

MONROE COUNTY CLERK'S OFFICE

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Return To:  
KATHRYN LEE BRUNS

Hellquist, Morgan

Wortman, Morris M.D.  
Morris Wortman, M.D., PLLC  
Wortman Morris, M.D., FACOG  
Genesee Valley Group Health Association  
The Center for Menstrual Disorders

|                              |                 |               |
|------------------------------|-----------------|---------------|
| State Fee Index Number       | \$165.00        |               |
| County Fee Index Number      | \$26.00         |               |
| State Fee Cultural Education | \$14.25         |               |
| State Fee Records Management | \$4.75          | Employee: ARC |
| <b>Total Fees Paid:</b>      | <b>\$210.00</b> |               |

State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING – THIS SHEET CONSTITUTES THE CLERKS  
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &  
SECTION 319 OF THE REAL PROPERTY LAW OF THE  
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK  
SUPREME COURT COUNTY OF MONROE

MORGAN HELLQUIST,  
4624 Reservoir Road  
Geneseo, NY 14454

Plaintiff,

vs.

MORRIS WORTMAN, M.D.  
191 Trevor Court Road  
Rochester, NY 14610

MORRIS WORTMAN, M.D., PLLC  
2020 South Clinton Avenue  
Rochester, New York 14618

WORTMAN MORRIS M.D. FACOG  
2020 South Clinton Avenue  
Rochester, New York 14618

GENESEE VALLEY GROUP HEALTH ASSOCIATION  
d/b/a LIFETIME HEALTH MEDICAL GROUP  
165 Court Street  
Rochester, New York 14647

THE CENTER FOR MENSTRUAL DISORDERS  
2020 South Clinton Avenue  
Rochester, New York 14618

Defendants.

Plaintiff designates  
Monroe County as  
the place of trial.

Plaintiff is a resident of  
Livingston County.

**SUMMONS**

**Index No.** \_\_\_\_\_

Venue is based on CPLR  
503; Defendants reside in or  
have their principal places of  
business in Monroe County;  
and a substantial part of the  
events and/or omissions  
giving rise to the claims  
occurred in Monroe County.

To the above named Defendants:

**YOU ARE HEREBY SUMMONED** to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the plaintiffs' attorneys within 20 days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is

not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: September 11, 2021  
Rochester, New York

**FARACI LANGE, LLP**



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By: Kathryn Lee Bruns, Esq.  
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kbruns@faraci.com  
*Attorneys for Plaintiff*

STATE OF NEW YORK  
SUPREME COURT COUNTY OF MONROE

MORGAN HELLQUIST,

Plaintiff,

**COMPLAINT**

vs.

**Index No.**

MORRIS WORTMAN, M.D.,  
MORRIS WORTMAN, M.D., PLLC,  
WORTMAN MORRIS, M.D., FACOG,  
GENESEE VALLEY GROUP HEALTH ASSOCIATION  
d/b/a LIFETIME HEALTH MEDICAL GROUP, and  
THE CENTER FOR MENSTRUAL DISORDERS,

Defendants.

Plaintiff, Morgan Hellquist, by her attorneys, as and for her complaint in the above matter states as follows:

**PARTIES**

1. Plaintiff MORGAN HELLQUIST is a resident of the Town of Geneseo, County of Livingston, State of New York.

2. At all times relevant herein, Defendant MORRIS WORTMAN, M.D. (“Defendant Wortman”) is a medical doctor licensed in the State of New York engaged in the practice of medicine as the Medical Director of The Center for Menstrual Disorders, and is a resident of Monroe County, New York.

3. At all times relevant herein, Defendant MORRIS WORTMAN, M.D., PLLC is and was a Professional Limited Liability Company with its principal place of business at 2020 South Clinton Ave., Rochester, NY 14618.

4. Upon information and belief, at all times relevant herein, Defendant WORTMAN MORRIS, M.D., FACOG is and was a Professional Limited Liability Company with its principal place of business at 2020 South Clinton Ave., Rochester, NY 14618.

5. Upon information and belief, Defendant GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP was a domestic not-for-profit corporation registered with the New York Department of State to do business in New York, with its principal place of business at 165 Court Street, Rochester, NY 14647. Genesee Valley was a physician group that provided health care to patients in Rochester and Buffalo, New York, and was an affiliate of The Lifetime Healthcare Companies.

6. Upon information and belief, at all times relevant herein, THE CENTER FOR MENSTRUAL DISORDERS is a Professional Limited Liability Company with its principal place of business at 2020 South Clinton Ave., Rochester, NY 14618.

7. Upon information and belief, Defendant MORRIS WORTMAN, M.D. is the owner, founder, principal, and/or agent of Defendants MORRIS WORTMAN, M.D., PLLC, WORTMAN MORRIS, M.D., FACOG, and THE CENTER FOR MENSTRUAL DISORDERS.

8. Upon information and belief, at all times relevant herein, Defendant MORRIS WORTMAN, M.D. was acting as the principal, agent, and/or employee of MORRIS WORTMAN, M.D., PLLC.

9. Upon information and belief, at all times relevant herein, Defendant MORRIS WORTMAN, M.D. was acting as the principal, agent, and/or employee of WORTMAN MORRIS, M.D., FACOG.

10. Upon information and belief, at all times relevant herein, Defendant MORRIS WORTMAN, M.D. was acting as an agent and/or employee of GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP.

11. Upon information and belief, at all times relevant herein, Defendant MORRIS WORTMAN, M.D. was acting as the principal, agent, and/or employee of THE CENTER FOR MENSTRUAL DISORDERS.

12. Upon information and belief, at all times relevant herein, Nurse Practitioner Amy Daggett was and is an employee of Defendants MORRIS WORTMAN, M.D., MORRIS WORTMAN, M.D., PLLC, WORTMAN MORRIS, M.D., FACOG, GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP, and/or THE CENTER FOR MENSTRUAL DISORDERS, and has been an employee of Defendants since 1986.

13. At all times that she treated Plaintiff, Nurse Practitioner Amy Daggett was employed by Defendants and was acting within the scope of her employment as an employee and agent of Defendants.

14. At all times relevant herein, Rebecca Wortman was acting within the scope of her employment as an employee and/or agent of Defendants.

15. Upon information and belief, at all times relevant herein, Rebecca Wortman was and is a Manager of Defendants MORRIS WORTMAN, M.D., PLLC, WORTMAN MORRIS, M.D., FACOG, GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP, and/or THE CENTER FOR MENSTRUAL DISORDERS.

16. At all times relevant herein, Defendant MORRIS WORTMAN, M.D., held himself out as duly qualified to render proper medical and gynecological care, including care, treatment, advice and services to members of the general public, including Plaintiff MORGAN HELLQUIST.

17. At all times relevant herein, Defendant MORRIS WORTMAN, M.D., PLLC is vicariously responsible for the actions of Defendant MORRIS WORTMAN, M.D., Amy Daggett, N.P., and Rebecca Wortman.

18. At all times relevant herein, Defendant WORTMAN MORRIS, M.D., FACOG is vicariously responsible for the actions of Defendant MORRIS WORTMAN, M.D., Amy Daggett, N.P., and Rebecca Wortman.

19. At all times relevant herein, Defendant GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP is vicariously responsible for the actions of Defendant MORRIS WORTMAN, M.D., Amy Daggett, N.P., and Rebecca Wortman.

20. At all times relevant herein, Defendant THE CENTER FOR MENSTRUAL DISORDERS is vicariously responsible for the actions of Defendant MORRIS WORTMAN, M.D., Amy Daggett, N.P., and Rebecca Wortman.

## FACTUAL ALLEGATIONS

### **Plaintiff is a Donor-Conceived Child.**

21. Plaintiff was born on September 19, 1985 to her biological mother Jo Ann Levey and her non-biological father, Gary Levey.

22. Plaintiff is donor-conceived. Her father Mr. Levey was unable to bear his own biological children because when he was 20 years old in 1973, he was hit by a drunk driver while riding a motorcycle and suffered from T6 paraplegia as a result of the injuries sustained in the collision.

23. In or about 1983, plaintiff's mother, Mrs. Levey, became a patient of Defendant Wortman at his OB/GYN medical practice in Rochester, NY. That practice offered fertility medicine to patients trying to conceive children.

24. Upon information and belief, at that time, Defendant Wortman's OB/GYN and fertility practice operated as MORRIS WORTMAN, M.D., PLLC., WORTMAN MORRIS, M.D. FACOG, and/or GENESEE VALLEY GROUP MEDICAL ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP.

25. Upon information and belief, Defendant Wortman was the Director of Infertility Program at GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP when Mrs. and Mr. Levey sought fertility treatment from him.

26. Defendant Wortman began treating Mrs. Levey in his fertility clinic and recommended that she attempt to achieve fertilization and conception through insemination of live sperm from a donor.

27. Defendant Wortman told Mrs. Levey that in his experience as a fertility specialist, insemination of live sperm, and not frozen sperm, had the best chance for a success pregnancy.



28. Mr. and Mrs. Levey agreed to have Mrs. Levey inseminated with live sperm from a sperm donor to achieve pregnancy.

29. Mr. and Mrs. Levey had two requirements of the prospective sperm donor that they communicated to Defendant Wortman. First, they asked for a donor with a clean health history, with no known mental or physical conditions, disorders, or anomalies that could be passed genetically to their child.

30. Second, Mr. and Mrs. Levey requested the donor not be from any one specific ethnic background, nor have any predominant ethnic or genetic heritage at all. In this way, the child could match their own mixed ethnic and cultural backgrounds.

31. Mr. and Mrs. Levey's families were of mixed northern European descent (including Irish, English, Scotch, and German). For this reason, Mr. and Mrs. Levey specifically requested the donor not be predominantly Italian or Jewish in ethnicity, as neither ethnicity was present in their own family histories.

32. Defendant Wortman assured Mr. and Mrs. Levey he had a donor fitting this description.

33. Defendant Wortman promised Mr. and Mrs. Levey he had a donor who came from a heritage that originated from multiple ethnicities, and that the donor was not 100% any specific ethnicity.

34. Defendant Wortman told Mr. and Mrs. Levey the donor was a University of Rochester Medical Center medical student who was willing to donate his live sperm to help the Leveys to conceive.

35. Defendant Wortman informed Mr. and Mrs. Levey they would pay the medical student \$50.00 per donation of live sperm.

36. Defendant Wortman told Mr. and Mrs. Levey that they would need to pay in the fee in cash or check made payable to Defendant Wortman so as to protect the identity of the medical student sperm donor. Defendant Wortman told the Leveys he would cash the check and give the payment to the medical student donor each time.

37. Defendant Wortman promised the medical student donor would be “on call” and available at a moment’s notice.

38. Defendant Wortman promised to the Leveys he performed “a complete background check” on the medical student donor’s medical and health history so as to rule out any genetic issues that could affect the baby.

39. Defendant Wortman promised to the Leveys the donor’s medical and health history revealed no medical or health issues.

40. Upon information and belief, Defendant Wortman also told the Leveys this specific donor would be used for Mrs. Levey and then only until there was one successful pregnancy. At that point, that donor would not be used again for any insemination.

41. Upon information and belief, beginning in late 1983 through January 1985, Defendant Wortman inseminated Mrs. Levey two to three times monthly in either his office or at Highland Hospital in exchange for the Leveys’ payment of \$50.00 in cash or check for each insemination. Those inseminations were unsuccessful in achieving a viable pregnancy.

42. Defendant Wortman told the Leveys each such insemination was of the medical student donor’s live sperm.

43. In January 1985, Defendant Wortman inseminated Mrs. Levey with live sperm from the same donor for a \$50.00 payment.

44. Mrs. Levey became pregnant from this insemination.

45. On [REDACTED] 1985, Plaintiff was born at Highland Hospital.

**Plaintiff's Parents Inform Plaintiff She is Donor-Conceived and Defendant Wortman Was the Physician Who Made Her Conception Possible.**

46. In 1993, when Plaintiff was eight years old, Mr. and Mrs. Levey shared with Plaintiff that she was donor-conceived, and that her father Mr. Levey was not in fact her biological father. Mr. and Mrs. Levey also told Plaintiff about Defendant Wortman. They told her that they felt that Defendant Wortman was talented and trusted because he had achieved this miracle in their lives, and successfully used an anonymous medical student donated his live sperm for Mrs. Levey's insemination, resulting in Plaintiff's conception.

47. Defendant Wortman was revered in Plaintiff's family by her parents and by Plaintiff as she grew up because of what he had done for them. Plaintiff herself felt a great deal of affinity toward him because of her parents' stories and because of her existence.

48. Plaintiff and her parents enjoyed a loving relationship as Plaintiff grew up. Plaintiff's parents remained devoted to each other in marriage until Mr. Levey's untimely and tragic death in January 2015 following complications after surgery.

49. Plaintiff and her mother, Mrs. Levey, continue to enjoy a close and loving relationship today.

50. In or about 1998 or 1999, Mrs. Levey called Defendant Wortman's office and asked about information regarding the University of Rochester Medical Center medical student donor. Mrs. Levey did so at Plaintiff's request because Plaintiff was learning in high school biology about genetics and DNA, and wanted more information about the medical student donor. Defendant Wortman told Mrs. Levey that he did not retain medical records from his fertility practice from the time period in which Plaintiff had been conceived.

**Plaintiff Seeks Medical Care as an Adult From her Family's Hero, Defendant Wortman.**

51. In 2008, Plaintiff married her husband. She gave birth to their two children in 2009 and 2011. Before and after the birth of their children, Plaintiff suffered from gynecological problems including, among other issues, irregular menstrual bleeding.

52. Plaintiff's regular obstetrician and gynecologist was not able to alleviate her gynecological problems.

53. When Plaintiff was 26-years old, she sought help from her family's revered physician, Defendant Wortman, for those gynecological issues.

54. At this time, Defendant Wortman was the director of a private specialty gynecological practice in Rochester, New York, that he founded under the name The Center for Menstrual Disorders.

55. Plaintiff believed based on the specialty nature of his advertised practice that Defendant Wortman and the Center for Menstrual Disorders would be perfect to help her with her ongoing gynecological problems.

56. On March 14, 2012, she presented to Defendant Wortman for a new patient appointment. At that appointment, she reported to employees of Defendant The Center for Menstrual Disorders that her mother was a previous fertility patient of Defendant Wortman. A visit note dated March 14, 2012, in Plaintiff's medical records from the Center for Menstrual Disorders indicates "her mother was previously a fertility patient of [Defendant] Wortman."

57. Plaintiff discussed with Defendant Wortman that she was the birth child of an insemination procedure he performed on Mrs. Levey in 1985, resulting in her being alive.

58. Plaintiff told Defendant Wortman she chose to see him because he was so highly regarded in her family and because he had a specialty in helping women with significant abnormal menstrual bleeding.

59. At that visit, Defendant Wortman performed a full pelvic examination and transvaginal ultrasound on Plaintiff. Shortly thereafter, Plaintiff returned to the Center for Menstrual Disorders for a follow up appointment at which Defendant Wortman inserted an intrauterine device into Plaintiff's uterus while Plaintiff was under conscious sedation.

60. For the next 9 years, from 2012 through 2021, Plaintiff treated with Defendant and The Center for Menstrual Disorders on a regular and continuous basis.

61. Plaintiff received all of her routine and specialty gynecological care and treatment with Defendant The Center for Menstrual Disorders.

62. During this time, Plaintiff was seen by both by Nurse Practitioner Amy Daggett and Defendant Wortman.

63. Upon information and belief, Nurse Daggett was at all relevant times an employee of Defendant Wortman and/or Defendant Center for Menstrual Disorders.

64. From 2012 through 2021, Defendant Wortman performed comprehensive gynecological examinations on Plaintiff, including manual breast examinations, speculum-assisted vaginal examinations, and manual vaginal examinations.

65. From 2012 through 2021, Defendant Wortman also performed transvaginal ultrasounds and two intrauterine device placements in Plaintiff's uterus while Plaintiff was under conscious sedation in his office.

66. In or around 2017 and through 2021, Plaintiff began reporting to employees of Defendant Center for Menstrual Disorders, including Nurse Daggett and Defendant Wortman, that



after her father's death in 2015, she began seeking information about her sperm donor's identity, ethnicity, and genetic background. She also told Defendants she located information through a direct-to-consumer genetic testing company which performed an ethnicity analysis.

67. During this same period of time, she reminded employees of Defendants, including Defendant Wortman and Nurse Daggett, that Defendant Wortman had been her mother's fertility specialist and had used donor sperm from a medical student to successfully inseminate her mother, resulting in her being alive.

**Plaintiff Begins to Research Her Ancestry and Learns She is 50% Ashkenazi Jewish and learns of Ashkenazi Jewish Half-Siblings.**

68. In about 2016, approximately one year after the death of her father Mr. Levey, Plaintiff began exploring whether there was any way for her to determine the identity of the medical student donor so that she could learn more about her genetic background and identity.

69. In April 2016, Plaintiff received the results of a direct-to-consumer genetic testing company which performed an ethnicity analysis and revealed, among other things, that she was 50% Ashkenazi Jewish.

70. In 2016, Plaintiff informed the staff at Defendant The Centers for Menstrual Disorders, including Nurse Daggett and Defendant Wortman, that she discovered through genetic testing she was 50% Ashkenazi Jewish.

71. From 2013 through 2016, Plaintiff typically had her annual examinations with Nurse Daggett.

72. In the summer 2017, Defendant Wortman changed Plaintiff's July 2017 annual gynecological examination scheduled with Nurse Daggett to himself, and this was the first time this happened.

73. At the July 2017 annual gynecological examination, Defendant Wortman performed Plaintiff's pelvic examination, breast examination, and a transvaginal ultrasound.

74. Defendant Wortman met with Plaintiff in his office after his physical exam at that appointment. Defendant Wortman asked Plaintiff personal questions about her family and vacation plans, and shared stories from his own personal life, including vacations he had taken with his son in the Washington D.C. area to the Udvar-Hazy Museum.

75. At the end of that appointment, as he walked Plaintiff out of his personal office, Defendant Wortman told her that although she often scheduled her annual examinations with Nurse Daggett, he directed she treat with him going forward. Defendant Wortman told Plaintiff to schedule all of her appointments with him and not Nurse Daggett.

76. Plaintiff wanted to continue to see both Nurse Daggett and Defendant Wortman. Ultimately, she had several annual examinations with Nurse Daggett from 2018-2021 and saw or consulted with Defendant Wortman as well.

77. In particular, Defendant Wortman often performed transvaginal ultrasounds on Plaintiff and consulted with Nurse Daggett about Plaintiff's increased symptoms of migraine, irregular bleeding, and moodiness.

78. In September 2017, Plaintiff learned through the same direct-to-consumer genetic testing company that she had two half-brothers who themselves had been donor-conceived in the early 1980's. She learned they too were 50% Ashkenazi Jewish. One half-brother was born in 1984 and the other was born in 1985.

79. Initially learning about having two half-brothers was mostly positive for Plaintiff. However, it also caused emotional trauma and deleterious health effects.

80. The existence of two biological half-siblings caused Plaintiff to experience emotional stress and physical symptoms that affected her well-being. Plaintiff suffered increased anxiety, increased moodiness, and more migraine headaches than normal.

81. Plaintiff continued her treatment relationship with Defendant The Center for Menstrual Disorders and Defendant Wortman for the increase in her symptoms.

82. At an appointment in early 2018, Plaintiff reported having significant mood swings and severe PMS-like symptoms that were uncharacteristic. Plaintiff again reminded Defendant Wortman at this appointment that she was conceived through his fertility treatment of her mother and his help with donor-insemination, and that she learned her donor was Ashkenazi Jewish.

83. Defendant Wortman commented to Plaintiff that her reported mood swings, severe PMS symptoms and hormone-based gynecological issues were because she was now a “Jewish American Princess.” He made this comment seemingly in jest, as Defendant Wortman himself is Jewish.

84. Plaintiff was disturbed by this encounter and thought Defendant Wortman’s comments off-putting and dismissive. Nevertheless, Plaintiff continued to treat with Defendant The Center for Menstrual Disorders because of its specialized knowledge and treatment of heavy menstrual bleeding, use of IUDs to control that bleeding, and its specialized treatment which sought to balance the side effects of hormonal therapies, including migraine headaches, increased acne, weight gain, and ovarian cysts, with the benefits of controlling abnormal bleeding.

85. Plaintiff also sought from Defendant Wortman his use of conscious sedation for certain in-office procedures, including IUD placement.



86. In January 2018, Defendant Wortman placed a second IUD in Plaintiff's uterus while she was under conscious sedation. At the end of January, Defendant Wortman performed a transvaginal ultrasound on Plaintiff to confirm proper placement of the IUD.

87. In August 2018, Plaintiff learned she had two more half-siblings who were donor-conceived and were born in 1985, the same year as Plaintiff.

88. In 2019, Plaintiff discovered she had a fifth half-sibling, a brother who had also been donor-conceived and was born in 1983.

89. With each new half-sibling discovery, Plaintiff experienced increased anxiety, migraine headaches, shock and confusion, feelings of despair, stress and other physical manifestations of continuing to learn that her donor father had been a serial sperm donor. Plaintiff also feared there were other half-siblings who would continue to show up in her life.

90. At Plaintiff's July 2019 annual examination, she reported to Nurse Daggett that she now had five half-siblings. Nurse Daggett responded by saying, "that is not supposed to happen!" Plaintiff also reported that the half-siblings were all 50% Ashkenazi Jewish.

91. At this visit, Defendant Wortman performed a transvaginal ultrasound on Plaintiff as part of her annual examination and to investigate a potential ovarian cyst.

92. In August 2019, Defendant Wortman performed a follow-up transvaginal ultrasound on Plaintiff for further evaluation of the ovarian cyst.

93. In 2020, Plaintiff discovered she had a sixth half-sibling, another brother who was donor-conceived and born in 1981.

94. Again, Plaintiff experienced increased anxiety, increased migraine, shock and confusion, feelings of despair, stress and other physical manifestations of continuing to learn that

her donor father had been a serial sperm donor. Plaintiff continued to fear more half-siblings would be discovered.

95. Plaintiff reported to Defendants each new half-sibling as she learned of them.

96. In August 2020, Plaintiff had her annual examination with Defendant The Center for Menstrual Disorders. Plaintiff reported continued heavy periods, but was not able to use hormonal therapies because of debilitating side effects. She was told that surgical interventions were not an option because of her young age.

97. In January 2021, Plaintiff presented to Defendant The Center for Menstrual Disorders reporting debilitating migraine headaches, very heavy menstruation with clotting, and weight gain. She was seeking relief and support for all of these issues in conjunction with her neurologist's care plan. Defendant Wortman requested Plaintiff chart her migraines and her menstrual cycles and return to see him in person in three months.

98. On April 12, 2021, Plaintiff returned to Defendant The Center for Menstrual Disorders for that follow up appointment with Defendant Wortman. On the Patient Problem History form for that visit, it states Plaintiff has "5 – 1/2 siblings from sperm donator [sic]".

99. At this visit, Defendant Wortman noted in her chart that he reviewed the Patient/Problem History form, which included the note about Plaintiff having five half-siblings from a sperm donor. Defendant Wortman performed a pelvic examination on Plaintiff, a bimanual examination of Plaintiff's uterus, and a transvaginal ultrasound on Plaintiff.

100. At this visit, Defendant Wortman asked Plaintiff to take off her mask she wore for COVID protocols. He told her she looked better without her mask. He updated her patient file as they spoke and he asked a number of personal questions – including her children's names, her husband's name, and what her husband did for work.

101. Defendant Wortman said he had read that Plaintiff's family owned a reputable auction house and he wanted to show her an antique. He proceeded to show her an antique theragun massage tool. He asked Plaintiff if she could identify it and based on her experience with antiques, she was able to do so correctly.

102. Defendant Wortman then asked Plaintiff if she could guess what Defendant Wortman thought women used it for, suggesting that women used the theragun for masturbation.

103. Defendant Wortman then performed a transvaginal ultrasound on Plaintiff. During the ultrasound, Defendant Wortman spoke to her about his youngest son with his current wife Rebecca, who manages his medical practice. He then met with Plaintiff in his private office.

104. Defendant Wortman recommended he insert another IUD in her uterus while she was under conscious sedation in the hopes to avoid a more significant procedure. He then spoke to her at length about his personal experiences as a child and certain formative memories he had that shaped the way he practices medicine. He shared that his parents were Holocaust survivors and shared about experiences from his childhood growing up in the New York City area. He shared a story about his family's physician who would trade physician services to his family for his mother's soup. He also recounted his training by a doctor in the Rochester area who helped shape the way he practices medicine and his belief in helping people.

105. At the very end of the appointment as Plaintiff was getting ready to leave and as he was writing something down he started to chuckle to himself and said outloud, "You're a really good kid, such a good kid."

106. At that point, Plaintiff believed for the first time that Defendant Wortman was trying to explain why he had impregnated so many women with the same sperm donor, and for the first time, Plaintiff believed there was a possibility Defendant Wortman could be the donor

himself. But she was in shock and disbelief that he would continue treat her as her gynecologist if she were his biological daughter.

107. At one point during this same visit, Defendant Wortman's wife Rebecca actually came into the examination room when Defendant Wortman was with Plaintiff. Defendant Wortman introduced Plaintiff to Rebecca. This was very unusual and had never happened before in any other of her patient visits.

108. Upon information and belief, Rebecca came into the room at Defendant Wortman's request so that Rebecca could get a close look at Plaintiff to see Plaintiff's physical resemblance to Defendant Wortman because Rebecca and Defendant Wortman both knew Defendant Wortman was Plaintiff's biological father.

109. Still not willing to believe her instincts were correct, Plaintiff returned to Defendant The Center for Menstrual Disorders a week later on April 19, 2021, to see Nurse Daggett for acute onset of vaginal infection-like symptoms. This was Plaintiff's last office visit to Defendant The Center for Menstrual Disorders.

110. Although Plaintiff was scheduled to have her third IUD placement and a Pap smear under conscious sedation with Defendant Wortman the last week of April, she called the office on April 22, 2021, and canceled that appointment. Plaintiff has since changed gynecology practices.

111. Up until this time, Plaintiff believed a Jewish medical student donated his sperm multiple times to multiple women during his four-year residency at the University of Rochester because she and all of her half-siblings were born in the same four-year time period from 1981 to 1985.

112. Plaintiff also believed a Jewish medical student donated his sperm multiple times to multiple women during his four-year residency at the University of Rochester because that is

what Defendant Wortman told her mother during fertility treatment, and what her mother told Plaintiff growing up. Further, it was inconceivable to Plaintiff that Defendant Wortman would knowingly treat his own biological daughter as a gynecology patient for almost a decade.

113. In May 2021, Plaintiff and one of her half-brothers were in communication with Defendant Wortman's daughter from his first marriage. This daughter agreed to test her own siblingship with Plaintiff's DNA-confirmed half-brother.

114. On or about May 25, 2021, Plaintiff learned that this half-brother had a 99.99% probability of siblingship with Defendant Wortman's daughter from his first marriage. Their siblingship was confirmed through DNA testing through the DNA Diagnostics Center.

115. This siblingship also confirmed siblingship between Plaintiff and Defendant Wortman's known daughter.

116. Plaintiff now knew she was Defendant Wortman's biological daughter.

**Defendant Wortman Used his own Sperm to Inseminate Plaintiff's Mother and the Mothers of all of Plaintiff's Half-Siblings.**

117. Unbeknownst to Mr. or Mrs. Levey, Defendant Wortman did not use the live sperm of a medical student to inseminate Mrs. Levey during the January 1985 fertility cycle in which she successfully became pregnant with Plaintiff.

118. Defendant Wortman used his own live sperm when he inseminated Mrs. Levey during the January 1985 fertility cycle in which she became pregnant with Plaintiff.

119. Defendant Wortman is the biological father of Plaintiff.

120. DNA and genetic testing has confirmed that Plaintiff and Defendant Wortman's known biological daughter are half-siblings.

121. Upon information and belief, there never was a medical student donating sperm to Mrs. Levey.



122. Upon information and belief, Defendant Wortman used his own live sperm when inseminating Mrs. Levey each time he inseminated her.

123. Defendant Wortman used his own live sperm without the consent or knowledge of Mrs. Levey.

124. Defendant Wortman used his own live sperm without the consent or knowledge of Mr. Levey.

125. Upon information and belief, Defendant Wortman kept the money Mr. and Mrs. Levey paid for the insemination procedures on Mrs. Levey.

**Defendant Wortman has Genetically Significant Risk Factors that He Knowingly Passed on to Plaintiff By Using His Own Sperm, But He Neglected to Inform Plaintiff About These Significant Health Risks.**

126. Upon information and belief, Defendant Wortman has been diagnosed with and treated for mental illness, including bipolar disorder.

127. Upon information and belief, Defendant Wortman has a biological brother named Jack Wortman, who has been diagnosed with and treated for mental illness since infancy, including schizophrenia.

128. Upon information and belief, Defendant Wortman's biological mother was diagnosed with and treated for mental illness, including anxiety and depression.

129. Upon information and belief, Defendant Wortman's biological mother was institutionalized for three years of Defendant Wortman's early life, and she had to surrender Defendant Wortman and his brother Jack to foster care for those three years.

130. Upon information and belief, as a physician, Defendant Wortman knew or should have known that psychological disorders and mental illness, specifically bipolar disorder, schizophrenia, anxiety, and depression, are highly genetically inherited psychiatric disorders.

131. Upon information and belief, Defendant Wortman is 100% Ashkenazi Jewish.

132. Upon information and belief, Defendant Wortman knew or should have known, as a physician, that being of Ashkenazi Jewish descent came with significant highly inheritable medical implications, including an increased risk of certain genetic disorders, autosomal recessive diseases, breast cancer, colorectal cancer, and for being carriers of these biological risk factors.

133. Defendant Wortman inseminated Mrs. Levey with his own sperm knowing that his sperm carried with it Ashkenazi Jewish ethnicity and highly inheritable psychiatric and mental health disorders.

134. Defendant Wortman knew or should have known that Plaintiff having a biological parent, grandparent and uncle with bipolar disorder, schizophrenia, anxiety and/or depression, created an increased risk that Plaintiff or her children could inherit these highly genetically inherited psychiatric disorders.

135. Defendant Wortman deprived Plaintiff of this crucial medical information when he did not tell Plaintiff he was her biological father, despite being her physician, and despite the fact this information applied to her physical and mental health and the health of Plaintiff's children.

136. Defendant The Center for Menstrual Disorders deprived Plaintiff of this crucial medical information when employees did not tell Plaintiff that Defendant Wortman was her biological father, and despite the fact this information applied to her physical and mental health and the health of Plaintiff's children.

137. Upon information and belief, Defendant Wortman and Defendant The Center for Menstrual Disorders deprived Plaintiff of the information about her being Ashkenazi Jewish and her biological father and uncle having highly genetically inherited psychiatric disorders to cover

up Defendant Wortman's unethical, fraudulent, and deceptive conduct related to Plaintiff and Plaintiff's mother, and to continue to hide the fact that he was Plaintiff's biological father.

138. Defendant Wortman, Nurse Daggett, and other employees of The Center for Menstrual Disorders intentionally and/or negligently withheld this crucial medical information from Plaintiff knowing that she would be harmed by this omission.

139. On or about May 25, 2021, when Plaintiff received the results of the DNA siblingship tests from her half-brother and Defendant Wortman's known daughter, Plaintiff came to realize a number of horrific truths, including that:

- a. she and all of her half-siblings were the biological children of Defendant Wortman;
- b. she had been treated as a specialty gynecological patient by her own biological father and his medical practice;
- c. although the relationship of physician and patient was one of trust and confidence, she had been lied to by her physician, her nurse practitioner, and the staff and employees of her gynecology practice for nearly a decade;
- d. Defendant Wortman had defrauded her mother and her deceased father about the identity of the sperm donor used for her conception;
- e. Defendant Wortman had performed manual breast examinations on her knowing he was her biological father;
- f. Defendant Wortman had performed bimanual vaginal examinations on her knowing he was her biological father;
- g. Defendant Wortman had performed transvaginal ultrasounds on her knowing he was her biological father;



- h. Defendant Wortman had placed two IUDs in her uterus while she was under conscious sedation;
- i. Defendant Wortman discussed with Plaintiff extremely personal and intimate issues during the years of their ongoing treatment relationship, including Plaintiff's decreased sexual libido, excessive menstrual bleeding, vaginal infections, cystic acne, weight gain, anxiety, stress, and other personal topics including Plaintiff's grief over the untimely death of the father who raised her, Mr. Levey, all knowing he was her biological father;
- j. Plaintiff is at an increased risk for certain genetic disorders, autosomal recessive diseases, breast cancer, colorectal cancer, and for being carriers of these biological risk factors on account of her being Ashkenazi Jewish;
- k. Plaintiff is at an increased risk for certain highly genetically inherited psychological disorders, including bipolar disorder, schizophrenia, anxiety and/or depression, inherited from Defendant Wortman;
- l. Plaintiff's children and her children's children are also at risk of these same genetic disorders and highly inheritable psychological disorders;
- m. Although Plaintiff presented to this practice complaining of increased anxiety, increased migraine headaches, and increased severe mood swings, her inheritable genetic history that included bipolar disorder, schizophrenia, anxiety and depression, still was not revealed to her nor treated with appropriate medical care or follow through;

n. Plaintiff has at least three additional half-siblings among Defendant Wortman’s known biological children, giving her a total of nine half-siblings with likely more to be discovered.

140. Plaintiff also realized that Defendant Wortman, Nurse Daggett, and other employees of The Center for Menstrual Disorders intentionally and/or negligently withheld this crucial medical information from her knowing that she would be harmed by this omission.

141. Plaintiff realizing that she had been lied to while Defendants continued their gynecological treatment of Plaintiff has caused her significant trauma, emotional harm and distress, and physical manifestations of that trauma, emotional harm and distress.

142. As a direct and proximate result of Defendants’ actions, Plaintiff has suffered severe and permanent personal injuries, including significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is remembered later in life, and she will continue to suffer these damages for the rest of her life.

143. Defendants’ wanton, reckless and malicious conduct is so outrageous in character as to violate all bounds of decency, involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience, and therefore punitive damages are warranted.

**CAUSES OF ACTION**

**FIRST CAUSE OF ACTION**

**MEDICAL MALPRACTICE AGAINST DEFENDANTS MORRIS WORTMAN, M.D.  
AND THE CENTER FOR MENSTRUAL DISORDERS**

144. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, had a continuous care and treatment relationship with Plaintiff from on or about March 14, 2012 through April 19, 2021.

145. Defendant Wortman and The Center for Menstrual Disorders treated Plaintiff as a patient in their gynecological practice, including conducting numerous pelvic examinations, breast examinations, speculum assisted vaginal examinations, bimanual vaginal examinations, transvaginal ultrasounds, and IUD placements under conscious sedation, for nine continuous years from 2012 to 2021.

146. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, owed Plaintiff a duty of reasonable care to follow good and accepted standards of practice in their continuous care and treatment of Plaintiff from 2012 to 2021.

147. Defendant Wortman and employees of Defendant The Center for Menstrual Disorders, including Nurse Daggett and Rebecca Wortman, knew or should have known that Plaintiff was a donor-conceived child for which Defendant Wortman was the sperm donor.

148. Defendant Wortman knowingly implanted his own sperm in Plaintiff's mother in January 1985.

149. Upon information and belief, Defendant Wortman knew Plaintiff was born in September 1985, within weeks of the birth of his own biological daughter by his then-wife.

150. Employees of Defendant The Center for Menstrual Disorders, including Nurse Daggett and Rebecca Wortman, knew or should have known that Defendant Wortman used his own sperm as part of his fertility practice in the early 1980's.

151. Employees of Defendant The Center for Menstrual Disorders, including Nurse Daggett and Rebecca Wortman, knew or should have known that Defendant Wortman used his own sperm at the same time that Plaintiff's mother was a fertility patient of Defendant Wortman.

152. Defendant Wortman and employees of The Center for Menstrual Disorders, including Nurse Daggett and Rebecca Wortman, knew Plaintiff was the biological daughter of one of his former fertility patients from the 1980's when Plaintiff reported that fact at her first visit to the practice in March 2012, and it was documented in her medical record at that visit.

153. Defendant Wortman knew or should have known in March 2012 that he was Plaintiff's biological father.

154. Employees of Defendant The Center for Menstrual Disorders, including Nurse Daggett and Rebecca Wortman, knew or should have known in March 2012 that Defendant Wortman was Plaintiff's biological father.

155. Even if Defendant Wortman did not know from the outset of Plaintiff's treatment relationship with him in March of 2012 that Plaintiff was his biological child, he had a duty to investigate and determine whether Plaintiff was his biological child when he learned she was the biological daughter of a former fertility patient of his.

156. Even if Defendant Wortman did not know from the outset of Plaintiff's treatment relationship with him in March of 2012 that Plaintiff was his biological child, he had a duty to not treat Plaintiff until he undertook and completed an investigation into that possibility.

157. Even if Defendant The Center for Menstrual Disorders, and its employees and agents, including Nurse Daggett and Rebecca Wortman, did not know from the outset of Plaintiff's treatment relationship with Defendants in March of 2012 that Plaintiff was Defendant Wortman's biological child, they had a duty to investigate and determine whether Plaintiff was the biological child of Defendant Wortman when they learned Plaintiff was the biological daughter of a former fertility patient of Defendant Wortman.

158. Even if Defendant The Center for Menstrual Disorders, and its employees and agents, including Nurse Daggett and Rebecca Wortman, did not know from the outset of Plaintiff's treatment relationship with Defendants in March of 2012 that Plaintiff was Defendant Wortman's biological child, they had a duty to not treat Plaintiff until they undertook and completed an investigation into that possibility.

159. Moreover, in or about 2016 or 2017, when Plaintiff informed Defendant Wortman, Nurse Daggett and other employees of Defendant The Center for Menstrual Disorders that she learned she was 50% Ashkenazi Jewish as a result of DNA testing through a direct-to-consumer genetic testing company, Defendant Wortman and Defendant The Center for Menstrual Disorders knew or should have known that Defendant Wortman was Plaintiff's biological father.

160. Even if they did not know in or about 2016 or 2017 that Plaintiff Defendant Wortman's biological daughter when Plaintiff informed Defendant Wortman, Nurse Daggett and other employees of Defendant The Center for Menstrual Disorders that she learned she was 50% Ashkenazi Jewish as a result of DNA testing through a direct-to-consumer genetic testing company, Defendant Wortman and Defendant The Center for Menstrual Disorders should have ceased their treatment relationship with Plaintiff and investigated whether Defendant Wortman was Plaintiff's biological father.

161. Defendant Wortman and Defendant The Center for Menstrual Disorders individually, and through their agents and employees, knew or should have known that if Plaintiff discovered she was the biological daughter of Defendant Wortman, she would never consent to being a patient in his gynecology practice.

162. Defendant Wortman and Defendant The Center for Menstrual Disorders individually, and through their agents and employees, knew or should have known that if Plaintiff



discovered she was the biological daughter of Defendant Wortman after being his gynecology patient and undergoing manual breast examinations, speculum assisted pelvic examinations, bimanual pelvic examinations, transvaginal ultrasounds, and IUD placement under conscious sedation, she would suffer significant emotional and physical trauma, pain and suffering, and damages.

163. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, owed Plaintiff a duty of care to follow ethical guidelines and procedures regarding whether to establish a treatment relationship with Defendant Wortman's biological children, particularly because he is a male gynecologist and she is his female child.

164. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, breached their duty of reasonable care and failed to meet good and accepted standards of practice in their continuous care and treatment of Plaintiff from 2102 to 2021.

165. Defendant Wortman and Defendant The Center for Menstrual Disorders breached their duty of reasonable care owed to Plaintiff and departed from accepted standards of care for a reasonably competent gynecologist and applicable guidelines by treating Plaintiff as part of their gynecological practice by agreeing to and continuing to treat Plaintiff as a patient even after she reported she was a donor-conceived child of one of his former fertility patients from the early 1980's.

166. Defendants Wortman and The Center for Menstrual Disorders, individually and through their employees and agents, breached their duty of reasonable care and failed to meet good and accepted standards of practice when they knew or should have known that Plaintiff was Defendant Wortman's biological daughter but, among other things:

- a. failed to investigate or confirm one way or the other whether Plaintiff was Defendant Wortman's biological child;
- b. failed to inform Plaintiff that she was Defendant Wortman's biological child;
- c. alternatively, failed to inform Plaintiff that there was a chance she could be Defendant Wortman's biological child given his fertility practice of using his own sperm for insemination of his fertility patients in the early 1980's;
- d. initiated a treatment relationship with Plaintiff;
- e. intentionally and/or negligently withheld information from Plaintiff material to her decision to be treated by Defendants as a patient;
- f. intentionally and/or negligently withheld information from Plaintiff material to her medical status as a person of Ashkenazi Jewish ethnicity;
- g. intentionally and/or negligently withheld information from Plaintiff material to her medical status as a person who may have inherited highly genetically inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression, particularly when Plaintiff presented to Defendants reporting increased anxiety, increased migraine headaches, and increased severe mood swings;
- h. performed manual breast examinations, bimanual vaginal examinations, speculum-assisted vaginal examinations, and transvaginal ultrasounds on Plaintiff, and placed two IUDs in her uterus while she was under conscious sedation;
- i. discussed with Plaintiff extremely personal and intimate issues during the years of their ongoing treatment relationship, including Plaintiff's decreased sexual libido, excessive menstrual bleeding, vaginal infections, cystic acne, weight gain, anxiety,

stress, and other personal topics including Plaintiff's grief over the untimely death of the father who raised her, Mr. Levey;

- j. failed to end the treatment relationship with Plaintiff when they continued to learn other information about Plaintiff, including that she was 50% Ashkenazi Jewish and had discovered other half-siblings;
- k. failed to inform Plaintiff of the medical consequences of being of Ashkenazi Jewish descent;
- l. failed to inform Plaintiff of the medical consequences of having a genetic history that included highly inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression;
- m. failed to treat Plaintiff or order genetic testing for Plaintiff related to the medical consequences of being Ashkenazi Jewish and/or having a genetic history that included highly inheritable psychiatric disorders; and
- n. failed to recommend similar genetic testing for Plaintiff's two biological children, who were ages 2 and 11 months old at the time of Plaintiff's first patient visit with Defendant Wortman at The Center for Menstrual Disorders.

167. As a direct and proximate result of Defendant Wortman's and Defendant The Center for Menstrual Disorders' breaches of the duty of reasonable care and departures from accepted standards of practice, and violations of applicable ethical and gynecological guidelines, Plaintiff has suffered severe and permanent personal injuries, including significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest



of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

168. Defendant Wortman and Defendant The Center for Menstrual Disorders are also liable to Plaintiff for punitive damages because they committed gross, wanton, and willful medical malpractice against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**SECOND CAUSE OF ACTION**  
**LACK OF INFORMED CONSENT UNDER PUBLIC HEALTH LAW § 2805-d**  
**AGAINST DEFENDANTS MORRIS WORTMAN, M.D. AND**  
**THE CENTER FOR MENSTRUAL DISORDERS**

169. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, had a duty to communicate material information involving the continuous care and treatment of Plaintiff from 2012 to 2021.

170. The duty of informing patients of material information regarding a course of treatment arises from the fundamental common law right of every patient to determine what should be done with her body and to accept or decline medical treatment from a provider despite the fact that the treatment may be beneficial for the patient's health.

171. A patient's right to determine the course of her own medical treatment and by whom to seek such treatment is paramount to a physician's obligation to provide medical care.

172. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, failed to obtain proper informed consent from Plaintiff before embarking on a treatment relationship with her in 2012.

173. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, continuously failed to obtain proper informed consent from Plaintiff throughout the entire and continuous course of treatment of Plaintiff from 2012 to 2021.

174. Plaintiff's course of treatment with Defendants Wortman and The Center for Menstrual Disorders involved non-emergency treatment and procedures and several diagnostic procedures that included invasion or disruption of the integrity of Plaintiff's body.

175. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, failed to disclose to Plaintiff material information in relation to Plaintiff's decision to undergo a continuous course of care and treatment by Defendants from 2012 to 2021.

176. Defendants Wortman and The Center for Menstrual Disorders, individually, and through their agents and employees, failed disclose to Plaintiff that Defendant Wortman was Plaintiff's biological father and had used his own sperm to inseminate Plaintiff's mother.

177. A reasonable practitioner would have disclosed such information in a manner that would have permitted Plaintiff to make an informed decision whether to be treated by Defendants or go elsewhere for her gynecological care.

178. A reasonable practitioner would have offered Plaintiff an alternative course of treatment with a different provider outside of the practice and declined to treat Plaintiff because he was her biological father.

179. A reasonable practitioner would have disclosed the foreseeable risks of a patient unknowingly submitting to the physical touching of her breasts, labia, vagina, cervix, and ovaries, insertion into her vagina medical instrumentation, sometimes while the patient was under conscious sedation, by her biological father who, at the time of all such physical touching knew or

should have known he was her biological father, or by employees of her biological father's practice who, at the time of all such physical touching, knew or should have known he was her biological father.

180. A reasonable practitioner would have disclosed the foreseeable risks of a patient unknowingly submitting to a course of treatment that involved confidential discussions with one's own biological father, or employees of his practice, about treatment for intimate medical issues such as the patient's sexual relationship with her husband, her libido, birth control, stress, anxiety, significant moodiness, grief over the death of the father who raised her, and transmission of oral to genital viruses.

181. A reasonably prudent person in Plaintiff's position would not have embarked nor continued the course of treatment with Defendants, nor agreed to such a continuous treatment plan, if she had been properly informed.

182. A reasonably prudent person in Plaintiff's position, that is a female gynecological patient, would never consent to be treated for gynecological care by her own biological father or employees of his practice that included manual breast examinations, speculum-assisted vaginal examinations, bimanual vaginal examinations, transvaginal ultrasounds, and placement of two intrauterine device placements while Plaintiff was under conscious sedation.

183. The lack of informed consent by Defendants Wortman and The Center for Menstrual Disorders failure to properly inform Plaintiff of the aforementioned material information is a direct and proximate cause of Plaintiff's injuries, including her severe and permanent personal injuries, significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is remembered later in life, and she will

continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

184. Defendants Wortman and The Center for Menstrual Disorders are also liable to Plaintiff for punitive damages because they committed gross, wanton, and willful lack of informed consent against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**THIRD CAUSE OF ACTION**  
**BATTERY AGAINST DEFENDANT MORRIS WORTMAN, M.D.**

185. Defendant Wortman had bodily contact with Plaintiff beginning in 2012 and continuing through April 2021.

186. Defendant Wortman intended to and did have bodily contact with Plaintiff.

187. Defendant Wortman’s bodily contact with Plaintiff was offensive in nature.

188. Defendant Wortman’s intentional and offensive bodily contact with Plaintiff included the following:

- a. Defendant Wortman performed manual breast examinations on Plaintiff while he was her biological father;
- b. Defendant Wortman performed bimanual vaginal examinations on Plaintiff while he was her biological father;
- c. Defendant Wortman performed transvaginal ultrasounds on Plaintiff while he was her biological father;
- d. Defendant Wortman placed multiple IUDs in Plaintiff’s uterus while she was under conscious sedation while he was her biological father.

189. No reasonable woman would have consented to Defendant Wortman's intentional bodily contact from 2012 through 2021 described herein had she known Defendant Wortman was her biological father.

190. Plaintiff would not have consented to Defendant Wortman's intentional bodily contact from 2012 through 2021 had Plaintiff known Defendant Wortman was her biological father.

191. As a direct and proximate result of Defendant Wortman's intentional bodily contact, Plaintiff has suffered severe and permanent significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

192. Defendants Wortman is also liable to Plaintiff for punitive damages because he committed gross, wanton, and willful battery against Plaintiff so outrageous in character as to violate all bounds of decency, involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**FOURTH CAUSE OF ACTION**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST DEFENDANTS**  
**MORRIS WORTMAN, M.D. AND THE CENTERS FOR MENSTRUAL DISORDERS**

193. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders engaged in extreme and outrageous conduct when they knew or should have known that Plaintiff was Defendant Wortman's biological daughter but, among other things:

- a. failed to investigate or confirm one way or the other whether Plaintiff was Defendant Wortman's biological child;



- b. failed to inform Plaintiff that she was Defendant Wortman's biological child;
- c. alternatively, failed to inform Plaintiff that there was a chance she could be Defendant Wortman's biological child given his fertility practice of using his own sperm for insemination of his fertility patients in the early 1980's;
- d. initiated a treatment relationship with Plaintiff;
- e. intentionally withheld information from Plaintiff material to her decision to be treated by Defendants as a patient;
- f. intentionally withheld information from Plaintiff material to her medical status as a person of Ashkenazi Jewish ethnicity;
- g. intentionally withheld information from Plaintiff material to her medical status as a person who may have inherited highly genetically inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression, particularly when plaintiff presented to Defendants reporting increased anxiety, increased migraine headaches, and increased severe mood swings;
- h. performed manual breast examinations, bimanual vaginal examinations, speculum-assisted vaginal examinations, and transvaginal ultrasounds on Plaintiff, and placed two IUDs in her uterus while she was under conscious sedation;
- i. discussed with Plaintiff extremely personal and intimate issues over the years during their ongoing treatment relationship, including Plaintiff's decreased sexual libido, excessive menstrual bleeding, vaginal infections, cystic acne, weight gain, anxiety, stress, and other personal topics including Plaintiff's grief over the untimely death of the father who raised her, Mr. Levey;

- j. failed to end the treatment relationship with Plaintiff when they continued to learn other information about Plaintiff, including that she was 50% Ashkenazi Jewish and had discovered other half-siblings;
- k. failed to inform Plaintiff of the medical consequences of being of Ashkenazi Jewish descent;
- l. failed to inform Plaintiff of the medical consequences of having a genetic history that included highly inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression;
- m. failed to treat Plaintiff or order genetic testing for Plaintiff related to the medical consequences of being Ashkenazi Jewish and/or having a genetic history that included highly inheritable psychiatric disorders; and
- n. failed to recommend similar genetic testing for Plaintiff's two biological children, who were ages 2 and 11 months old at Plaintiff's first patient visit with Defendant Wortman at The Center for Menstrual Disorders.

194. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders intended to cause, or recklessly disregarded a substantial likelihood of causing, severe emotional distress to Plaintiff.

195. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders knew or should have known that Plaintiff would eventually discover Defendant Wortman was her biological father because Plaintiff reported to them she had been searching for him and had found DNA evidence linking her to other donor-conceived half-siblings.

196. As a direct and proximate result of Defendant Wortman's and Defendant The Center for Menstrual Disorders' extreme and outrageous conduct, Plaintiff has suffered severe and

permanent significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

197. Defendants Wortman and The Center for Menstrual Disorders are also liable to Plaintiff for punitive damages because they committed gross, wanton, and willful infliction of emotional distress against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**FIFTH CAUSE OF ACTION**  
**NEGLIGENT INFLECTION OF EMOTIONAL DISTRESS AGAINST DEFENDANTS MORRIS WORTMAN, M.D. AND THE CENTERS FOR MENSTRUAL DISORDERS**

198. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders owed Plaintiff a duty of reasonable care not to inflict emotional harm and distress on Plaintiff.

199. Plaintiff and Defendant Morris Wortman, M.D. had a special relationship that exists between a female patient and her gynecologist, particularly a male gynecologist.

200. Plaintiff and The Centers for Menstrual Disorders had a special relationship that exists between a female patient and her gynecologist's practice group, including with that group's employees and agents, including here Nurse Daggett and Rebecca Wortman.

201. Plaintiff had a reasonable expectation of a duty of care and relied on Defendants Wortman and The Center for Menstrual Disorders to disclose all relevant and material information or dangers to Plaintiff.



202. Plaintiff had a reasonable expectation of a duty of care and relied on Defendants Wortman and The Center for Menstrual Disorders to not provide her with misinformation.

203. Plaintiff justifiably relied on Defendants Wortman and The Center for Menstrual Disorders to disclose all relevant and material information or dangers to her.

204. Plaintiff justifiably relied on Defendants Wortman and The Center for Menstrual Disorders to not provide her with misinformation.

205. Defendants Wortman and The Center for Menstrual Disorders knew or should have known that Plaintiff would justifiably rely upon them to provide all relevant and material information to her.

206. Defendants Wortman and The Center for Menstrual Disorders knew or should have known that Plaintiff would justifiably rely upon them to not provide her with misinformation.

207. Defendants Wortman and The Center for Menstrual Disorders knew or should have known that information about Plaintiff being the biological child of Defendant Wortman, information about being at an increased risk for certain genetic disorders, autosomal recessive diseases, breast cancer, colorectal cancer, and for being carriers of these biological risk factors on account of her being Ashkenazi Jewish, and information about being at an increased risk for certain highly genetically inherited psychological disorders, including bipolar disorder, schizophrenia, anxiety and/or depression, was the type of information upon which Plaintiff would rely to make decisions about her care and treatment as their patient.

208. Defendants Wortman and The Center for Menstrual Disorders knew or should have known that the information they gave Plaintiff, as well as the information they withheld from Plaintiff, was the type of information upon which Plaintiff would rely as their patient.

209. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders knew or should have known that Plaintiff would eventually discover Defendant Wortman was her biological father because Plaintiff reported to them she had been searching for him and had found DNA evidence linking her to other donor-conceived half-siblings.

210. Defendants Wortman and The Center for Menstrual Disorders knew or should have known that Plaintiff reasonably believed she was safe in their care.

211. Plaintiff was not safe in their care.

212. Defendants Morris Wortman, M.D. and The Centers for Menstrual Disorders individually and through their employees and agents, breached their duty of reasonable care not to inflict emotional harm and distress on Plaintiff when they knew or should have known that Plaintiff was Defendant Wortman's biological daughter but, among other things:

- a. failed to investigate or confirm one way or the other whether Plaintiff was Defendant Wortman's biological child;
- b. failed to inform Plaintiff that she was Defendant Wortman's biological child;
- c. alternatively, failed to inform Plaintiff that there was a chance she could be Defendant Wortman's biological child given his fertility practice of using his own sperm for insemination of his fertility patients in the early 1980's;
- d. initiated a treatment relationship with Plaintiff;
- e. intentionally and/or negligently withheld information from Plaintiff material to her decision to be treated by Defendants as a patient;
- f. intentionally and/or negligently withheld information from Plaintiff material to her medical status as a person of Ashkenazi Jewish ethnicity;

- g. intentionally and/or negligently withheld information from Plaintiff material to her medical status as a person who may have inherited highly genetically inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression, particularly when plaintiff presented to Defendants reporting increased anxiety, increased migraine headaches, and increased severe mood swings;
- h. performed manual breast examinations, bimanual vaginal examinations, speculum-assisted vaginal examinations, and transvaginal ultrasounds on Plaintiff, and placed two IUDs in her uterus while she was under conscious sedation;
- i. discussed with Plaintiff extremely personal and intimate issues over the years of their ongoing treatment relationship, including Plaintiff's decreased sexual libido, excessive menstrual bleeding, vaginal infections, cystic acne, weight gain, anxiety, stress, and other personal topics including Plaintiff's grief over the untimely death of the father who raised her, Mr. Levey;
- j. failed to end the treatment relationship with Plaintiff when they continued to learn other information about Plaintiff, including that she was 50% Ashkenazi Jewish and had discovered other half-siblings;
- k. failed to inform Plaintiff of the medical consequences of being of Ashkenazi Jewish descent;
- l. failed to inform Plaintiff of the medical consequences of having a genetic history that included highly inheritable psychiatric disorders, including bipolar disorder, schizophrenia, anxiety, and/or depression;

- m. failed to treat Plaintiff or order genetic testing for Plaintiff related to the medical consequences of being Ashkenazi Jewish and/or having a genetic history that included highly inheritable psychiatric disorders; and
- n. failed to recommend similar genetic testing for Plaintiff's two biological children, who were ages 2 and 11 months old at Plaintiff's first patient visit with Defendant Wortman at The Center for Menstrual Disorders.

213. As a direct and proximate result of Defendant Wortman's and Defendant The Center for Menstrual Disorders' breaches of the duty of reasonable care to not inflict emotional harm and distress on Plaintiff, Plaintiff has suffered severe and permanent personal injuries, including significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

214. Defendants Wortman and The Center for Menstrual Disorders are also liable to Plaintiff for punitive damages because they committed such grossly negligent and reckless infliction of emotional distress against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**SIXTH CAUSE OF ACTION**  
**NEGLIGENCE AGAINST DEFENDANTS MORRIS WORTMAN, M.D.,**  
**MORRIS WORTMAN, M.D., PLLC, WORTMAN MORRIS, M.D., FACOG,**  
**AND GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a**  
**LIFETIME HEALTH MEDICAL GROUP**

215. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group owed a duty of reasonable care to Plaintiff as the child conceived as a result of their fertility services.

216. Upon information and belief, Defendant Morris Wortman, M.D., PLLC employed Defendant Wortman in 1985 when he ran a fertility practice.

217. Upon information and belief, Wortman Morris, M.D., FACOG, employed Defendant Morris Wortman in 1985 when he ran a fertility practice.

218. Upon information and belief, Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group employed Defendant Morris Wortman in 1985 when he ran a fertility practice.

219. Defendants Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group owed Plaintiff a duty as a child conceived from the fertility practice of Defendants to comply with standards of care for fertility practices, including keeping accurate medical records regarding sperm donor identification so as to ensure, in part, that all ethical standards were followed regarding those children.

220. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group knew or should have known that the daughters born to their former patients could



potentially become patients of their own or their practices, as daughters regularly see the same gynecologist or gynecological practice as their mothers.

221. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group knew or should have known that the failure to keep accurate sperm donor records could result in violations of ethical, legal, and medical practices and standards of care, as occurred here.

222. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group breached their duty of care to Plaintiff as a child conceived from the fertility practice of Defendants by failing to follow guidelines and procedures of a reasonable gynecological practice group with a fertility practice to maintain the records of patients who were impregnated with donor sperm so as to ensure all ethical standards were followed regarding those children.

223. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group are liable to Plaintiff directly for their own negligence, and under the doctrine of respondeat superior for the negligent conduct of Defendant Wortman, in not following all guidelines and procedures of a reasonable gynecological practice group with a fertility practice.

224. As a direct and proximate result of Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group breaches of the duty of reasonable care by failing to follow guidelines and procedures of a reasonable gynecological practice group with a fertility

practice to maintain the records of patients who were impregnated with donor sperm so as to ensure all ethical standards were followed regarding those children, Plaintiff has suffered severe and permanent personal injuries, including significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

225. Defendants Morris Wortman, M.D., Morris Wortman, M.D., PLLC, Wortman Morris, M.D., FACOG, and Genesee Valley Group Health Association d/b/a Lifetime Health Medical Group are also liable to Plaintiff for punitive damages because they committed such grossly negligent and reckless infliction of emotional distress against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**SEVENTH CAUSE OF ACTION**  
**NEGLIGENCE AGAINST DEFENDANT**  
**THE CENTER FOR MENSTRUAL DISORDERS**

226. Defendant The Center for Menstrual Disorders, by and through its agents and employees, owed Plaintiff a duty of reasonable care.

227. Defendant The Center for Menstrual Disorders breached its duty of reasonable care to Plaintiff by not determining whether Plaintiff was a donor-conceived offspring of Defendant Wortman and permitting Plaintiff to be treated as a gynecological patient of Defendant Wortman.

228. Defendant The Centers for Menstrual Disorders, by and through its agents and employees, knew Plaintiff was a donor-conceived child of Defendant Wortman's 1980's fertility

practice because she told them on her first visit to the practice in March 2012 and it is documented in its medical records.

229. Defendant The Centers for Menstrual Disorders, through its agents and employees, including Amy Daggett, N.P. and Rebecca Wortman, knew or should have known Defendant Wortman used his own sperm during his fertility practice in the 1980's.

230. Upon information and belief, Defendant Wortman told Nurse Daggett he used his own sperm during insemination procedures in the 1980's.

231. Upon information and belief, Defendant Wortman told Rebecca Wortman he used his own sperm during insemination procedures in the 1980's.

232. Further, Nurse Daggett knew or should have known of the reasonable likelihood that Defendant Wortman was Plaintiff's biological father and sperm donor.

233. When Plaintiff reported to Nurse Daggett in 2017, 2018, and 2019 that additional half-siblings had been discovered and all were 50% Ashkenazi Jewish, Nurse Daggett knew or should have known of the reasonable likelihood that Defendant Wortman was Plaintiff's biological father and sperm donor.

234. Rebecca Wortman also owed a duty of reasonable care to Plaintiff.

235. When employee Rebecca Wortman learned Plaintiff was donor-conceived and saw the physical resemblance between Defendant Wortman and Plaintiff in or about 2021, Rebecca Wortman knew or should have known of the reasonable likelihood that Defendant Wortman was Plaintiff's biological father and sperm donor.

236. Defendant The Center for Menstrual Disorders, through its agents and employees, breached its duty of reasonable care to Plaintiff by not conducting any confirmation testing on Plaintiff to determine if she was a biological child of Defendant Wortman.

237. Defendant The Center for Menstrual Disorders further breached its duty of reasonable care to Plaintiff when she continued to report her discovery of additional half-siblings year after year in its care, but did nothing to investigate whether the sperm donor was Defendant Wortman.

238. Defendant The Center for Menstrual Disorders should have stopped Defendants' treatment relationship with Plaintiff and prevented Defendant Wortman from providing gynecological treatment to his biological daughter without her knowledge.

239. Defendant The Center for Menstrual Disorders, though its agents and employees Nurse Daggett and Rebecca Wortman, should have told Plaintiff Defendant Wortman was or reasonably could be her biological father.

240. Defendant The Center for Menstrual Disorders is liable to Plaintiff for the conduct of its employees, including Nurse Daggett and Rebecca Wortman.

241. As a direct and proximate result of Defendant The Center for Menstrual Disorders' breaches of its duty of reasonable care, Plaintiff has suffered severe and permanent significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

242. Defendant The Center for Menstrual Disorders is also liable to Plaintiff for punitive damages because its negligence was so gross and reckless against Plaintiff and so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**EIGHTH CAUSE OF ACTION**  
**FRAUD AGAINST DEFENDANT WORTMAN**

243. Defendant Wortman made a misrepresentation of fact or omission by not telling Plaintiff he was her biological father.

244. Upon information and belief, Defendant Wortman knew that he inseminated Plaintiff's mother Mrs. Levey with his own sperm which resulted in Mrs. Levey's pregnancy and in Plaintiff's birth.

245. Upon information and belief, Defendant Wortman knew Mrs. Levey did not know Defendant Wortman used his own sperm.

246. Upon information and belief, Defendant Wortman knew he was Plaintiff's biological father.

247. Upon information and belief, Defendant Wortman also knew Plaintiff did not know she was his biological child.

248. Upon information and belief, Defendant Wortman knew he did not inform Plaintiff he was her biological father.

249. Upon information and belief, Defendant Wortman did not inform Plaintiff he was her biological father because he had the intent to deceive Plaintiff.

250. By not informing Plaintiff he was her biological father, Defendant Wortman intended to induce Plaintiff's reliance upon that omission and continue her treatment relationship with him at The Center for Menstrual Disorders.

251. Plaintiff relied on Defendant Wortman's omission and continued to treat with him as his patient from 2012 to 2021.



252. Plaintiff's reliance on Defendant Wortman's omission was justifiable because no reasonable woman would believe her male gynecologist would establish a treatment relationship with her as his patient if he was her biological father.

253. Even after learning she was 50% Ashkenazi Jewish and finding additional half-siblings, Plaintiff continued to justifiably rely on Defendant Wortman's omission because after reporting this information to Defendant Wortman, he continued to treat her as his gynecological patient and no reasonable woman would believe her male gynecologist would treat her as his patient if he was her biological father.

254. Further, Plaintiff continued to justifiably rely on Defendant Wortman's omission because Plaintiff believed her biological father was an Ashkenazi Jewish medical student who donated his sperm multiple times to multiple women during his four-year residency at the University of Rochester, as Plaintiff and all of her half-siblings were born in a four-year time period from 1981 to 1985, which is the length of time of a typical medical residency period.

255. Had Plaintiff known Defendant Wortman was her biological father, she would not have entered into a treatment relationship with Defendant Wortman or The Centers for Menstrual Disorders, and she would have terminated immediately her treatment relationship with him and The Centers for Menstrual Disorders had she learned in the course of it.

256. As a result of committing this fraud against Plaintiff, she has been injured and has suffered actual damages and monetary losses in the form of charges for medical care fraudulently performed on Plaintiff and continuing to pay Defendant Wortman and his medical practice The Center for Menstrual Disorders for services.

257. Defendant Wortman is liable for all harm caused to Plaintiff by this omission, including her past and future economic damages, including past out of pocket medical expenses

paid to him and The Center for Menstrual Disorders, and past and future expenses related to Plaintiff's mental health treatment and care suffered as a result of being defrauded.

258. Defendant Wortman is also liable to Plaintiff for punitive damages because he committed a gross, wanton, and willful fraud against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**NINTH CAUSE OF ACTION**  
**CONSTRUCTIVE FRAUD AGAINST DEFENDANT WORTMAN**

259. The relationship of Plaintiff and Defendant Wortman as male gynecologist and female patient is of such character as to render it certain that they did not deal on terms of equality.

260. Defendant Wortman had superior knowledge derived from his confidential relationship with Plaintiff as her physician.

261. Defendant Wortman also had superior knowledge derived from his confidential relationship as the fertility specialist of Plaintiff's mother who was responsible for Plaintiff's existence.

262. Defendant Wortman had an overmastering influence on Plaintiff as her physician and the physician she believed was responsible for her existence.

263. Plaintiff was operating from a point of weakness, dependence, and trust justifiably reposed onto Defendant Wortman resulting in an unfair advantage in their dealings which was rendered probable.

264. Therefore, even if Defendant Wortman did not know for certain he was Plaintiff's biological father, he is still liable for constructive fraud of Plaintiff.

265. Defendant Wortman did not inform Plaintiff that he inseminated her mother with his own sperm and could be her father.

266. Upon information and belief, by not informing Plaintiff he was her biological father, Defendant Wortman intended to induce Plaintiff's reliance upon that omission and continue his treatment relationship with her at The Center for Menstrual Disorders.

267. Upon information and belief, by not informing Plaintiff he was her biological father, Defendant Wortman intended to induce Plaintiff's reliance upon that omission and continue what he perceived to be a personal relationship with her.

268. Plaintiff relied on Defendant Wortman's omission and continued to treat with him as his patient from 2012 to 2021.

269. Plaintiff's reliance on Defendant Wortman's omission was justifiable because no reasonable woman would believe her male gynecologist would establish a treatment relationship with her as his patient if he was or could be her biological father.

270. Even after learning she was 50% Ashkenazi Jewish and finding additional half-siblings, Plaintiff continued to justifiably rely on Defendant Wortman's omission because after reporting this information to Defendant Wortman, he continued to treat her as his gynecological patient and no reasonable woman would believe her male gynecologist would treat her as his patient if he was or could be her biological father.

271. Further, Plaintiff continued to justifiably rely on Defendant Wortman's omission because Plaintiff believed her biological father was an Ashkenazi Jewish medical student who donated his sperm multiple times to multiple women during his four-year residency at the University of Rochester, as Plaintiff and all of her half-siblings were born in a four-year time period from 1981 to 1985, which is the length of time of a typical medical residency period.

272. Had Plaintiff known Defendant Wortman was her biological father, or believed he could be, she would not have entered into a treatment relationship with Defendant Wortman or The Centers for Menstrual Disorders, and she would have terminated immediately her treatment relationship with him and The Centers for Menstrual Disorders had she learned in the course of it.

273. As a result of committing this constructive fraud against Plaintiff, she has been injured and has suffered actual damages and monetary losses in the form of charges for medical care fraudulently performed on Plaintiff and continuing to pay Defendant Wortman and his medical practice The Center for Menstrual Disorders for services.

274. Defendant Wortman is liable for all harm caused to Plaintiff by this omission, including her past and future economic damages, including past out of pocket medical expenses paid to him and The Center for Menstrual Disorders, and past and future expenses related to Plaintiff's mental health treatment and care suffered as a result of being constructively defrauded.

275. Defendant Wortman is also liable to Plaintiff for punitive damages because he committed a gross, wanton, and willful fraud against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**TENTH CAUSE OF ACTION**  
**FRAUDULENT CONCEALMENT**

276. Defendant Wortman owed Plaintiff a fiduciary duty of care.

277. Defendant Wortman made a misrepresentation of fact or omission by not telling Plaintiff he was her biological father.

278. Defendant Wortman made a misrepresentation of fact or omission when he continued to treat Plaintiff as her gynecologist after she revealed to him and to employees of The

Center for Menstrual Disorders that she discovered through DNA analysis she was 50% Ashkenazi Jewish.

279. Defendant Wortman made a misrepresentation of fact or omission when he continued to treat Plaintiff as her gynecologist after she revealed to him and to employees of The Center for Menstrual Disorders that she discovered and continued to discover through DNA analysis she had numerous half-siblings.

280. Upon information and belief, Defendant Wortman knew that he inseminated Plaintiff's mother Mrs. Levey with his own sperm which resulted in Mrs. Levey's pregnancy and in Plaintiff's birth.

281. Upon information and belief, Defendant Wortman knew Mrs. Levey did not know Defendant Wortman used his own sperm.

282. Upon information and belief, Defendant Wortman knew he was Plaintiff's biological father.

283. Upon information and belief, Defendant Wortman also knew Plaintiff did not know she was his biological child.

284. Upon information and belief, Defendant Wortman knew he did not inform Plaintiff he was her biological father.

285. Upon information and belief, Defendant Wortman did not inform Plaintiff he was her biological father because he had the intent to deceive, defraud, and mislead Plaintiff.

286. Upon information and belief, by not informing Plaintiff he was her biological father, Defendant Wortman intended to induce Plaintiff's reliance upon that omission and continue his treatment relationship with her at The Center for Menstrual Disorders.



287. Upon information and belief, by not informing Plaintiff he was her biological father, Defendant Wortman intended to induce Plaintiff's reliance upon that omission and continue what he perceived to be a personal relationship with her.

288. Plaintiff relied on Defendant Wortman's omission and continued to treat with him as his patient from 2012 to 2021.

289. Plaintiff reliance on Defendant Wortman's omission was justifiable because she trusted him as her gynecologist.

290. Plaintiff's reliance on Defendant Wortman's omission was justifiable because no reasonable woman would believe her male gynecologist would establish or continue a treatment relationship with her as his patient if he was her biological father.

291. Even after learning she was 50% Ashkenazi Jewish and finding additional half-siblings, Plaintiff continued to justifiably rely on Defendant Wortman's omission because after reporting this information to Defendant Wortman, he continued to treat her as his gynecological patient and no reasonable woman would believe her male gynecologist would treat her as his patient if he was her biological father.

292. Further, Plaintiff continued to justifiably rely on Defendant Wortman's omission because Plaintiff believed her biological father was an Ashkenazi Jewish medical student who donated his sperm multiple times to multiple women during his four-year residency at the University of Rochester, as Plaintiff and all of her half-siblings were born in a four-year time period from 1981 to 1985, which is the length of time of a typical medical residency period.

293. Had Defendant Wortman not concealed the fact he was Plaintiff's biological father, and had Plaintiff known Defendant Wortman was her biological father, she would have terminated

her treatment relationship immediately with Defendant Wortman and The Centers for Menstrual Disorders and taken legal action at that time.

294. Plaintiff acted with due diligence in bringing this action within a reasonable time after learning that Defendant Wortman was her biological father and the donor of the sperm he inseminated into her mother.

295. Defendant Wortman is liable for all harm caused to Plaintiff by this omission, including her severe and permanent significant emotional and psychological trauma, loss of enjoyment of life, monetary damages, past and future economic damages, including past out of pocket medical expenses paid to him and The Center for Menstrual Disorders, and past and future expenses related to Plaintiff's mental health treatment and care suffered as a result of being defrauded, conscious pain and suffering, including pain and suffering akin to that experienced by survivors of sexual abuse and incest which is realized or remembered later in life, and she will continue to suffer these damages for the rest of her life, all to her detriment and in an amount in excess of the jurisdictional limits of all lower courts.

296. Defendant Wortman is also liable to Plaintiff for punitive damages because he committed a gross, wanton, and willful fraud against Plaintiff so outrageous in character as to violate all bounds of decency, and which involves high moral culpability, rises to a level of wanton dishonesty, and shocks the conscience.

**WHEREFORE** Plaintiff requests the Court enter judgment against Defendants MORRIS WORTMAN, M.D., MORRIS WORTMAN, M.D., PLLC, WORTMAN MORRIS, M.D., FACOG, GENESEE VALLEY GROUP HEALTH ASSOCIATION d/b/a LIFETIME HEALTH MEDICAL GROUP, and THE CENTER FOR MENSTRUAL DISORDERS on all causes of

action asserted against them, and award Plaintiff compensatory, exemplary consequential, and punitive damages in an amount to be proven at trial, together with interest, costs, and attorneys' fees, and for such other relief as may be appropriate under the circumstances and/or permitted by law or as the Court deems just and proper.

Dated: September 11, 2021  
Rochester, New York

**FARACI LANGE, LLP**



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