

IN THE IOWA DISTRICT COURT FOR CERRO GORDO COUNTY

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|-----------------------------------|---|------------------------------------|
| TERRA GAFFNEY, |) | |
| Plaintiff, |) | CASE NO. LACV071210 |
| |) | |
| vs. |) | |
| |) | DEFENDANTS' ANSWER AND JURY |
| STEPHEN THORN, M.D., MERCY |) | DEMAND |
| HEALTH SERVICES IOWA CORP. |) | |
| D/B/A MERCY MEDICAL CENTER |) | |
| NORTH IOWA and MERCY |) | |
| OBSTETRICS AND GYNECOLOGY |) | |
| CLINIC and JANE DOE(S), |) | |
| |) | |
| Defendants. |) | |

Defendants, Stephen Thorn, M.D., Mercy Health Services-Iowa, Corp., d/b/a Mercy Medical Center North Iowa and Mercy Obstetrics and Gynecology Clinic, for answer to Plaintiff's Petition state:

1. Defendants have insufficient information to either admit or deny the allegations of Paragraph 1, and they are therefore denied.
2. The allegations of Paragraph 2 are admitted.
3. The allegations of Paragraph 3 are admitted.
4. The allegations of Paragraph 4 are admitted.
5. The allegations of Paragraph 5 are admitted.
6. The allegations of Paragraph 6 are admitted.
7. Defendants admit that Plaintiff disclosed a history of anxiety and endorsed anxiety at her October 4, 2017 visit. All other allegations not otherwise admitted are denied.
8. Defendants admit Dr. Thorn advised Plaintiff that she had a higher risk pregnancy, due to age and prior history, and that he could not guarantee that he would deliver

her baby, and that she mentioned she may return to her family physician. All other allegations of Paragraph 8 not specifically admitted are denied.

9. The allegations of Paragraph 9 are categorically denied.

10. The allegations of Paragraph 10 are admitted.

11. It is admitted that Dr. Thorn attempted to reach Plaintiff by phone on or about October 12, 2017. All other allegations not specifically admitted are denied.

12. The allegations of Paragraph 12 are admitted.

13. It is admitted that Plaintiff's cellular messaging system picked up the voice of Dr. Thorn and at least one nurse after Dr. Thorn believed the phone had been disconnected. All other allegations not specifically admitted are denied.

14. The allegations of Paragraph 14 are denied.

15. The allegations of Paragraph 15 are denied.

16. Defendants have insufficient information to either admit or deny the allegations of Paragraph 16, and they are therefore denied.

17. The allegations of Paragraph 17 are denied.

18. Paragraph 18 does not assert a factual allegation but instead asserts a legal conclusion that is a matter of law for the court and is therefore denied.

19. The allegations of Paragraph 19 are denied.

20. The allegations of Paragraph 20 are denied.

21. The allegations of Paragraph 21 are denied.

22. The allegations of Paragraph 22 are denied.

WHEREFORE, Defendants pray that Plaintiff's Petition be dismissed at Plaintiff's cost and for such other relief as the Court deems just.

DEFENSES

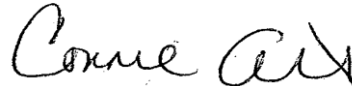
In addition to the denials set forth above, Defendants state:

1. Plaintiff's claims are barred as they fail to state claims upon which relief can be granted.
2. Plaintiff's own fault should bar her claims in their entirety. The only conceivable touching was when Plaintiff jumped toward Dr. Thorn and unexpectedly and energetically hugged him in her excitement about the ultrasound showing a heartbeat, causing their bodies to touch.

WHEREFORE, Defendants pray that Plaintiff's Petition be dismissed at Plaintiff's cost and for such other relief as the Court deems just.

JURY DEMAND

Defendants hereby request a trial by jury through the undersigned.



CONNIE ALT AT0000497

for

SHUTTLEWORTH & INGERSOLL, P.L.C.

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| CERTIFICATE OF SERVICE |
| The undersigned hereby certifies that a copy of this document was served upon counsel of record for each party to the action in compliance with the applicable IRCP August 16, 2018, by: |
| <input checked="" type="checkbox"/> Electronically via EDMS for registrants |
| <input type="checkbox"/> U.S. Mail _____ |
| <input type="checkbox"/> Fax _____ |
| <input type="checkbox"/> Overnight Courier _____ |
| <input type="checkbox"/> Hand Delivery _____ |
| <input type="checkbox"/> E-mail _____ |
| By: <u>/s/B. Mollenhauer</u> |