Blanks in Warren County, Ohio, and Planned Parenthood knew that she resided with Blanks in Warren County, Ohio.
10. Prior to November 15, 2004, Planned Parenthood, Kade, A.M., L.P. and J.P. had engaged in a pattern of conduct that they knew or should have known would result in the continued sexual abuse of minors in the counties in Southwest Ohio in which Planned Parenthood conducted business, including Warren County, Ohio. This reprehensible conduct was a direct and proximate cause of the harm suffered by Denise.
11. As a direct and proximate result of Defendants' actionable conduct that is the subject of this complaint, Blanks was able to continue to sexually abuse Denise in Warren County, Ohio.
12. Both jurisdiction and venue are proper.

STATEMENT OF UNDERLYING FACTS

Blanks' Abuse Of Denise And Defendants' Failure To Report The Abuse

13. Commencing in 2000, Blanks began sexually abusing Denise, who was 13 years old at that time. During the entire time Blanks sexually abused Denise, they lived together in the same residence. Blanks was the only adult who resided at the residence.

14. In late October or early November, 2004, Denise began having what she believed were stomach aches and problems.

15. In early November, 2004, Blanks took Denise to have her examined and treated for the stomach aches and problems she was experiencing. After Denise was examined and tests were completed, Blanks and Denise were informed that Denise was pregnant and that Denise was suffering from a sexually transmitted disease.

16. Blanks arranged for Denise to undergo an abortion at Planned Parenthood's medical center on Auburn Avenue.

17. On November 15, 2004, Blanks accompanied Denise to Planned Parenthood's Auburn Avenue medical center for the purpose of Denise having an abortion. Denise was a minor on November 15, 2004.

18. In connection with the abortion, Planned Parenthood required certain forms be completed. Although Denise signed some of the forms, they were completed by Blanks, and Denise did not read them.

19. Before the abortion had been performed, Denise met alone with B.B. During that meeting B.B. spoke to Denise about her (Denise's) need to use birth control when she engaged in

sexual activity. In response to B.B.'s statements, Denise told her that she was forced to do things she did not want to do. When Denise made this statement, B.B. suspected or knew, or, if she had been properly trained, would have suspected or known, that Denise was a victim of sexual abuse.

20. Planned Parenthood and B.B. did not report their knowledge or suspicions of the sexual abuse of Denise as they were required to do under RC 2151.421.

21. The failure of Planned Parenthood and B.B. to report their knowledge or suspicions of the sexual abuse of Denise is a violation of their duties under RC 2151.421.

22. As a direct and proximate result of Planned Parenthood's and B.B.'s failure to report their knowledge or suspicions of the sexual abuse of Denise, Blanks was able to continue his sexual abuse of Denise for approximately one and one-half years.

Planned Parenthood's Pre-November 15, 2004 Conduct

23. Prior to November 15, 2004, Planned Parenthood encouraged minors not to provide the information that would trigger Planned Parenthood's duty to report the sexual abuse of minors. This encouragement included: (a) coaching the minors on what not to say; (b) failing to ask the minors to provide what probably is the most important piece of information – i.e., the age of the sexual partner – to determine whether the minor is a victim of sexual abuse; and, (c) even after having been informed by minor girls that they are in sexual relationships with adult males, instructing the minors what to do to obtain birth control to continue their abusive relationships without their parents knowing.

24. Between January 1, 2000 and November 15, 2004, Planned Parenthood made reports of known sexual abuse of minors, but only when it had been explicitly informed that the abuse had

occurred and it had no choice but to report the abuse. However, during that period of time, Planned Parenthood did not make a single report of suspected sexual abuse of minors.

**Planned Parenthood's Pre-November 15, 2004
Knowledge That The Majority Of Pregnant
Minors It Saw Were Victims of Sexual Abuse**

25. Prior to November 15, 2004, Planned Parenthood knew every time a pregnant minor who had been infected with a sexually transmitted infection ("STI") arrived at its clinic that it was more probable than not that the minor was a victim of sexual abuse. That knowledge was in part based on the following information that Planned Parenthood has in its own training files:

- a. 70% of all babies born to teenage girls are fathered by men older than 20.
- b. Adult men fathered over 50% of babies born to girls 15-17 years old.
- c. Sexual activity by minors at an early age is associated with non-voluntary sexual intercourse.
- d. Teens who have partners who are six or more years older are nearly four times more likely to become pregnant than teens who date someone within 2 years of their age.
- e. Approximately 70% of all sexual assaults are committed by someone the victim knows.
- f. The majority of teenagers infected with a STI are infected by adult males.

26. Upon information and belief, from January 1, 2000 through November 15, 2004, Planned Parenthood made reports of sexual abuse of minors in less than 10% of the circumstances involving a minor who was pregnant and/or had been infected with a STI.

**Planned Parenthood's Policies And Practices
With Respect To Reporting Known Or Suspected Sexual Abuse Of Minors**

27. Kade, A.M., Piercey and L.P. were the Planned Parenthood employees responsible for the creation and implementation of Planned Parenthood's policies and practices that existed in November, 2004, including the policies and practices relating to RC 2151.421 ("the RC

2151.421 Policies”).

28. Between January 1, 2000 and November 15, 2004, Planned Parenthood, as a direct result of its policies and practices, did not fulfill its duties to make a report pursuant to RC 2151.421 each time it suspected or knew of the sexual abuse of a minor. This constitutes a pattern and practice of wrongdoing on the part of Planned Parenthood.

29. Kade, A.M., Piercey and L.P. knew or should have known that the RC 2151.421 Policies that existed in November, 2004 were deficient and the implementation of those policies would result in Planned Parenthood’s employees breaching their reporting duties under RC 2151.421. In fact, Planned Parenthood, had a “don’t ask, don’t tell” policy with respect to its duty to report suspected or known abuse of minors.

30. All acts and omissions of B.B. referred to in this complaint were done in accordance with the deficient RC 2151.421 Policies created, established, communicated, implemented and enforced by Kade, and/or A.M. and/or Piercey and/or L.P.

31. All damages sustained by Denise as a result of defendants’ acts and omissions referred to in the complaint were caused, in whole or in part, by Planned Parenthood’s deficient RC 2151.421 Policies and practices.

**Planned Parenthood’s Training Of Its Employees With
Respect To Reporting Known Or Suspected
Sexual Abuse Of Minors**

32. In 2004 Kade and Piercey were the Planned Parenthood employees in charge of developing the training programs for Planned Parenthood employees at the Auburn Avenue facility.

33. Kade's and Piercey's duties included developing the program used to train Planned Parenthood's employees, including B.B., in connection with their duties to comply with RC 2151.421.

34. The training program developed by Kade and Piercey in connection with RC 2151.421 that was in place in November, 2004 was deficient in many ways. The deficiencies were the result of Planned Parenthood's, Kade's and Piercey's negligence, recklessness or intentional wrongdoing. These Defendants knew that the deficiencies in training would result in the failure to report suspected or known sexual abuse of minors, and it was part of a pattern and practice or wrongdoing.

35. All damages sustained by Denise as a result of Defendants' acts and omissions referred to in the complaint were caused, in whole or in part, by the deficiencies in the training provided to Planned Parenthood employees, including B.B., who worked at its Auburn Avenue medical clinic.

Blanks' Criminal Conviction

36. In the spring of 2006 and approximately one and one-half years after Denise had informed Planned Parenthood and B.B. that she was a victim of sexual abuse, Denise told her future college basketball coach of the abuse. The coach reported the abuse to a law enforcement agency, which is precisely what Defendants Planned Parenthood and B.B. were required to have done on November 15, 2004.

37. An investigation conducted by law enforcement and the Warren County, Ohio Prosecuting Attorney of Blanks's sexual abuse of Denise resulted in criminal charges being brought against him. Blanks was found guilty of sexual battery, and he is currently serving time

in an Ohio prison.

FIRST CAUSE OF ACTION
**(VIOLATION OF RC 2151.421 BY PLANNED
PARENTHOOD AND B.B.)**

38. Plaintiff incorporates paragraphs 1-37 as if fully rewritten herein.
39. On November 15, 2004 Planned Parenthood and its employees had a duty under RC 2151.421 to report suspected or known sexual abuse of minors.
40. Planned Parenthood and B.B. knew or suspected that Denise was a victim of sexual abuse.
41. At no time did Planned Parenthood or B.B. report their knowledge or suspicion that Denise was a victim of sexual abuse as they were required to do under RC 2151.421.
42. Planned Parenthood and B.B. breached their duties under RC 2151.421.
43. As a direct and proximate result of Planned Parenthood's and B.B.'s breach of their duties under RC 2151.421:
 - a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and
 - b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

SECOND CAUSE OF ACTION
**(VIOLATION OF RC 2151.421 BY PLANNED
PARENTHOOD, KADE, A.M., PIERCEY AND L.P.)**

44. Plaintiff incorporates paragraphs 1-43 as if fully rewritten herein.
45. Kade, A.M., Piercey and L.P. are employees or former employees of Planned Parenthood who in November, 2004 were responsible for the creation and implementation of Planned

Parenthood's RC 2151.421 Policies and practices.

46. Planned Parenthood, Kade, A.M., Piercey and L.P. knew or should have known that the RC 2151.421 Policies and practices that existed in November, 2004 were deficient and the implementation of the Policies and practices would result in the breach by Planned Parenthood's employees, including B.B., of their reporting duties under RC 2151.421.

47. All damages sustained by Denise referred to in this complaint were caused, in whole or in part, by Planned Parenthood's deficient RC 2151.421 Policies and practices.

48. As a direct and proximate result of Planned Parenthood's deficient RC 2151.421 Policies and practices:

a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and

b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

THIRD CAUSE OF ACTION
(DEFICIENT TRAINING BY PLANNED
PARENTHOOD, KADE AND PIERCEY)

49. Plaintiff incorporates paragraphs 1-48 as if fully rewritten herein.

50. In November, 2004 Kade and Piercey were the Planned Parenthood employees in charge of the training Planned Parenthood employees, including B.B.

51. Kade's and Piercey's duties included developing the training provided Planned Parenthood's employees, including B.B., in connection with their duties to comply with RC 2151.421.

52. The "don't ask/don't tell" training developed and implemented by Kade and Piercey in

connection with RC 2151.421 was deficient, and the deficiencies were the result of Kade's and Piercey's negligence, recklessness or intentional wrongdoing.

53. All damages sustained by Denise as a result of Defendants' acts and omissions referred to in this complaint were directly caused, in whole or in part, by the deficiencies in the training provided Planned Parenthood's and its employees.

54. As a direct and proximate result of the deficient training Planned Parenthood. Kade and Piercey developed and provided Planned Parenthood's employees, including B.B.:

a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and

b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

FOURTH CAUSE OF ACTION
(NEGLIGENT OR RECKLESS SUPERVISION BY PLANNED
PARENTHOOD, KADE AND L.P.)

55. Plaintiff incorporates paragraphs 1-54 as fully rewritten herein.

56. Planned Parenthood, Kade and L.P. negligently or recklessly supervised the Planned Parenthood employees, including B.B., who worked at Planned Parenthood's Auburn Avenue clinic.

57. As a direct and proximate result of their negligent or reckless supervision of Planned Parenthood's employees, including B.B., Planned Parenthood, Kade and L.P. breached their duty to Denise under RC 2151.421.

58. As a direct and proximate result of Planned Parenthood's, Kade's and L.P.'s negligent or reckless supervision of Planned Parenthood's employees, including B.B.:

a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and

b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

FIFTH CAUSE OF ACTION
**(INTENTIONAL INFLICTION OF EMOTIONAL
DISTRESS BY ALL DEFENDANTS)**

59. Plaintiff incorporates paragraphs 1-58 as if fully rewritten herein.

60. Defendants' conduct as set forth in this complaint was so extreme and outrageous that it goes beyond the bounds of decency and is utterly intolerable in a civilized community.

61. Defendants' conduct was intentional, reckless and in knowing violation of Ohio law, and done to subvert and circumvent Denise's rights and demonstrates a flagrant disregard for Denise's safety.

62. As a direct and proximate result of Defendants' conduct:

a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and

b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

SIXTH CAUSE OF ACTION
**(NEGLIGENT INFLICTION OF EMOTIONAL
DISTRESS BY ALL DEFENDANTS)**

63. Plaintiff incorporates paragraphs 1-62 as if fully rewritten herein.

64. Defendants' knew or should have known that their conduct as set forth in this complaint would cause Denise to suffer emotional distress.

65. As a direct and proximate result of Defendants' conduct:

a. Blanks's sexual abuse of Plaintiff remained concealed, which enabled Blanks to continue to sexually abuse her for almost one and one-half years; and

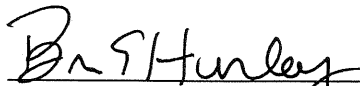
b. Plaintiff has suffered severe emotional and psychological distress for which she has incurred and will continue to incur expenses for counseling.

WHEREFORE, Plaintiff Denise Fairbanks demands judgment against Defendants, jointly and severally, in the following form:

1. Compensatory damages in an amount not less than \$25,000.00;
2. Punitive damages in an amount not less than the compensatory amount awarded;
3. Her attorneys' fees and costs; and
4. All other relief to which she may be entitled.

Respectfully submitted,

CRABBE, BROWN & JAMES LLP



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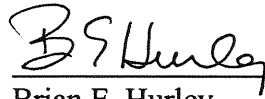
JURY DEMAND

Plaintiff demands a jury trial on all claims that can be tried to a jury.

Brian E. Hurley

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent by regular mail to Defendants' Attorneys, Daniel J. Buckley at Vorys Sater Seymour & Pease, 221 E. Fourth St., Suite 2000, P.O. Box 236 Cincinnati, Ohio 45202 this 16th day of November, 2007.

A handwritten signature in cursive script, appearing to read "B E Hurley", is written over a horizontal line.

Brian E. Hurley