

IN THE IOWA DISTRICT COURT IN AND FOR CERRO GORDO COUNTY

TERRA GAFFNEY,

Plaintiff(s)

Vs.

STEPHEN THORN, M.D., MERCY
HEALTH SERVICES IOWA CORP.
D/B/A MERCY MEDICAL CENTER
NORTH IOWA and MERCY OBSTETRICS
AND GYNECOLOGY CLINIC and JANE
DOE(S),

Defendant(s)

Case No. _____

**PETITION AT LAW AND JURY
DEMAND**

COMES NOW Plaintiff, Terra Gaffney, and states as follows:

1. Terra Gaffney is and was a resident of Rockwell, Cerro Gordo County, Iowa, at all relevant times.

2. Mercy Medical Center North is a medical facility located in and doing business in Cerro Gordo County, Iowa, at all relevant times.

3. Mercy Health Services - Iowa Corp. d/b/a Mercy Medical Center North Iowa is a registered nonprofit in the State of Iowa, and operates Mercy Obstetrics and Gynecology Clinic, and Mercy Medical Center North.

4. Mercy Obstetrics and Gynecology Clinic is and was located in Cerro Gordo County, Mason City, Iowa, at all relevant

times and Stephen Thorn, M.D., is a physician who has provided medical services to patients of such clinic and receives reimbursement for such services at all times relevant to this suit for damages.

5. On or about August 23, 2017, Terra Gaffney initiated pre-natal care with Dr. Stephen Thorn at Mercy Obstetrics and Gynecology Clinics.

6. On or about October 4, 2017, Terra Gaffney had a prenatal appointment with Dr. Stephen Thorn at Mercy Obstetrics and Gynecology Clinic.

7. During such visit, Terra Gaffney discussed her concerns related to her pregnancy and expressed concern and anxiety.

8. During such visit, Terra Gaffney discussed transitioning her prenatal care back to her family practice physician of many years.

9. During such visit, Dr. Stephen Thorn committed an unconsented and not medically indicated physical touching of Terra Gaffney.

10. On or about October 4, 2017, Terra Gaffney had a blood test to diagnose chromosomal abnormalities that could cause serious birth defects in a fetus.

11. On or about October 12, 2017, Dr. Stephen Thorn made a telephone call to Terra Gaffney to inform her of the progeny test results.

12. On or about October 12, 2017, Terra Gaffney did not answer the telephone call from Dr. Stephen Thorn.

13. On or about October 12, 2017, Dr. Stephen Thorn left a voicemail on Terra Gaffney's cellular phone, during such voicemail Dr. Stephen Thorn and multiple other unidentified females are heard to be making disparaging remarks about Terra Gaffney's mental health, past medical treatment, the paternity of her unborn fetus and health of Terra Gaffney's unborn fetus.

14. The statements made on or about October 12, 2017, did include statements about Terra Gaffney's past medical history and treatment with other providers of Mercy Obstetrics and Gynecology Clinic but such statements were made in the presence of other clinic employees who did not require access to or knowledge of Terra Gaffney's protected health information.

15. The statements of Mercy Obstetrics and Gynecology Clinic employees on the voicemail were not made with the intent or purpose of providing medical care to Terra Gaffney.

16. On or about October 13, 2017, Terra Gaffney listened to the aforementioned voicemail message.

17. Such statements caused Terra Gaffney physical and emotional distress and required that Terra Gaffney change prenatal care providers.

18. Because of the duty based on the fiduciary care relationship between a doctor and a patient, Dr. Stephen Thorn and the unidentified Mercy Obstetrics and Gynecology Clinic employees had a duty of ordinary care to avoid causing Terra Gaffney emotional harm.

19. Dr. Stephen Thorn's unconsented and not medically indicated physical touching violates the ordinary standard of care duty that is owed to Terra Gaffney.

20. The comments made by Stephen Thorn, M.D., and unidentified Mercy Obstetrics and Gynecology Clinic employees violates the duty of care owed to a patient in a medical clinic setting.

21. The unconsented and not medically indicated physical touching of Terra Gaffney by Dr. Stephen Thorn caused physical and emotional distress to Terra Gaffney.


22. Terra Gaffney has suffered past physical injury and emotional distress and will suffer future physical injury and emotional distress.

JURY DEMAND

The Plaintiff requests trial by jury in the above matter.

WHEREFORE, Plaintiff prays for damages for past and future emotional and physical injury and any other such relief the Court sees as just.

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