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James R. Hart II, No. 004050
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IN THE SUPERIOR COURT, STATE OF ARIZONA
COUNTY OF MARICOPA

JANE DOE, a minor,)
)
Plaintiff,)
)
v.)
)
PLANNED PARENTHOOD OF)
CENTRAL AND NORTHERN)
ARIZONA, an Arizona corporation;)
STATE OF ARIZONA; DONALD)
STEVENS and PATRICIA STEVENS,)
husband and wife, individually, and in)
their capacity as employees of the)
STATE OF ARIZONA; SHAWN M.)
STEVENS, a single male; WILLIAM)
RICHARDSON, M.D., and JANE DOE)
RICHARDSON, husband and wife; and)
ARIZONA BAPTIST CHILDREN'S)
SERVICES, an Arizona corporation;)
JOHN and JANE ROES I-X; and XYZ)
CORPORATIONS AND GOVERNMENT)
ENTITIES I-X,)
)
Defendants.)

CASE NO: CV 2001-014876
AMENDED COMPLAINT
Tort – Non-Motor Vehicle
(Negligence, Assault and Battery)

(Assigned to Hon. Cathy M. Holt)

Plaintiff, by and through her attorney undersigned, and for her Complaint alleges as follows:

1 1. Planned Parenthood of Central and Northern Arizona ("Planned Parenthood")
2 is an Arizona corporation, doing business in Maricopa County, Arizona, at all times material
3 hereto.

4 2. Planned Parenthood is a healthcare provider, principally providing parenting
5 counseling and abortions.

6 3. At all times material hereto, Defendants Donald Stevens and Patricia Stevens
7 were husband and wife and employed by the State of Arizona, Department of Economic
8 Security ("DES"), Child Protective Services ("CPS"), as foster parents for the minor child,
9 Jane Doe.

10 4. Shawn M. Stevens is the natural son of Donald and Patricia Stevens and
11 acted either as an employee or agent of the State of Arizona, DES, CPS.

12 5. The State of Arizona, by and through the DES, retained and hired Donald and
13 Patricia Stevens as foster parents for the minor child, Jane Doe. The State of Arizona,
14 through the DES, allowed Donald and Patricia Stevens to act as its agents in regard to the
15 care and treatment of children in their foster care. The State of Arizona, by and through
16 the DES, licensed the Stevens as foster care parents. The State of Arizona and DES, and
17 its employees and licensees, were the agents, supervisors and/or supervisees, each of the
18 others, and were subject to the control, each of the others, sufficient to establish vicarious
19 liability.

20 6. Arizona Baptist Children's Services ("Children's Services"), is a non-profit
21 Arizona corporation. Through a contract with the State of Arizona, Children's Services
22 qualified, monitored, licensed, and supervised Donald Stevens and Patricia Stevens as
23 foster parents. Children's Services allowed Donald and Patricia Stevens to acts as its
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1 agents in regard to the care and treatment of children in their foster care. Children's
2 Services, its employees and licensees, or agents, supervisors and/or supervisees, each of
3 the others, and/or subject to the control, each of the others, sufficient to establish vicarious
4 liability.

5 7. William Richardson, M.D., and Jane Doe Richardson, were husband and
6 wife, and employed by Planned Parenthood. Dr. Richardson performed the abortion on
7 Jane Doe, on or about November 10, 1998.
8

9 8. The true names and identities of Defendants John and Jane Roes I-X, and
10 XYZ Corporations and Government Entities I-X, are not presently known to Plaintiff.
11 Plaintiff will seek leave to amend this Complaint when the true identities are learned
12 through the course of discovery and preparation for trial.
13

14 9. The Plaintiff, Jane Doe, is a minor child, date of birth November 18, 1985.
15 This action is brought in the name of Jane Doe, by and through the Order of the Superior
16 Court of Arizona, Maricopa County, Juvenile Division.

17 10. The individual Defendants named herein acted on behalf of their marital
18 communities, compromised of themselves and their spouse.

19 11. All events alleged herein occurred in Maricopa County, State of Arizona.

20 12. Plaintiff has complied with the provisions of A.R.S. § 12-821.01.
21

22 **COUNT I**

23 **(Negligence – Planned Parenthood)**

24 13. Plaintiff realleges and incorporates by reference herein each of the
25 allegations contained in paragraphs 1 through 12 of this Amended Complaint.
26

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1 14. On November 10, 1998, Jane Doe, accompanied by Shawn M. Stevens,
2 presented herself to Planned Parenthood for the purpose of obtaining an abortion. Jane
3 Doe had been a victim of child molestation and child abuse at the hands of the then
4 23-year-old Shawn M. Stevens. On said date, Planned Parenthood performed an abortion
5 on Jane Doe.
6

7 15. On November 10, 1998, Planned Parenthood knew that Jane Doe was a
8 minor under the age of fourteen (14) years, knew she was in the custody of foster parents,
9 and knew the correct telephone number and address of the foster parents. Planned
10 Parenthood failed to notify anyone that the abortion on the body of Jane Doe was to occur
11 or had occurred.
12

13 16. Because of Planned Parenthood's failure to report the abortion of
14 November 10, 1998, Jane Doe was subjected to continued child molestation and sexual
15 exploitation up and until Jane Doe presented herself for a second abortion on May 6, 1999.
16 Only after the second abortion did Planned Parenthood notify authorities on May 11, 1999.
17 Shawn M. Stevens also brought Jane Doe to Planned Parenthood on May 6, 1999.
18

19 17. Planned Parenthood's failure to notify the proper authorities of the abortion of
20 Jane Doe, knowing her to be a child under the age of fourteen (14) years and a ward of the
21 State of Arizona, was grossly negligent. Such gross negligence caused Jane Doe to be
22 subject to repeated child molestation and sexual exploitation at the hands of an adult for an
23 additional period of approximately six (6) months. Had Planned Parenthood properly
24 reported the incident to authorities, the perpetrator of the child molestation and sexual
25 exploitation would have been apprehended by authorities and Jane Doe would not have
26 had to go through a second abortion procedure. As a direct and proximate result of the

1 gross negligence of Planned Parenthood, Jane Doe has suffered physical pain,
2 humiliation, emotional distress, and permanent psychological damages. The exact
3 damage to Jane Doe's body in undergoing a second abortion procedure at the tender age
4 of fourteen (14) years, is yet unknown, but Plaintiff alleges that the second procedure may
5 have caused permanent physical injury to Jane Doe.

6
7 **COUNT II**

8 **(Negligence Per Se – Planned Parenthood)**

9 18. Plaintiff realleges and incorporates by reference herein each of the
10 allegations contained in paragraphs 1 through 17 of this Amended Complaint.

11 19. By failing to notify proper authorities on November 10, 1998, that Jane Doe
12 had been the victim of child molestation, child abuse and sexual exploitation, Planned
13 Parenthood violated the provisions of A.R.S. § 13-3620. Planned Parenthood was
14 negligent per se in failing to follow the dictates of the statute which require anyone having
15 the responsibility for the care and treatment of children under fourteen (14) years-of-age to
16 report that the minor has been a victim of child molestation, even if the conduct to be
17 reported was consensual.

18
19 **COUNT III**

20 **(Punitive or Exemplary Damages Against Planned Parenthood)**

21 20. Plaintiff realleges and incorporates by reference herein each of the
22 allegations contained in paragraphs 1 through 19 of this Amended Complaint.

23 21. By knowingly failing to notify proper authorities that Jane Doe was under the
24 age of fourteen (14), and subject to the child molestation, child abuse and sexual
25 exploitation from Shawn M. Stevens, Planned Parenthood consciously pursued a course of
26

1 conduct knowing that it created a substantial risk of significant harm to Plaintiff. Defendant
2 Planned Parenthood's conduct was outrageous and manifested an "evil mind", that is a
3 mind bent on violating the moral code recognized by civilized persons as necessary to
4 govern rationally the relations among themselves. As such, an award of punitive or
5 exemplary damages to punish Planned Parenthood and to deter it and others from similar
6 wrongful conduct in the future is appropriate.
7

8 WHEREFORE, Plaintiff prays for judgment against Planned Parenthood as follows:

9 A. For past and future special damages, including medical, psychological
10 counseling expenses, in a total amount presently unknown, but which amount will be
11 proved at trial;

12 B. For general damages, including mental distress, humiliation, and
13 psychological damages in an amount deemed fair and reasonable, but, in any event, well
14 in excess of the jurisdictional minimum of this Court;

15 C. For punitive or exemplary damages in an amount determined by the
16 trier of fact be appropriate in order to punish Planned Parenthood and to make an example
17 of them, and to deter them and others from engaging in similar conduct in the future;

18 D. For interest on the amount of damages fixed by the jury, from the date
19 of the incident;

20 E. For Plaintiff's costs and attorneys' fees incurred herein; and,

21 F. For such other and further relief and the Court deems just and
22 appropriate.
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COUNT IV

(Assault and Battery – Shawn M. Stevens)

22. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 21 of this Amended Complaint.

23. In 1996, Jane Doe began residing with Donald Stevens and Patricia Stevens in their home and as their foster child. Shawn M. Stevens, the natural son of Donald Stevens and Patricia Stevens, moved back into the Stevens' residence after being discharged from the Air Force in approximately February of 1998. After that time, Shawn M. Stevens began to have sexual intercourse with Jane Doe. Upon information and belief, these acts of sexual intercourse occurred in Shawn M. Stevens' bedroom at the Stevens' residence.

24. Shawn M. Stevens having sexual intercourse with Jane Doe constitutes assault and battery, and sexual abuse, in violation of A.R.S. § 13-1404; Sexual conduct with a minor, in violation of A.R.S. § 13-1405. Shawn M. Stevens knew, at the time that the acts of sexual intercourse occurred, that Jane Doe was under the age of fifteen (15) years.

25. As a direct and proximate result of the acts of Shawn M. Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages.

COUNT V

(Negligence – Shawn M. Stevens)

26. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 25 of this Amended Complaint.

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27. As an adult residing in the foster home of the minor child Jane Doe, Shawn M. Stevens had the duty to treat Jane Doe reasonably and in a morally and correct fashion. Shawn M. Stevens breached that duty by having sexual intercourse with the minor child, Jane Doe, who was legally unable to consent to such sexual intercourse.

28. As a direct and proximate result of the negligent actions of Shawn M. Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages.

COUNT VI

(Negligence – Donald Stevens and Patricia Stevens)

29. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 28 of this Amended Complaint.

30. Donald Stevens and Patricia Stevens, as licensed foster care parents for Jane Doe, had the duty to provide safe conditions, personal security and bodily integrity to Jane Doe, as their foster child. Donald Stevens and Patricia Stevens had the duty to provide reasonable care and protection of Jane Doe and as against the sexual exploitation of Jane Doe by Shawn M. Stevens.

31. Donald Stevens and Patricia Stevens breached their duty of care by failing to prevent the sexual exploitation of Shawn M. Stevens of Jane Doe. Donald Stevens and Patricia Stevens knew, or should have known, that Shawn M. Stevens was having sexual intercourse with Jane Doe in their residence.

32. As a direct and proximate result of the negligence of Donald Stevens and Patricia Stevens, Jane Doe has suffered physical pain, humiliation, emotional distress, and permanent psychological damages. At all times relevant, the Stevens' were acting under

1 color of law; to wit, under the color of statutes, ordinances, regulations, policies, customs,
2 and usages of the State of Arizona and the DES and were acting within the scope of their
3 employment or as agents of the State of Arizona.

4 COUNT VII

5 (Negligence – State of Arizona)

6
7 33. Plaintiff realleges and incorporates by reference herein each of the
8 allegations contained in paragraphs 1 through 32 of this Amended Complaint.

9 34. At all times material hereto, Jane Doe was an adjudicated dependent of the
10 Defendant, State of Arizona, and was in the State's care and custody. The State assigned
11 the Plaintiff to the care and custody of Donald Stevens and Patricia Stevens, as foster
12 parents.

13 35. Donald Stevens and Patricia Stevens were employees and agents of the
14 State of Arizona. The State of Arizona knew, or should have known, that Shawn M.
15 Stevens was a resident of the foster home, and he was an agent-in-fact for the State of
16 Arizona. The acts and omissions of Donald, Patricia and/or Shawn Stevens are
17 attributable to the State of Arizona, under the doctrine of respondeant superior.

18
19 36. The State of Arizona was further negligent in placing or allowing Jane Doe to
20 remain in a foster home where Shawn M. Stevens, an adult male, without proper
21 certification, investigation or monitoring, could subject a child to sexual abuse.

22
23 WHEREFORE, Plaintiff prays for judgment against Donald Stevens; Patricia
24 Stevens; Shawn M. Stevens; and, the State of Arizona, by and through the Department of
25 Economic Security, as follows:

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- A. For past and future special damages, including medical and psychological counseling, in a total amount presently unknown, but which amount will be proved at trial;
- B. For general damages, including emotional distress, humiliation, and psychological damages, in an amount deemed fair and reasonable, but, in any event, well in excess of the jurisdictional minimum of this Court;
- C. For interest on the amount of damages fixed by the jury, from the date of the sexual conduct of Shawn M. Stevens;
- D. For Plaintiff's costs and attorneys' fees incurred herein; and,
- E. For such other and further relief as the Court deems just and proper.

COUNT VIII

(Negligence – Children's Services)

37. Plaintiff realleges and incorporates by reference herein each of the allegations contained in paragraphs 1 through 36 of this Amended Complaint.

38 At all times material hereto, Jane Doe was an adjudicated dependent of the Defendant, State of Arizona. The State, either through agreement or contract, assigned the duties of licensing and supervision of Donald Stevens and Patricia Stevens to Children's Services.

39. Donald Stevens and Patricia Stevens were employees and/or agents and/or licensees of Children's Services. Children's Services knew, or should have known, that Shawn M. Stevens was a resident of the foster home. Upon information and belief, Children's Services was aware, or should have been aware, of the relationship or the potential of the relationship between Shawn M. Stevens and Jane Doe. Children's

1 Services had a duty to protect Jane Doe by adequately supervising and monitoring the
2 Stevens' foster home. Children's Services failed to adequately monitor, supervise, and/or
3 anticipate the actions of Shawn M. Stevens against Jane Doe. Children's Services violated
4 its duties to Jane Doe, thereby causing her substantial damage.

5
6 40. Children's Services was further negligent in placing or allowing Jane Doe to
7 remain in a foster home where Shawn M. Stevens, an adult male, without proper
8 certification, investigation or monitoring, could subject a child to sexual abuse.

9 **COUNT IX**

10 **(Negligence – Dr. Richardson)**

11 41. Plaintiff realleges and incorporates by reference herein each of the
12 allegations contained in paragraphs 1 through 40 of this Amended Complaint.

13
14 42. William Richardson, M.D., was a doctor licensed by the State of Arizona.
15 Planned Parenthood employed Dr. Richardson to perform abortions in November of 1998.
16 Dr. Richardson performed an abortion prescreening on Jane Doe on November 10, 1998,
17 and performed an abortion on Jane Doe on November 10, 1998.

18 43. On November 10, 1998, Dr. Richardson knew that Jane Doe was a minor
19 under the age of fourteen (14) years, knew she was in the custody of foster parents, and
20 knew the correct telephone number and address of the foster parents. Dr. Richardson
21 failed to notify anyone that the abortion on the body of Jane Doe was to occur, or had
22 occurred.

23
24 44. Because Dr. Richardson failed to report the abortion of November 10, 1998,
25 Jane Doe was subjected to continued child molestation and sexual exploitation, up and
26 until Jane Doe presented herself for a second abortion on May 6, 1999. Only after the

1 second abortion were authorities notified on May 11, 1999. Dr. Richardson, as a physician
2 and healthcare provider, had a separate duty to notify authorities of the sexual abuse/child
3 molestation of his patient.

4 45. Dr. Richardson's failure to notify the proper authorities of the abortion on
5 Jane Doe, knowing her to be a child under the age of fourteen (14) years, and a ward of
6 the State of Arizona, was grossly negligent. Such a gross negligence caused Jane Doe to
7 be subject to repeated child molestation and sexual exploitation at the hands of an adult for
8 an additional period of approximately six (6) months. Had Dr. Richardson properly
9 reported the incident to authorities, the perpetrator of the child molestation and sexual
10 exploitation would have been apprehended by authorities and Jane Doe would not have
11 had to go through a second abortion procedure. As a direct and proximate result of the
12 gross negligence of Dr. Richardson, Jane Doe has suffered physical pain, humiliation,
13 emotional distress, permanent psychological damages, and potential permanent physical
14 damages. The exact damage to Jane Doe's body, in undergoing a second abortion
15 procedure at the tender age of fourteen (14) years, is yet unknown, but Plaintiff alleges the
16 second procedure may have caused permanent physical injury to Jane Doe.

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19 **COUNT X**

20 **(Negligence Per Se – Dr. Richardson)**

21
22 46. Plaintiff realleges and incorporates by reference herein each of the
23 allegations contained in paragraphs 1 through 45 of this Amended Complaint.

24 47. By failing to notify proper authorities on or before November 10, 1998, that
25 Jane Doe had been the victim of child molestation, child abuse and sexual exploitation,
26 Dr. Richardson violated the provisions of A.R.S. § 13-3620. Dr. Richardson was negligent

1 per se in failing to follow the dictates of the statute which requires anyone having the
2 responsibility for the care and treatment of children under fourteen (14) years of age to
3 report that the minor had been a victim of child molestation, even if the conduct to be
4 reported was consensual.

5
6 **COUNT XI**

7 **(Punitive or Exemplary Damages Against Dr. Richardson)**

8 48. Plaintiff realleges and incorporates by reference herein each of the
9 allegations contained in paragraphs 1 through 47 of this Amended Complaint.

10 49. By knowingly failing to notify proper authorities that Jane Doe was under the
11 age of fourteen (14), and subject to child molestation, child abuse and sexual exploitation
12 from Shawn M. Stevens, Dr. Richardson consciously pursued a course of conduct,
13 knowing that it created a substantial risk of significant harm to Plaintiff. Dr. Richardson's
14 conduct was outrageous and manifested an "evil mind", that is, a mind bent on violating the
15 moral code recognized by civilized persons as necessary to govern rationally the relations
16 among themselves. As such, an award of punitive or exemplary damages to punish
17 Dr. Richardson and to deter him and others from similar wrongful conduct in the future is
18 appropriate.
19

20 WHEREFORE, Plaintiff prays for judgment against William Richardson, M.D., and
21 Jane Doe Richardson, as follows:
22

23 A. For past and future special damages, including medical, psychological
24 counseling expenses, in a total amount presently unknown, but which amount will be
25 proved at trial;

26 *////*

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B. For general damages, including mental distress, humiliation, and psychological damages in an amount deemed fair and reasonable, but, in any event, well in excess of the jurisdictional minimum of this Court;

C. For punitive or exemplary damages in an amount determined by the trier of fact be appropriate in order to punish William Richardson, M.D., and Jane Doe Richardson, and to make an example of them, and to deter them and others from engaging in similar conduct in the future;


D. For interest on the amount of damages fixed by the jury, from the date of the incident;

E. For Plaintiff's costs and attorneys' fees incurred herein; and,

F. For such other and further relief and the Court deems just and appropriate.

RESPECTFULLY SUBMITTED this 27th day of June, 2002.

MARTIN, HART & FULLERTON

BY: 

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(480) 838-9000
Attorneys for Plaintiff

ORIGINAL and/or COPY of the foregoing
faxed, mailed and/or *hand-delivered this
27th day of June, 2002, to:

*Hon. Cathy M. Holt

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By *Barbara Payne*
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CLERK OF THE SUPERIOR COURT
MARICOPA COUNTY, ARIZONA
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----- CASE# CV2001-014876 -----		
COPIES	015	7.50
SUB TOTAL		7.50

TOTAL AMOUNT DUE		7.50

CREDIT (CCH 2079 AUTH# 095257)		7.50
TOTAL PAID		7.50
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CHANGE		0.00

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brannon kristen

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