

No. 26-5593

IN THE
Supreme Court of the United States

STEVEN CLARK LEFEMINE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the Fourth Circuit**

PRO SE PETITIONER'S SUPPLEMENTAL BRIEF

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October 20, 2026

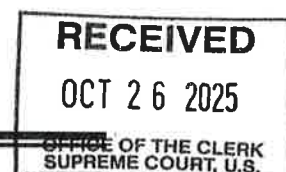


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INTRODUCTION

The petitioner's third question presented is "Whether the Creator God-given, inherent, unalienable right to life of every human being as a natural person, together with the preceding as affirmative premises, requires as self-evident truth, the logical necessity of present recognition in the law of every human being as a legal person, beginning at fertilization." Pet i.

The case *Jazel Wabington v. Curtis Boyd, MD, et al.* (No. D-202-CV-2023-09292) was settled by stipulated order of settlement dated September 14, 2026. Suppl.App.D. The case was adjudicated in the Second Judicial District Court, County of Bernalillo, State of New Mexico. Final settlement was entered in favor of plaintiff Jazel Wabington, individually and as Personal Representative of the Estate of Baby Wabington, Deceased, and against Defendants Curtis W. Boyd, M.D. d/b/a Southwestern Women's Options, et al., jointly and severally, in the total principal sum of \$200,000.00. Upon full payment and satisfaction of this Settlement, all claims are resolved. All plaintiff's claims dismissed with prejudice.

This case involves a wrongful death lawsuit brought on behalf of both a woman who was aborted without giving proper informed consent, and the aborted baby's estate. The court order appointing the Personal Representative of the Estate of Baby Wabington, Deceased, stated "Baby Wabington was a 26 week old viable fetus and pursuant to *Salazar v. St. Vincent Hospital, 95 NMCA 150 (1980)* is a person as defined under the Wrongful Death Act and is entitled to equal protection under the law of New Mexico and the United States." Suppl.App.A. [emphasis added]

Petitioner submits this supplemental brief to bring to the Court's attention this additional recent case advancing the cause of human personhood.

ARGUMENT

The unprecedented aspect of this wrongful death lawsuit and settlement is that it "is the first of its kind to be settled by an aborted baby's estate against the abortion [practitioners] associated with the [preborn] child's death." Suppl.App.H., p.1. The acknowledgment and declaration of Baby Wabington as a person "is an important step towards the establishment of [the legal] personhood" Suppl.App.H., p.1. of human beings in the womb, and their constitutionally-protected, Creator God-given, inherent, unalienable, right to life; constitutionally-protected by the "due process" clauses of the Fifth and Fourteenth Amendments, and the "equal protection" clause of the Fourteenth Amendment, which avail to "person[s]".

The Fifth Amendment states "No person shall ... be deprived of life, liberty, or property, without due process of law". Likewise, the Fourteenth Amendment states "No State shall ... deprive any person of life, liberty, or property, without due process of law; ... " The

constitutionally-guaranteed protection of unborn Baby Wabington's life is recognized in law when unborn Baby Wabington is recognized as a person. Indeed this fact of constitutional law was expressed over 50 years ago in the *Roe v Wade* Opinion:

"The appellee and certain amici argue that the fetus is a "person" within the language and meaning of the Fourteenth Amendment. In support of this, they outline at length and in detail the well-known facts of fetal development. If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment." *Roe v. Wade*, 410 U.S. 113, 156, 157 (1973)

As Justice Clarence Thomas explained in his concurring opinion in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), while rightly and explicitly rejecting the "oxymoron" of "substantive due process" that "lack[s] any basis in the Constitution." *Johnson v. United States*, 576 U. S., at 607–608 (2015) (opinion of Thomas, J.); *Dobbs* 597 U.S. 215, 331 (2022) (THOMAS, J., concurring), Justice Thomas also expressly articulated the [Fourteenth Amendment] Due Process Clause provides that a constitutional guarantee of due process exists before a person may be deprived of life, liberty, or property.

"Considerable historical evidence indicates that "due process of law" merely required executive and judicial actors to comply with legislative enactments and the common law when depriving a person of life, liberty, or property. See, e. g., *Johnson v. United States*, 576 U. S. 591, 623 (2015) (Thomas, J., concurring in judgment); *Dobbs*, 597 U.S. 215, 331 (2022) (THOMAS, J., concurring); and,

"Other sources, by contrast, suggest that "due process of law" prohibited legislatures "from authorizing the deprivation of a person's life, liberty, or property without providing him the customary procedures to which freemen were entitled by the old law of England. " *United States v. Vaello Madero*, 596 U. S. 159, 168–169 (2022) (Thomas, J., concurring) (internal quotation marks omitted); *Dobbs*, 597 U.S. 215, 331 (2022) (THOMAS, J., concurring).

So, while Justice Clarence Thomas' purpose in *Dobbs* was primarily arguing against the "legal fiction" of substantive due process" *McDonald*, 561 U. S., at 811 (opinion of THOMAS, J.); accord, *Obergefell*, 576 U. S., at 722 (THOMAS, J., dissenting); *Dobbs*, 597 U.S. 215, 333 (2022) (THOMAS, J., concurring), Justice Thomas also fittingly included in his argument the proper reading of the [Fourteenth Amendment] Due Process Clause, which has bearing on the instant Baby Wabington case. Unborn Baby Wabington, as a legal person as defined under the New Mexico Wrongful Death Act (Suppl.App.A.), is entitled not only to "equal protection under the law of New Mexico and the United States", but also to Due Process.

"Due Process" guarantees process to "persons". Unborn Baby Wabington is a person. (Suppl.App.A.)

American jurisprudence is in fact trending unavoidably on a collision course with the inevitable, irresistible march of reality and truth: **human beings in the womb are persons.**

The scientific evidence is overwhelming that human biological life begins at conception/fertilization (not implantation) ["The Scientific Consensus on When a Human's Life Begins" - <https://pubmed.ncbi.nlm.nih.gov/36629778/>].

Black's Law Dictionary defined a "person." as "A human being. - Also termed *natural person*." in its 2009 Edition.

In the 2024 Alabama Supreme Court IVF case, *James LePage, et al. v. The Center for Reproductive Medicine and Mobile Infirmary Assoc* (SC-2022-0515) (February 16, 2024), frozen embryos, even outside the human womb, were determined to be children under the Alabama Wrongful Death of a Minor Act.

[<https://statecourtreport.org/sites/default/files/2024-02/lepage-v-center-for-reproductive-medicine-alabama-supreme-court-02.16.2024.pdf>].

In the 2025 immigration case, *"Barbara" v. Donald J. Trump, President of the United States* (Case No. 25-cv-244-JL), in the District of New Hampshire, U.S. District Judge Laplante issued an Order Granting Petitioner's Motion For Provisional Class Certification of "future persons" for the purpose of (nationwide) preliminary injunctive relief in the case. This Court decided the case June 30, 2026 (Case No. 25-365), *Donald J. Trump, President of the United States, et al., Petitioners v. Barbara, et al.*, affirming the judgment of the United States District Court for the District of New Hampshire.

[<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/25-365.html>].

Human personhood is not assignable or vested by a government entity; no more than the First Amendment rights of free exercise of religion, freedom of speech, or freedom of peaceable assembly, rightly understood; or the Fifth and Fourteenth Amendment right to life. We understand as Americans that such unalienable rights come from God, not from the Government. (Declaration of Independence).

PERSONHOOD IS UNALIENABLE. Personhood is Creator God-given, inherent, and unalienable, just as is the right to life. The Declaration of Independence, one of the Organic Laws of the United States, inherently recognizes the personhood of all men. (Suppl.App.E.)

Since this Organic Law of the United States declares "all men are created equal", and Creator-endowed "with certain unalienable Rights", among which the first is "Life", then the personhood of all men is therein inherently recognized by virtue of the very existence of these Creator-endowed "unalienable Rights", which inherently exist for all men. **It is human "persons" which have Creator-endowed "unalienable Rights"**. Therefore, the personhood of all men is thus inherently recognized in the 1776 Declaration of Independence.

"America was founded on "unalienable rights" - those that a man may not unconditionally sell, trade, barter, or transfer without denying the image of God in himself. God the Creator endows man with these rights, annexing them to the human **person**. They are inalienable. For to deny these rights in a man is to deny that he is a human being." [emphasis added]

Defending The Declaration - How the Bible and Christianity Influenced the Writing of the Declaration of Independence, Wolgemuth & Hyatt, Publishers, Inc., Brentwood, Tennessee, 1989, by Gary Amos, p. 104 (ISBN 0-943497-69-8).

"The Bible presents God as a **person**, ... [H]e is the transcendent almighty God who created all things. ... He orders all things by His will and word, ... His will is law for all that [H]e has created, which He actively governs, sustains, upholds, and protects. All creatures are entirely dependent upon Him for all things." [emphasis added] Ibid., 164.

"1 God, who at sundry times and in divers manners spake in time past unto the fathers by the prophets, 2 Hath in these last days spoken unto us by *his* Son, whom he hath appointed heir of all things, by whom also he made the worlds; 3 Who being the brightness of *his* glory, and the express image of his **person**, and upholding all things by the word of his power, when he had by himself purged our sins, sat down on the right hand of the Majesty on high;" [emphasis added] Hebrews 1-3, The Holy Bible, KJV

"3. In the unity of the Godhead there be **three persons**, of one substance, power, and eternity: God the Father, God the Son, and God the Holy Ghost," [a] [emphasis added] a. Mat 3:16-17

The 1647 Westminster Confession of Faith, Chapter 2:
Of God, and of the Holy Trinity

"Man, considered as a creature, must necessarily be subject to the laws of his creator, for he is entirely a dependent being. ... And consequently, as man depends absolutely upon his maker for every thing, it is necessary that he should in all points conform to his maker's will."

Commentaries on the Laws of England, Introduction, Section 2: Of the Nature of Laws in General, Sir William Blackstone

"This law of nature, being coeval with mankind and dictated by God himself, is of course superior in obligation to any other. It is binding over all the globe in all countries, and at all times: no human laws are of any validity, if contrary to this; and such of them as are valid derive all their force, and all their authority, mediately or immediately, from this original."

Commentaries on the Laws of England, Introduction, Section 2: Of the Nature of Laws in General, Sir William Blackstone

The "**personhood**" of human beings, which Scripture reveals and science proves have our biological beginning at the point of conception/fertilization, should be, and is becoming increasingly so, intuitively obvious to the rational observer. Unborn Baby Wabington was identified as a "person" as defined under New Mexico's Wrongful Death Act. Black's Law Dictionary defined a "person" as "A human being." The 2024 Alabama Supreme Court IVF case identified even extrauterine frozen embryos as children under the Alabama Wrongful Death of a Minor Act. United States District Court Judge Laplante issued an Order Granting Petitioner's Motion For Provisional Class Certification of "future persons" for the purpose of (nationwide) preliminary injunctive relief in the case. This Court decided that case June 30, 2026 (Case No. 25-365), *Donald J. Trump, President of the United States, et al., Petitioners v. Barbara, et al.*, affirming the judgment of the United States District Court for the District of New Hampshire.

How long must America wait until this Court recognizes in law the personhood of all human beings, at fertilization, without exception ?

Will it be another nearly five decades, as it took for the reversal of the egregious *Roe* decision (1973 to 2022) ?

Or will Providence sooner raise up some [This?] incumbent cohort of United States Supreme Court Justices who will wisely judge justly and righteously and truthfully, and recognize in American jurisprudence the Creator God-given, inherent, unalienable personhood of every human being beginning at conception/fertilization? In the meantime, consider Justice Thomas' tragic retrospective quote upon the human and national cost for delay:

"Now today, the Court rightly overrules *Roe* and *Casey*—two of this Court's "most notoriously incorrect" substantive due process decisions, *Timbs*, 586 U. S., at ____ (opinion of THOMAS, J.) —after more than 63 million abortions have been performed, ... The harm caused by this Court's forays into substantive due process remains immeasurable." *Dobbs*, 597 U.S. 215, 336 (2022) (THOMAS, J., concurring). "Substantive due process ... has harmed our country in many ways. Accordingly, we should eliminate it from our jurisprudence at the earliest opportunity." *Dobbs*, 597 U.S. 215, 336 (2022) (THOMAS, J., concurring).

Petitioner agrees and says "Amen" to Justice Thomas' call to eliminate the harmful "legal fiction" of substantive due process from American jurisprudence at the earliest opportunity; including whatever contribution this case might make toward that lawful end.

Indeed, Chief Justice Tom Parker of the Alabama Supreme Court, concurring specially in the 2024 IVF case majority opinion, wrote:

"In summary, the theologically based view of the sanctity of life adopted by the People of Alabama encompasses the following: (1) God made every person in His image; (2) each person therefore has a value that far exceeds the ability of human beings to calculate; and (3) human life cannot be wrongfully destroyed without incurring the wrath of a holy God, who views the destruction of His image as an affront to Himself. Section 36.06 [Alabama Constitution] recognizes that this is true of unborn human life no less than it is of all other human life -- that even before birth, all human beings bear the image of God, and their lives cannot be destroyed without effacing his glory."

James LePage, et al. v. The Center for Reproductive Medicine and Mobile Infirmary Association (2024), Alabama (SC-2022-0515).

CONCLUSION

The petition for writ of certiorari should be granted.

Jesus Christ is LORD,



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West Columbia, South Carolina
October 20, 2026

APPENDIX

APPENDIX A

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

IN THE MATTER OF THE ESTATE OF BABY WABBINGTON.

NO. D-202-CV-2023-04705

**ORDER APPOINTING PERSONAL REPRESENTATIVE WRONGFUL DEATH
ACTION**

THIS MATTER having come before the Court on Petitioner [REDACTED] Wabbington's Appointment of Personal Representative, and the Court being otherwise fully advised in the premises, the Court finds that the Petition shall be granted.

That Baby Wabbington was a 26 week old viable fetus and pursuant to *Salazar v. St. Vincent Hospital*, 95 NMCA 150 (1990) is a person as defined under the Wrongful Death Act and is entitled to equal protection under the law of New Mexico and the United States.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that [REDACTED] Wabbington shall be appointed personal representative of the Estate of Baby Wabbington, Deceased, pursuant to NMSA 1978 §41-2-3.

Ms. Wabbington's duties and authority shall include the sole management of any Medical Board Complaints, retrieval of medical records, Office of Medical Investigator's records, and subpoenas of documents, of the Estate of Baby Wabbington, the making of filing of any claims related to Baby Wabbington's death occurring on or about December 8, 2020, and any other action necessary to investigate and pursue an action for wrongful death.

Ms. Wabington shall not be subject to liability for any decisions made or acts undertaken in her role as personal representative.



VICTOR S. LOPEZ, JUDGE
Second Judicial District, Div. XXVII

Approved:

LAW OFFICES OF MICHAEL J. SEIBEL

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APPENDIX B

COUNTY OF BERNALILLO
STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT COURT

**JAZEL WABBINGTON, individually and as
personal representative of the ESTATE of BABY
WABBINGTON,**

Plaintiffs,

vs.

No. D-202-CV-2023-09292

**CURTIS BOYD, M.D.P.C. d/b/a
SOUTHWESTERN WOMEN'S OPTIONS,
CURTIS W. BOYD, Individually, CARMEN
LANDAU, Deceased, THE ESTATE OF
CARMEN LANDAU, EMILY COHEN, M.D.
Individually,**

Defendants.

**COMPLAINT FOR MEDICAL MALPRACTICE,
MEDICAL NEGLIGENCE, WRONGFUL DEATH, AND UNFAIR TRADE PRACTICES**

COMES NOW the Plaintiffs, JAZEL WABBINGTON, individually and as personal representative of the ESTATE BABY WABBINGTON (hereinafter sometimes referred to as "Plaintiffs"), by and through their attorneys of record LAW OFFICE OF MICHAEL J. SEIBEL, PC (Michael J. Seibel) and THE LAW OFFICE OF JUSTIN K. HALL, PC (Justin K. Hall), and pursuant to the New Mexico Rules of Civil Procedure, hereby states for their complaint the following:

INTRODUCTION/JURISDICTIONAL ALLEGATIONS

1. Plaintiffs was, at all times material hereto, a resident of the City of Albuquerque, County of Bernalillo, State of New Mexico.
2. Plaintiff was appointed by the Second Judicial District Court as Personal Representative

of the Estate of Baby Wabbington.

3. Defendant Curtis Boyd, M.D., P.C., was, at all times material hereto, a domestic for-profit New Mexico corporation doing business as “Southwestern Women’s Options”, 522 Lomas Boulevard NE in the City of Albuquerque, Bernalillo County, New Mexico, for the purpose of providing late term abortion services.

4. Defendant Curtis W. Boyd, M.D. (hereinafter sometimes referred to as “Boyd”) is a licensed doctor doing business in Albuquerque, New Mexico. Upon information and belief, Boyd supervises all employees of Defendant Southwestern Women’s Options.

5. Defendant, The Estate of Carmen Landau, M.D. (hereinafter sometimes referred to as “Landau”) was a licensed physician doing business in Albuquerque, New Mexico. Upon information and belief, Landau was employed by Defendant Southwestern Women’s Options prior to her death.

6. Defendant Emily Cohen, M.D. (hereinafter sometimes referred to as “Cohen”) is a licensed physician doing business in Albuquerque, New Mexico. Upon information and belief, Cohen is employed by Defendant Southwestern Women’s Options.

7. At all times material to this complaint, Defendant Curtis Boyd, M.D., P.C. d/b/a “Southwestern Women’s Options” (hereinafter sometimes collectively referred to as “SWO”), and its doctors (including Defendants Boyd, Landau, and Carr), nurses, nurses’ aides, employees, agents, and servants were not qualified health care providers under the New Mexico Medical Malpractice Act.

8. Because none of the Defendants are qualified health care providers as defined by the New Mexico Medical Malpractice Act, Plaintiffs are not required to comply with the prerequisites of the New Mexico Medical Malpractice Act for filing this lawsuit.

9. Personal jurisdiction of all parties, subject matter jurisdiction and venue are present and proper

in this state district court, County of Bernalillo, State of New Mexico.

GENERAL ALLEGATIONS

10. On or about December 8, 2020, Jazel Wabbington presented to Curtis Boyd, M.D. P.C. to seek medical assistance for a possible twenty- six (26) week abortion.

11. Jazel Wabbington was an active user of methamphetamines and used methamphetamines at the time of the visit.

12. Defendant, Curtis W. Boyd M.D.P.C., Carmen Landau and Emily Cohen knew or should have known of Jazel's use of methamphetamines as she had a prior abortion where they noted her use of methamphetamines.

13. Jazel Wabbington also told the counselor of her use of methamphetamines and the counselor placed that information in the notes.

14. The counselor noted that Jazel was anxious and avoided eye contact when she appeared for her interview.

15. Despite having knowledge of a substance abuse history and signs of intoxication of methamphetamine use, Defendants attempted to get informed consent from Plaintiff, Jazel Wabbington.

16. Jazel Wabbington could not legally give informed consent as she was intoxicated.

17. Plaintiffs attempted to get Jazel Wabbington to sign a consent to treatment to terminate pregnancy.

18. Despite having no legal capacity to consent, Jazel Wabbington signed the consent for medical treatment (A copy of the informed consent is attached hereto as Exhibit "A" and is incorporated by reference).

19. The informed consent attached as Exhibit "A" attempted to release liability for emotional distress.
20. The consent for termination of pregnancy attempted to release liability for emotional distress. Prospective releases of liability for medical negligence are void against public policy.
21. In addition, Jazel Wabbington wanted to release the baby's remains to Riverside Funeral Home to have services.
22. Jazel Wabbington signed a document on December 10, 2020, to release the baby Wabbington's remains to Riverside Funeral Home (A true and accurate copy is attached hereto as Exhibit "B").
23. Upon information and belief, Defendants, Boyd, Landau Cohen and SWO failed to transfer baby Wabbington's body to Riverside Funeral Home as promised. Upon information and belief, the body was placed in a medical waste container and destroyed.
24. The acts of the Defendants were so willful, wanton, and reckless they require the imposition of punitive damages.

COUNT I – MEDICAL NEGLIGENCE OF DEFENDANTS

25. Plaintiffs re-allege and incorporate herein as though set forth in full paragraphs 1 through 24 above.
25. Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr Curtis Boyd and Curtis W. Boyd, MD, failed to possess and apply the knowledge, skill and care ordinarily used by medical doctors acting under similar or same circumstances and giving consideration to the locality involved when they provided medical diagnosis, treatment, and care to Alani Harman.
26. Defendants Landau and Cohen, doctors specializing in late term elective abortion, were

negligent in his diagnosis, treatment, and care of Alani Harman, which negligence includes, but is not limited to, the following:

a. Failure to recognize that Jazell Wabbington was not legally competent to give consent as she was intoxicated with Methamphetamine use.

b. Failed to counsel or refer Jazell Wabbington the New Mexico Children Youth and families department for all of her options as being substance affected when pregnant.

c. Failure to inform Jazelle Wabbington and obtain her proper consent while sober.

d. Performed the abortion without proper informed consent

27. At the time of their negligent acts, Defendants, Dr Carmen landau, Emily Cohen, and Curtis W. Boyd, were acting within the scope and course of their employment, ownership or agency with Defendant, Curtis W Boyd MD, PC d/b/a Southwestern women's options.

28. Defendant, Curtis W Boyd MD, PC dba Southwestern Women's Options, is jointly and severally responsible for and jointly and severally liable for the actions, inactions, negligence or conduct of its doctors, staff or other employees who provided medical diagnosis, treatment, care to Jazel Wabbington.

29. As a proximate result of the negligence of Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr Curtis Boyd and Curtis W. Boyd, MD P.C d/b/a Southwestern Women's Options, Plaintiffs are entitled to damages against Defendants for: Wrongful Death of Baby Wabbington, past medical expenses; loss of earnings & benefits; loss of enjoyment of life; mental anguish; emotional distress; mental, physical, emotional and psychological pain and suffering and loss of consortium in an amount to be proven at the time of trial.

30. All of Plaintiffs' injuries, damages and wrongful death are due to the negligence and

carelessness of Defendants, without any contributing negligence on the part of Plaintiffs.

31. All of Plaintiffs' injuries, damages and wrongful death are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiffs.

COUNT II – RESPONDIAT SUPERIOR
Defendant Curtis W Boyd, MD PC d/b/a Southwestern Women's Options

32. Plaintiff re-alleges and incorporates by reference paragraphs 1 through 31 as if stated fully herein.

33. At all times material hereto, Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr and Curtis W. Boyd, M.D. P.C. are employees, agent, servant, owner, officer and/or director of Defendant, Curtis W Boyd MD, PC dba Southwestern Women's Options, and/or authorized to practice elective abortions at the Curtis W Boyd MD, PC dba Southwestern Women's Options.

34. At all times material hereto, Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr Curtis Boyd and Curtis W. Boyd, MD, were acting within the scope of their employment and/or authorization with Defendant, Southwestern Women's Options.

35. Defendant, Curtis W Boyd MD, PC dba Southwestern Women's Options, had the right to control the manner in which the details of the work of Defendants, Dr. Carmen Landau, and Dr Emily Cohen, were to be performed at the time of the occurrence, even though the right of control may not have been exercised.

36. As a direct and proximate result of the negligence, and omissions of Defendant, Dr. Curtis W. Boyd, acting within the scope of Curtis W Boyd MD, PC dba Southwestern Women's Options of his employment and/or authorization with Defendant, Women's Southwestern Women's Options, Plaintiff is entitled to damages against Defendants for: past medical expenses; loss of earnings & benefits; loss of enjoyment of life; mental anguish; emotional distress; mental, physical, emotional

and psychological pain and suffering, in an amount to be proven at the time of trial.

37. All of Plaintiffs' injuries and damages are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiff.

COUNT III – UNFAIR TRADE PRACTICES

38. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 37 as if stated fully herein.

39. New Mexico Statute defines Unfair Trade Practices, in part, as follows:

"unfair or deceptive trade practice" means an act specifically declared unlawful pursuant to the Unfair Practices Act [57-12-1 NMSA 1978], a false or misleading oral or written statement, visual description or other representation of any kind knowingly made in connection with the sale, lease, rental or loan of goods or services or in the extension of credit or in the collection of debts by a person in the regular course of his trade or commerce, which may, tends to or does deceive or mislead any person and includes:

(1) representing goods or services as those of another when the goods or services are not the goods or services of another;

(2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;

(3) causing confusion or misunderstanding as to affiliation, connection, or association with or certification by another;

(4) using exaggeration, innuendo, or ambiguity as to a material fact or failing to state a material fact if doing so deceives or tends to deceive;

40. Defendant, Curtis W Boyd MD, PC dba Southwestern Women's Options, its agents and

employees have engaged in unfair trade practices by:

(A) Including provisions in its informed consent to release prospective liability for medical negligence despite knowing it was against public policy to do so;

(B) Attempting to persuade patients not to sue for malpractice;

(C) Disclaiming any liability for emotional distress against public policy;

(D) Attempting to prevent women and patients from suing for emotional distress;

(E) Attempting to persuade patients to release malpractice liability in contradiction with well settled law of New Mexico

(F) Offering funeral services for aborted babies without any intent to transfer the aborted babies to the funeral home.

41. As a result of the acts of Defendant, Southwestern Women's Options, Plaintiff has sustained damages in emotional distress, mental anguish, consequential damages, injuries, and other damages to be proven at trial.

42. Pursuant to *57-12-1 et seq. NMSA 2022* Plaintiffs are entitled to attorney's fees.

43. Pursuant to *57-12-1 et. seq. NMSA 2023* Plaintiffs are entitled to treble damages.

44. Plaintiff is entitled to an injunction against Defendants for the above-mentioned acts pursuant to 57-13-10(A)

COUNT IV – UNCONSCIONABLE TRADE PRACTICES

45. Plaintiff re-alleges and incorporate by reference paragraphs 1 through 44 as if stated fully herein.

45. New Mexico Statute defines "Unconscionable Trade Practice" as an act or practice in connection with the sale, lease, rental, or loan, or in connection with the offering for sale, lease,

rental, or loan, of any goods or services, including services provided by licensed professionals, or in the extension of credit or in the collection of debts which is to a person's detriment:

(A) takes advantage of the lack of knowledge, ability, experience, or capacity of a person to a grossly unfair degree; or

(B) results in a gross disparity between the value received by a person and the price paid.

46. At the time of her late term elective abortion procedure Jazel Wabbington did not understand that she was allegedly giving her rights away with regard to emotional distress in a document that contravenes public policy.

47. The alleged consent attempted to release the physicians prospectively in contradiction to public policy.

48. At the time of her elective abortion procedure, Jazel Wabbington did not know that she was free to seek medical assistance for medical complications at any medical facility.

49. At the time of her elective abortion procedure, Jazel Wabbington did not have the capacity to fully understand the consent agreement.

50. The actions of the Defendants took advantage of the lack of knowledge, ability, and capacity of Jazel Wabbington to an unfair degree.

51. Plaintiffs have sustained damages.

52. Plaintiffs are entitled to attorney's fees pursuant to The Unfair Trade Practices Act.

53. Plaintiffs are entitled to treble damages pursuant to the Unfair Trade Practices Act.

54. Plaintiff is entitled to an injunction.

COUNT V. INFORMED CONSENT

55. The Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 54 of the complaint as if set forth again fully herein.

55. Defendants, Dr Carmen Landau, Emily Cohen, and Curtis W. Boyd, have a duty to inform the patient of all material facts that may affect the person's decision to engage in their services.

56. At all times relevant, Defendants knew or should have known that Plaintiff, Jazel Wabbington had a long history of methamphetamine use and was intoxicated at the time she agreed to the abortion.

57. At all times relevant, Defendants Curtus W. Boyd, M.D. P.C., and Southwestern Women's Options, knew of Jazel Wabbington's Methamphetamine use.

58. Defendants knew or should have known that Jazel Wabbington was intoxicated with methamphetamines.

59. Defendants breached their duty to provide inform consent by the following acts:

1. Giving ineffective informed consent while Jazel Wabbington was intoxicated;
3. Terminating the life of Baby Wabbington without proper consent.

60. As a direct and proximate cause of the failure Defendants to provide proper informed Consent the Plaintiff, Jazel Wabbington, has incurred damages, pain and suffering, medical bills, emotional distress, mental anguish, and loss of property to be proven at the time of trial.

COUNT VI
WRONGFUL DEATH OF BABY WABBINGTON

61. Plaintiff realleges and incorporates by reference all allegations of paragraphs 1 through 60 as set forth again fully herein.

62. Baby Wabbington was a 26- week -old fetus and a person under the New Mexico Wrongful Death Statute.
63. This case has jurisdiction pursuant to the New Mexico Wrongful Death Statute.
64. Defendants, Dr. Carmen Landau, Dr Emily Cohen performed an abortion on Jazel Wabbington when she was intoxicated with methamphetamines.
65. Any informed consent given to Jazel Wabbington was ineffective as she was intoxicated.
66. The failure of informed consent resulted in an injury to Jazel Wabbington.
67. As a result of the lack of informed consent, baby Wabbington's life was illegally terminated.
68. The failure to secure informed consent prior to an abortion constitutes the wrongful death of Baby Wabbington by Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr and Curtis W. Boyd, M.D. P.C.
69. If not for the negligence of securing informed consent by Defendants, Baby Wabbington would be alive today.
70. The acts of the Defendants, Dr. Carmen Landau, Dr Emily Cohen, Dr and Curtis W. Boyd, M.D. P.C., entitle the Plaintiff to damages for wrongful death, loss of quality of life, loss of household services and pain and suffering for the death of Baby Wabbington.
71. The acts of Defendants were so willful, wanton, and reckless they require punitive damages.

COUNT VII
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

72. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 71 of the complaint as if set forth again full herein.

73. Plaintiff, Jazel Wabbington, has a right to freedom from severe emotional distress.
74. Defendants failed to provide proper informed consent.
75. The Defendants failure to return Baby Wabbington's body to the Plaintiff after she was denied the return of her baby's body.

COUNT VIII – LOSS OF CONSORTIUM

83. Plaintiffs re-allege and incorporate by reference paragraphs 1 through 82 as if set forth fully herein.
84. As a direct and proximate result of the negligence and omissions of Defendants, Plaintiffs have been deprived of the companionship, company, and care of Jazel Wabbington.
85. As a direct and proximate result of the negligence and omissions of Defendants, Plaintiff has suffered and will continue to suffer a loss of consortium in an amount not presently determined, but to be proven at the time of trial.
86. All of Plaintiffs' injuries, damages and wrongful death are due to the negligence and carelessness of Defendants, without any contributing negligence on the part of Plaintiff.

COUNT IX **NEGLIGENCE WITH THE DISPOSITION OF HUMAN REMAINS**

76. Plaintiff realleges and incorporates by reference the allegations of paragraphs 1 through 75 of the complaint as if set forth again full herein.
77. In New Mexico, there is a right for the next of kin to dispose of the human remains of a family member.
78. Jazel Wabbington had a right to dispose of the baby Wabbington's body as she was the baby's natural mother.

79. Jazel Wabbington arranged with Curtis W. Boyd d/b/a Southwestern Women's Options to have baby Wabbington's remains taken to Riverside Funeral Home.

80. Defendants failed to transfer baby Wabbington's remains to the funeral home and subsequently disposed of the body.

81. As a result of the actions of Defendants, Jazel Wabbington has sustained damages for loss of property, mental anguish, emotional distress, and pain and suffering to be proven at trial.

82. The actions of the Defendants are so willful, wanton, and reckless it warrants the imposition of punitive damages.

COUNT X – PUNITIVE DAMAGES

87. Plaintiff re-allege and incorporates by reference paragraphs 1 through 86 as if set forth fully herein.

88. All of Defendants in this matter acted maliciously, wantonly and in obdurate disregard for the rights of Plaintiffs, justifying an award of compensatory and punitive damages on all counts.

CONCLUSION

WHEREFORE Plaintiff, Jazel Wabbington, individually and as personal representative of the Estate of Baby Wabbington, request special and compensatory damages and judgement against Defendants in an amount to be proven at trial, for their costs, prejudgment, and post-judgment interest, and for such other and further relief as may be permitted by law.

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against Defendants for the following amounts:

A. For damages to be proven at trial;

B. For damages for emotional distress and mental anguish;

- C. For Treble Damages under the New Mexico Unfair Trade Practices Act;
- D. For punitive damages;
- D. For reasonable costs and attorney's fees.
- E. For an injunction against Curtis W. Boyd d/b/a Southwestern Women's Options prohibiting Defendants from prospectively limiting malpractice liability and emotional distress liability.

Respectfully submitted,

LAW OFFICE OF MICHAEL J. SEIBEL

By: /s/Michael J. Seibel
Michael J. Seibel (State Bar# 8337)
Attorney for Plaintiff
P.O. Box 14066
Albuquerque, NM 87191-4066
(505) 275-1700

&

LAW OFFICE OF JUSTIN K. HALL, PC

/s/ Justin K. Hall
Justin K. Hall (State Bar# 9521)
328 West IH-30, Suite 2
Garland, TX 75043
(972)-226-1999

Attorneys for Plaintiffs

INFORMED CONSENT for TERMINATION OF PREGNANCY

MEDICATIONS AND OTHER MEDICAL SERVICES

Southwestern Women's Options ("the Clinic") is the office of Curtis Boyd, M.D., P.C.

Date 12-8-2020

I, Jazelle Wabblington am asking the doctors of the Clinic to perform a pregnancy termination for me. I understand that the purpose of this procedure is to stop my pregnancy so it will not end in childbirth or to remove a pregnancy from my uterus that is no longer viable. Having this procedure performed is my own decision. No one is threatening me or forcing me to terminate this pregnancy or to have this procedure performed at the Clinic. I made the decision to have this procedure because I believe that it is the best choice for me.

I give my permission for any tests, procedures or medications that the Clinic doctors think I should have either for my pregnancy termination or for care of any complications that may occur. I give my permission for the Clinic doctors or staff to give me whatever medications they believe necessary for the safe completion of my termination of pregnancy.

I understand that a doctor or medical student from a teaching hospital may be observing and/or participating in the performance of my abortion procedure to which I give my consent.

I do NOT give my permission for the following procedure (s) to be performed or medication (s) to be administered. (Please write "N/A" if this is not applicable) N/A

The information I have given the Clinic about my medical history is true. I have included in my medical history significant illnesses, surgeries, pregnancies, drug use, medication use, allergies, bad reactions to any medication, or any other medical facts about me. The Clinic doctors can rely on my medical history as being true and complete.

I understand that the age of my pregnancy is determined by my medical history and ultrasound measurements taken here in the clinic. Based on this information, the doctors will recommend what method they will use for my pregnancy termination. I give my permission for them to use the method of termination that they think is best.

I understand that the pregnancy tissue will be removed from my body during this procedure. The pregnancy tissue may be examined here in the Clinic and the Clinic doctors may dispose of the tissue according to the law.

I understand that the medications used during my pregnancy termination may not eliminate all pain. I know I could have a bad reaction to any of the medications administered by the Clinic. A bad reaction could be minor or severe. If I have a bad reaction, the doctors and staff may treat it as medically necessary, which may include calling emergency services for transfer to a hospital.

I understand that complications may occur as the result of any medical procedure, including a termination of pregnancy, even if the doctor does everything right. The risk of complications related to a termination of pregnancy increases as the pregnancy advances. This means an earlier procedure is less likely to result in complications than a later procedure. Complications can be small or very serious. They could even result in death. Termination of pregnancy has fewer complications than childbirth and when something does go wrong in this procedure it is usually less serious than a complication of childbirth. If I experience a complication while at the Clinic, the doctors and staff may treat it as medically necessary, which may include calling emergency services for transfer to a hospital.

No guarantee has been made to me about the outcome of this termination of pregnancy.

Initials W



The risks and possible complications of pregnancy termination procedures that are most common (although only in a small percentage of cases) include the following:

Perforation: An instrument used in the procedure may go through (or "perforate") the wall of the uterus. If perforation occurs, hospitalization may be necessary for repair and/or observation of the perforation and any internal injuries and/or completion of the abortion.

Laceration: In rare cases, the cervical opening and/or cervical canal may be torn. A few stitches to repair the tear are usually all that is necessary in the case of a laceration. However, under some circumstances, this complication can cause severe bleeding and require hospitalization.

Excessive bleeding: Some bleeding post-procedure is expected and normally ceases without medical intervention. Excessive bleeding may require an immediate repeat of the abortion procedure, or hospitalization for observation and treatment, which may include blood transfusions and in very rare instances, hysterectomy; removal of the uterus (see below). If excessive bleeding occurs some hours or days after the abortion, hospitalization may be necessary, and dilation and curettage may need to be done to remove material retained in the uterus.

Infection: Infections usually respond to antibiotics, but in a few cases, hospitalization is necessary. Very rarely, a severe infection may lead to infertility.

Failure to terminate pregnancy: (i.e. the procedure fails to end the pregnancy): A post-operative examination is essential to determine whether the termination procedure was successful. If the first procedure failed to terminate the pregnancy, another procedure must be performed, since the first one may have affected normal development of the pregnancy.

Tubal pregnancy: A tubal pregnancy occurs when the fertilized egg implants in the fallopian tube instead of in the uterus. If this condition is unchecked, the fetus develops in the tube until it is large enough to burst the tube. Although the chances of a tubal pregnancy are small, the risk of death from a ruptured tubal pregnancy is significant. The termination procedures performed at the Clinic cannot terminate a tubal pregnancy. I understand that this is a preexisting medical condition for which the Clinic assumes no medical or financial responsibility.

Hysterectomy: (i.e. removal of the uterus): I understand that as a result of certain conditions or some complications (such as perforating, bleeding, or severe infection) a hysterectomy may be necessary.

Pulmonary (Lung) embolism: (i.e. Blood clot or amniotic fluid clot that may go to the lungs and cause difficulty breathing). It may require transport to a hospital for evaluation and treatment.

Infertility: Although rare, infertility may result from certain complications (such as infection), particularly if the complications are untreated.

Unintended expulsion: When dilators are inserted and/or Misoprostol is used to prepare the cervix for the termination procedure, the intent is to perform a D&C (suction curettage), a standard D&E procedure or an induction procedure. On rare occasions, unintended expulsion of products of conception may occur.

Emotional distress: Individuals react differently to pregnancy termination. Most patients go through the process with minimal emotional effects, but in some cases professional help is required. I release the attending physicians and staff from any liability or responsibility for any condition that may result from this procedure, including but not limited to short range or long term psychological effects resulting from my decision to have this procedure.

Initials JW

For patients who have had one or more prior Cesarean sections:

Uterine rupture: I understand that having a Cesarean section ("C-section") scar places me at extra risk for any procedure related to pregnancy including abortion and childbirth. The further along in my pregnancy I am, the more risk I have from my C-section scar. I understand that having an abortion is safer for my health than carrying the pregnancy to term. One serious possible complication that results from having a C-section is uterine rupture. Uterine rupture occurs when the muscle wall of the uterus tears open. The chance of a uterine rupture happening is approximately 1% during childbirth. It is less likely to happen during an abortion. The risk of uterine rupture occurring increases as the pregnancy grows. Uterine rupture may result in bleeding which may require blood transfusions, major surgery and/or could result in death. Uterine rupture also may result in me requiring a hysterectomy. A hysterectomy is the total removal of my uterus, which would make it impossible for me to get pregnant again.

I understand that my physician and/or counselor will answer any questions or concerns I have, and I will ask such questions before leaving the clinic. If I have concerns or complications after leaving, I agree to call the Clinic immediately.

If the physician asks me to do so I agree to have an examination and pregnancy test in two (2) weeks after the abortion, in order to rule out a continued pregnancy or the existence of other problems. If I fail to schedule and/or attend the recommended post-procedure examination, I release the Clinic, attending physicians, and staff from any liability or responsibility for injuries and/or damage caused by the failure to treat timely any complications related to the termination procedure.

I UNDERSTAND THAT, WHEN POSSIBLE, I MAY BE TREATED FOR ANY RESULTING COMPLICATIONS AT DR. CURTIS BOYD'S OFFICE, AT NO CHARGE TO ME; HOWEVER, SHOULD HOSPITALIZATION BE NECESSARY, I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR ANY CHARGES.

I further understand that the medical practice of my physician(s) at Curtis Boyd, M.D., P.C. is to be judged according to those standards reasonably acceptable to other physicians practicing in similar facilities in the United States.

I certify that I have read, had explained to me, and fully understand the above informed consent, and that I agree, in light of the consent, to the pregnancy termination procedure I have requested.

Date 12 8 2020

Signature of Client

J. Wabbington

Witness - Staff Person

Provider signature

[Signature]

Curtis Boyd M.D., P.C.

522 LOMAS BOULEVARD NE
ALBUQUERQUE, NEW MEXICO 87102



TISSUE RELEASE AUTHORIZATION

Re: Baby Wabington

I, Chazel Wabington DOB 2.24.94, authorize the office of
Curtis Boyd, M.D., P. C. to release any products of conception to Riverside Funeral Home for
Cremation.

Chazel Wabington
Patient signature

Date 12.16.20

Molly F
Clinic signature

Date 12/10/2020



APPENDIX C

New Mexico Courts

Case Lookup

Exit

Name Search

Case Number Search

DWI Search

Case Detail

Jazel Wabbington v. Curtis Boyd, MD, et al.

CASE DETAIL

CASE NUMBER	CURRENT JUDGE	FILING DATE	COURT
D-202-CV-202309292	O'Connell, Erin B.	12/05/2023	ALBUQUERQUE DISTRICT

PARTIES TO THIS CASE

PARTY TYPE	PARTY DESCRIPTION	PARTY #	PARTY NAME
D	Defendant	1	BOYD CURTIS MD
			ATTORNEY: GOODMAN JUSTIN D.
D	Defendant	2	BOYD CURTIS W
			ATTORNEY: GOODMAN JUSTIN D.
D	Defendant	3	THE ESTATE OF CARMEN LANDAU
			ATTORNEY: GOODMAN JUSTIN D.
D	Defendant	4	COHEN EMILY MD
			ATTORNEY: GOODMAN JUSTIN D.
D	Defendant	5	M.D.P.C.
			ATTORNEY: GOODMAN JUSTIN D.
P	Plaintiff	1	WABBINGTON JAZEL
			ATTORNEY: SEIBEL MICHAEL J.
			ATTORNEY: HALL JUSTIN K.
SF	Settlement Facilitator	1	BEITLER RICK

HEARINGS FOR THIS CASE

HEARING DATE	HEARING TIME	HEARING TYPE	HEARING JUDGE	COURT	COURT ROOM
09/03/2026	10:00 AM	Motion Hearing	O'Connell, Erin B.	ALBUQUERQUE DISTRICT COURT	Hearing Room 710
01/22/2026	2:30 PM	Motion Hearing	O'Connell, Erin B.	ALBUQUERQUE DISTRICT COURT	Courtroom 702

CIVIL COMPLAINT DETAIL

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISPOSITION	DISPOSITION DATE
12/05/2023	2	CLS: JUDGMENT/ DISPOSITION	Dismiss/Decided By Dispositive Motion/Dismiss	09/14/2026

		by Judge/Party	
COA SEQUENCE #	COA DESCRIPTION		
1	Trade Practices Act		
PARTY NAME	PARTY TYPE	PARTY #	

COMPLAINT DATE	COMPLAINT SEQ #	COMPLAINT DESCRIPTION	DISPOSITION	DISPOSITION DATE
12/05/2023	1	CLS: JUDGMENT/ DISPOSITION	Dismiss/Decided By Dispositive Motion/Dismiss by Judge/Party	09/14/2026
COA SEQUENCE #	COA DESCRIPTION			
1	Medical Malpractice			
PARTY NAME	PARTY TYPE	PARTY #		

REGISTER OF ACTIONS ACTIVITY					
EVENT DATE	EVENT DESCRIPTION	EVENT RESULT	PARTY TYPE	PARTY #	AMOUNT
09/14/2026	CLS: DISMISSAL WITH PREJUDICE				
	STIPULATED ORDER OF SETTLEMENT PURSUANT TO RULE 1-068 NMRA AND DISMISSAL WITH PREJUDICE				
09/03/2026	AUDIO LOG NOTES				
	CR 710 10:09:07- 10:21:20				
09/02/2026	NTC: NOTICE		P	1	
	Of Errata To Amended Motion To Enter Judgment In Favor Of Plaintiff And Against All Defendants Pursuant To Accepted Offer Of Settlement				
07/27/2026	NTC: HEARING				
	video				
06/30/2026	MTN: MOTION		P	1	
	Amended Motion to Enter Judgment in Favor of Plaintiffs and Against All Defendants				
06/30/2026	REQUEST FOR HEARING/ SETTING		P	1	
06/30/2026	MTN: MOTION		P	1	
	To Enter Judgment in Favor of Plaintiff and Against All Defendants Pursuant to Accepted Offer of Settlement				
06/26/2026	NTC: NOTICE		P	1	
	of Acceptance of Offer of Settlement				
06/18/2026	NTC: NOTICE		SF	1	
	NOTICE OF WITHDRAWAL OF DEFENDANTS MOTION FOR SUMMARY JUDGMENT FILED JUNE 18, 2026				
06/18/2026	MTN: FOR SUMMARY JUDGMENT		SF	1	
06/18/2026	CERTIFICATE OF SERVICE		P	1	
06/17/2026	CERTIFICATE OF SERVICE		D	1	
06/04/2026	WITNESS LIST		P	1	
05/12/2026	NTC: OF DEPOSITION		D	1	

	Jazel Wabbington				
02/26/2026	SFL: SFACIL REFER & APPT YR				
	ORDER OF REFERRAL TO SETTLEMENT CONFERENCE AND APPOINTMENT OF FACILITATOR(S) AS PART OF YEAR-ROUND PROGRAM (7102)				
02/09/2026	ORD: ORDER DENYING				
	ORDER DENYING PLAINTIFFS MOTION TO COMPEL DISCOVERY RESPONSES WITHOUT PREJUDICE				
01/27/2026	ORD: RULE 16B SCHEDULING/FORM				
01/22/2026	AUDIO LOG NOTES				
	CRM 702 2:32:05- 3:21:10				
12/31/2025	DISCOVERY	D	1		
12/19/2025	DISCOVERY	D	1		
12/11/2025	NTC: HEARING				
	VIDEO				
12/08/2025	DISCOVERY	D	4		
11/13/2025	ORD: ORDER DENYING				
	ORDER DENYING DEFENDANTS MOTION TO STRIKE PLAINTIFFS DISCOVERY REQUESTS				
11/12/2025	NTC: COMPLETION OF BRIEFING	P	1		
	Re: Motion to Compel				
11/11/2025	REQUEST FOR HEARING/ SETTING	D	1		
11/11/2025	NTC: COMPLETION OF BRIEFING	D	1		
	On Motion to Strike				
11/11/2025	REPLY	D	1		
	To Plaintiffs Response to Defendants Motion to Strike				
11/11/2025	REPLY	P	1		
	to Defendants' Response to Motion to Compel Discovery				
11/06/2025	RESPONSE	D	1		
	to Plaintiffs Motion to Compel and Request for Sanctions				
10/31/2025	ORD: ORDER DENYING				
	ORDER DENYING PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT				
10/31/2025	ORD: ORDER DENYING				
	ORDER DENYING PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT				
10/30/2025	RESPONSE	P	1		
	to Motion to Strike				
10/29/2025	REQUEST FOR HEARING/ SETTING	P	1		
	Motion for Summary Judgment				
10/29/2025	NTC: COMPLETION OF BRIEFING	P	1		
	Motion for Summary Judgment				
10/29/2025	REPLY	P	1		
	to Response to Motion for Summary Judgment				

10/29/2025	REQUEST FOR HEARING/ SETTING		P	1	
10/29/2025	MTN: TO COMPEL		P	1	
10/17/2025	MTN: MOTION		D	1	
	TO STRIKE PLAINTIFFS EXCESSIVE DISCOVERY REQUESTS				
10/15/2025	RESPONSE		D	4	
	Amended Response In Opposition To Plaintiffs Motion For Partial Summary Judgment				
10/15/2025	RESPONSE		D	4	
	IN OPPOSITION TO PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT				
10/03/2025	REQUEST FOR HEARING/ SETTING		P	1	
	Motion for Partial Summary Judgment				
10/03/2025	MTN: FOR SUMMARY JUDGMENT		P	1	
	Partial Summary Judgment				
04/18/2025	DISCOVERY		P	1	
04/17/2025	DISCOVERY		P	1	
04/16/2025	DISCOVERY		P	1	
04/16/2025	NTC: OF DEPOSITION				
	Second Amended Notice of Deposition of Emily Cohen MD				
12/05/2024	NTC: OF DEPOSITION		P	1	
	Amended RE Curtis Boyd				
12/05/2024	NTC: OF DEPOSITION		P	1	
	Amended RE Emily Cohen MD				
10/01/2024	NTC: OF DEPOSITION		P	1	
10/01/2024	NTC: OF DEPOSITION		P	1	
07/16/2024	REQUEST FOR HEARING/ SETTING		P	1	
07/16/2024	MTN: MOTION		P	1	
	for Rule 1-016B Scheduling Conference				
02/21/2024	Jury Additional 6 / Total 12 (EF) \$150		D	1	
01/31/2024	ANSWER		D	1	
01/29/2024	CERTIFICATE AS TO THE STATE OF THE RECORD				
01/29/2024	SUMMONS RETURN		P	1	
01/29/2024	REQUEST FOR HEARING/ SETTING		P	1	
01/29/2024	MTN: MOTION/APPLICATION FOR DEFAULT JUDGMENT		P	1	
	Motion for Default Judgment				
12/12/2023	SUMMONS RETURN		P	1	
12/12/2023	SUMMONS RETURN		P	1	
12/06/2023					
12/05/2023	JURY DEMAND 6 PERSON		P	1	
12/05/2023	ARB: CERT NOT SUBJECT		P	1	

12/05/2023 OPN: COMPLAINT

P

1

JUDGE ASSIGNMENT HISTORY

ASSIGNMENT DATE	JUDGE NAME	SEQUENCE #	ASSIGNMENT EVENT DESCRIPTION
12/05/2023	O'Connell, Erin B.	1	INITIAL ASSIGNMENT

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APPENDIX D

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

No. D-202-CV-2023-09292

JAZEL WABBINGTON, individually and as Personal Representative of the Estate of Baby Wabington, Deceased,

Plaintiff,

v.

CURTIS W. BOYD, M.D., P.C. d/b/a SOUTHWESTERN WOMEN'S OPTIONS; CURTIS W. BOYD, M.D., individually; EMILY COHEN, M.D., individually; and THE ESTATE OF CARMEN LANDAU, Deceased,

Defendants.

**STIPULATED ORDER OF SETTLEMENT PURSUANT TO RULE 1-068 NMRA AND
DISMISSAL WITH PREJUDICE**

This matter came before the Court upon Plaintiff's Motion to Enter Judgment Pursuant to Offer of Settlement and the Notice of Acceptance of Offer of Settlement filed herein. The Court, having considered the Motion and Notice, and being advised

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. **Final Settlement** is entered in favor of Plaintiff **JAZEL WABBINGTON, individually and as Personal Representative of the Estate of Baby Wabington, Deceased,** and against Defendants **CURTIS W. BOYD, M.D., P.C. d/b/a SOUTHWESTERN WOMEN'S OPTIONS; CURTIS W. BOYD, M.D., individually; EMILY COHEN, M.D., individually; and THE ESTATE OF CARMEN LANDAU, Deceased,** jointly and severally. in the total principal sum of **(\$200,000.00)**. This Settlement amount is **inclusive of all costs, attorneys' fees, and expenses.**

2. Upon full payment and satisfaction of this Settlement, all claims, counterclaims, cross-claims, or other demands asserted by or against any party in this action are resolved.

3. All Plaintiffs' claims are dismissed with prejudice.

IT IS SO ORDERED.



ERIN B. O'CONNELL
DISTRICT COURT JUDGE

Submitted By:

LAW OFFICE OF MICHAEL J. SEIBEL

/s/ Michael J. Seibel

MICHAEL J. SEIBEL

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Approved 9/9/2026

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APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

RCVD - USDC COLA
FEB 14 '24 PM2:05

UNITED STATES OF AMERICA,

v.

STEVEN CLARK LEFEMINE,

DEFENDANT.

CR. NO. 3:23-00117-JFA-1

PETITION TO THE COURT TO
ACKNOWLEDGE THE
DECLARATION OF INDEPENDENCE
INHERENTLY RECOGNIZES THE
PERSONHOOD OF ALL MEN

**PETITION TO THE COURT TO ACKNOWLEDGE
THE DECLARATION OF INDEPENDENCE INHERENTLY RECOGNIZES
THE PERSONHOOD OF ALL MEN**

NOW COMES pro se Defendant Steven Clark Lefemine, and respectfully petitions this Court to acknowledge the Declaration of Independence, one of the organic laws of the United States, inherently recognizes the personhood of all men.

The Declaration of Independence declares "all men are created equal", and that we are endowed by our Creator "with certain unalienable Rights", among which the first is "Life":

Declaration of Independence: A Transcription

<https://www.archives.gov/founding-docs/declaration-transcript>

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

Since an organic law of the United States declares "all men are created equal", and Creator-endowed "with certain unalienable Rights", among which the first is "Life", then the personhood of all men is therein inherently recognized by virtue of the very existence of these Creator-endowed "unalienable Rights", which inherently exist for all men. It is human "persons" which have Creator-endowed "unalienable Rights". Therefore, the personhood of all men is inherently recognized in the Declaration of Independence.

CONCLUSION

Defendant respectfully petitions this Court to acknowledge the Declaration of Independence, one of the organic laws of the United States, inherently recognizes the personhood of all men.

Respectfully submitted,

Steven C. Lefemine
/s/ Steven C. Lefemine

STEVEN C. LEFEMINE

Defendant

Columbia, South Carolina
February 14, 2024

PO Box 12222, Columbia, SC 29211
(803) 760-6306 * CP@spiritcom.net

APPENDIX F

NEW MEXICO SENTINEL

State



New Mexico wrongful death case involving unborn baby's estate settles for \$200,000

BY NEW MEXICO SENTINEL | SEPTEMBER 25, 2026

A New Mexico wrongful-death lawsuit involving the estate of a 26-week-old unborn baby has been settled for \$200,000, in what attorneys involved describe as the first case in which an aborted child's estate received compensation through a wrongful-death claim.

The case, Wabbington v. Boyd, centered on allegations that the child's mother was under the influence of methamphetamine when she consented to an abortion in 2020 and that the abortion

providers failed to properly assess whether she could provide informed consent.

The case was settled and dismissed with prejudice Sept. 14, 2026. The lawsuit was brought by Jazell Wabbington, individually and as personal representative of Baby Wabbington's estate, against abortion providers Curtis Wayne Boyd and Emily Cohen and the estate of the late Carmen Landau. Boyd was doing business at the time at Southwestern Women's Options, a facility that provides late-term abortions in New Mexico.

The complaint and subsequent court documents were obtained by [Live Action News](#) through a New Mexico Inspection of Public Records Act request.

A central issue was the legal status of Baby Wabbington. A final order appointing a personal representative stated that the baby was a 26-week viable fetus and, under *Salazar v. St. Vincent Hospital*, was considered a "person" under New Mexico's Wrongful Death Act and entitled to equal protection under New Mexico and federal law.

Medical malpractice attorney Mike Seibel, who represented Wabbington with co-counsel Justin Hall, said the case was significant because both the mother and the baby's estate brought claims.

"This is the first time that an abortionist has ever been sued for the wrongful death of a baby," Seibel told Live Action News. "There have been numerous cases for injuries to the mother, but in this case both the mother and the baby's estate sued."

According to the complaint, the providers knew or should have known about the mother's methamphetamine use. The lawsuit alleged that she had previously disclosed her drug use and that a counselor documented that she appeared anxious and avoided eye contact.

The complaint alleged that providers nevertheless attempted to obtain her consent while she was intoxicated and failed to discuss alternatives, including continuing the pregnancy while receiving support to stop using methamphetamine and treatment for substance abuse.

Seibel said the records showed "nondiscussion of reasonable alternatives including continuing the pregnancy with meth cessation support and referral to treatment."

The lawsuit further alleged that the mother's condition prevented her from fully understanding the consent agreement and that providers failed to recognize that she was not legally competent to provide consent while intoxicated.

The complaint also raised concerns about the baby's remains. According to the lawsuit, the mother requested that the remains be released to Riverside Funeral Home for funeral services. Instead, the

complaint alleged, "the body was placed in a medical waste container and destroyed."

Seibel pointed to informed-consent guidance from the American College of Obstetricians and Gynecologists and the National Abortion Federation. The National Abortion Federation's 2026 Clinical Guide states that patients should receive accurate information about abortion, alternatives, risks and benefits and have an opportunity to have their questions answered before the procedure.

"This omission deprived the patient of material information needed to make an informed decision," Seibel said.

Seibel argued that the case highlights what he views as an inconsistency in New Mexico law: an unborn child can be treated as a "person" for purposes of a wrongful-death claim while abortion remains legal.

He said the settlement could have implications for future informed-consent cases involving abortion and pregnant women experiencing substance-use disorders.

Because the case was settled rather than decided at trial, the \$200,000 agreement does not constitute a judicial finding that the defendants were liable for the allegations in the complaint.

Worldwide, an estimated 73 million induced abortions take place each year, according to the World Health Organization.

The case highlights a central question in the abortion debate: What is the unborn?

If the unborn are human, then abortion is a matter of life and death, one that ultimately hinges on society's view of human nature itself. In the abortion debate, personhood is often tied by pro-choice advocates to cognitive abilities rather than to the fundamental question of what the unborn are: human beings.



APPENDIX G



Courts

🕒 Posted September 28, 2026

Estate of aborted baby receives \$200,000 wrongful-death settlement



By Tom Joyce

Tom Joyce is a freelance reporter covering politics, sports and culture.

Share



A New Mexico woman and her aborted baby's estate has received a \$200,000 settlement from the doctors she sued over the child's death.

Jazel Wabbington sued on her own behalf and on behalf of Baby Wabbington's estate. The [Sept. 14 court order](#) gave the \$200,000 to both plaintiffs. That figure also covers legal fees and costs. The order doesn't say how much will go to the baby's estate.

Wabbington was 26 weeks pregnant when she went to Southwestern Women's Options in Albuquerque for an abortion in 2020. Her [lawsuit](#) says she was high on methamphetamine when she signed the consent form. It says staff knew about her drug use and still performed the abortion.

She sued Dr. Curtis Boyd, Dr. Emily Cohen and the estate of Dr. Carmen Landau. Wabbington said she couldn't legally agree to the abortion while high on meth. She also said the doctors never told her about programs that could help her quit using drugs and continue her pregnancy.

Wabbington said she asked the clinic to send her baby's remains to a funeral home. They didn't, she says. Instead, the clinic put them in medical waste and destroyed them.

The doctors didn't admit wrongdoing in the [settlement order](#). The case ended without a trial, so a court didn't say whether Wabbington's claims were true.

New Mexico courts have allowed wrongful-death suits for viable unborn children for decades. A [1980 appeals court ruling](#) let a mother bring such a claim after her child died before birth. The [state Supreme Court upheld that rule](#) six years later. It also said the law doesn't cover unborn children who cannot yet survive outside the womb.

Wabbington's lawsuit says her baby was viable.

People have sued abortion providers on behalf of aborted children before. An Alabama father sued for the estate of a child called Baby Roe, but a court [dismissed his case](#) in 2020. Additionally, an [Arizona lawsuit](#) named an aborted child's estate as a plaintiff this decade, but that case is still ongoing.

Wabbington's lawyer, Michael Seibel, [told Live Action News](#) he thinks this is the first payout to an aborted child's estate in a lawsuit against abortionists.

The case may give other women a path to sue if they say a clinic performed an abortion without their proper consent.

It could matter in cases involving pressure or force.

Heartlander News has [covered a Louisiana woman](#) who says her boyfriend pressured her to take abortion pills. The New Mexico settlement doesn't decide her case or change the law in other states.

Related Posts

APPENDIX H

NEWS

International

Report: 25% of Belgian euthanasia patients in 2025 were not terminally ill



Photo: 26 weeks gestation (4D Ultrasound Lady/Facebook)

Sep 24, 2026, 11:50 AM ET

UNPRECEDENTED: Aborted baby's estate is awarded monetary damages in lawsuit



Investigative · By Carole Novielli



An unprecedented wrongful death lawsuit is the first of its kind to be settled by an aborted baby's estate against the abortion doctors associated with the preborn's child's death. The case is an important step towards the establishment of personhood and proper informed consent for the pregnant mother.

Key Takeaways:

- A wrongful death lawsuit in New Mexico is the first of its kind to award a settlement to the estate of an aborted baby, who was defined as a "person" under the state's Wrongful Death Act and was therefore "entitled to equal protection under the law of New Mexico and the United States."
- Attorney Mike Seibel noted the inconsistencies in the state law, stating, "You can collect for the death of the unborn baby as a person, but you can still murder the unborn baby under New Mexico law."
- In *Wabington v. Boyd*, a 26-week baby's estate received a \$200k settlement after a complaint argued that the baby's mother was under the influence of methamphetamine at the time of the abortion, and therefore could not provide proper informed consent.
- The complaint also asserted that the abortionists engaged in unfair trade practices, including "offering funeral services for aborted babies without any intent to transfer the aborted babies to the funeral home."
- Records also indicate that no effort was made to discuss "reasonable alternatives including continuing the pregnancy with meth cessation support and referral to treatment."
- Seibel noted that "The abortion industry preyed on the mother's vulnerable condition for profit... failed to properly inform her of programs to help her substance abuse... [and] failed to properly consent her" before committing an abortion. They then "billed the taxpayer under Medicaid for a procedure that typically costs tens of thousands of dollars."

The Details:

In the case, *Wabington v. Boyd*, a "26-week-old viable fetus" was declared a person. The lawsuit was recently settled for \$200,000 against late-term abortionists Curtis Wayne Boyd (doing business at that time as Southwestern Women's Options/SWO), Emily Cohen, and the late Carmen Landau.

It was another victory for medical malpractice attorney Mike Seibel and his co-counsel Justin Hall, who both operate the website [AbortionInjury.com](https://www.abortioninjury.com).

Get the biggest pro life stories directly in your inbox. Breaking news, investigations, and stories you won't want to miss.

Your email address



Reproductive Injustice attorney
Mike Seibel and outside counsel
Justin Hall to assist women
injured by abortion

Acknowledgment of Personhood

The complaint and subsequent settlement was obtained via an Inspection of Public Records Act (IPRA) request by Live Action News.

It acknowledged the personhood of Baby Wabington, who was tragically killed by induction abortion at 26 weeks gestation, and whose estate was **awarded the \$200,000 settlement**.

The "final Order Appointing Personal Representative" read in part:

... Baby Wabington was a 26 week old viable fetus and pursuant to Salazar v. St. Vincent Hospital...**is a person as defined under the Wrongful Death Act** and is entitled to equal protection under the law of New Mexico and the United States.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
11/16/2023 10:08 AM
KATINA WATSON
CLERK OF THE COURT
Alyssa Garza

IN THE MATTER OF THE ESTATE OF BABY WABBINGTON.

NO. D-202-CV-2023-04705

ORDER APPOINTING PERSONAL REPRESENTATIVE WRONGFUL DEATH ACTION

THIS MATTER having come before the Court on Petitioner [REDACTED] Wabbington's Appointment of Personal Representative, and the Court being otherwise fully advised in the premises, the Court finds that the Petition shall be granted.

That Baby Wabbington was a 26 week old viable fetus and pursuant to *Salazar v. St. Vincent Hospital, 95 NMCA 150 (1980)* is a person as defined under the Wrongful Death Act and is entitled to equal protection under the law of New Mexico and the United States.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that [REDACTED] Wabbington shall be appointed personal representative of the Estate of Baby Wabbington. Deceased, pursuant to NMSA 1978 §41-2-3.

Ms. Wabbington's duties and authority shall include the sole management of any Medical Board Complaints, retrieval of medical records, Office of Medical Investigator's records, and subpoenas of documents, of the Estate of Baby Wabbington, the making of filing of any claims related to Baby Wabbington's death occurring on or about December 8, 2020, and any other action necessary to investigate and pursue an action for wrongful death.

Ms. Wabbington shall not be subject to liability for any decisions made or acts undertaken in her role as personal representative.


VICTOR S. LOPEZ, JUDGE
Second Judicial District, Div. XXVII

Approved:

LAW OFFICES OF MICHAEL J. SEIBEL

/s/ Michael J. Seibel
Michael J. Seibel
8500 Menaul NE, Suite A410
P.O. Box 14066
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Tel: (505) 276-1166
Fax: (505) 276-1166

Approved:

/s/ [REDACTED] Wabbington
[REDACTED] Wabbington
c/o Michael J. Seibel
8500 Menaul NE, Suite A410
P.O. Box 14066
Albuquerque, NM 87191-4066
Tel: (505) 276-1166
Fax: (505) 276-1166

Seibel told Live Action News:

This is the first time that an abortionist has ever been sued for the wrongful death of a baby. There have been numerous cases for injuries to the mother, but in this case both the mother and the baby's estate sued.

This case recognized the baby to have an estate, and receive compensation for wrongful death, as a 'person' under New Mexico law.

"In order to establish personhood, we must establish that the baby has rights. The more they have rights the less you can just kill them. The more rights we establish, the better our case for personhood becomes," Seibel added.

STATE OF NEW MEXICO
COUNTY OF BERNALILLO
SECOND JUDICIAL DISTRICT COURT

FILED
2ND JUDICIAL DISTRICT COURT
Bernalillo County
9/14/2026 4:29 PM
KATINA WATSON
CLERK OF THE COURT
Marissa N Layne

No. D-202-CV-2023-09292

WABBINGTON, individually and as Personal Representative of the Estate of Baby Wabington, Deceased,
Plaintiff,

v.

CURTIS W. BOYD, M.D., P.C. d/b/a SOUTHWESTERN WOMEN'S OPTIONS; CURTIS W. BOYD, M.D., individually; EMILY COHEN, M.D., individually; and THE ESTATE OF CARMEN LANDAU, Deceased,

Defendants,

**STIPULATED ORDER OF SETTLEMENT PURSUANT TO RULE 1-068 NMRA AND
DISMISSAL WITH PREJUDICE**

This matter came before the Court upon Plaintiff's Motion to Enter Judgment Pursuant to Offer of Settlement and the Notice of Acceptance of Offer of Settlement filed herein. The Court, having considered the Motion and Notice, and being advised

IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. Final Settlement is entered in favor of Plaintiff WABBINGTON, individually and as Personal Representative of the Estate of Baby Wabington, Deceased, and against Defendants CURTIS W. BOYD, M.D., P.C. d/b/a SOUTHWESTERN WOMEN'S OPTIONS; CURTIS W. BOYD, M.D., individually; EMILY COHEN, M.D., individually; and THE ESTATE OF CARMEN LANDAU, Deceased, jointly and severally, in the total principal sum of (\$200,000.00). This Settlement amount is inclusive of all costs, attorneys' fees, and expenses.

2. Upon full payment and satisfaction of this Settlement, all claims, counterclaims, cross-claims, or other demands asserted by or against any party in this action are resolved.

3. All Plaintiffs' claims are dismissed with prejudice.

IT IS SO ORDERED.


ERIN B. O'CONNELL
DISTRICT COURT JUDGE

Submitted By:

LAW OFFICE OF MICHAEL J. SEIBEL

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Attorneys for Plaintiffs

Approved by:

Approved 9/9/2026
Carol M. Romano
Justin Goodman

The case was settled and dismissed with prejudice on September 14, 2026.

Complaint Accusation: Lack of Informed Consent

The complaint also centered around a lack of informed consent for the baby's mother who, according to court documents, was under the influence of methamphetamine at the time she consented to the procedure in 2020.

Had the mother been properly consented, she should have been informed of state programs that would assist her during her pregnancy and despite her drug condition.

"The estate itself is going to recover... and the informed consent was the basis for that," Seibel told Life Issues Institute.

The complaint (with the name of the child's mother redacted) read in part:

Defendant, Curtis W. Boyd M.D.P.C., Carmen Landau and Emily Cohen knew or should have known of [redacted's] use of methamphetamines as she had a prior abortion where

they noted her use of methamphetamines.

[Redacted] also told the counselor of her use of methamphetamines and the counselor placed that information in the notes. The counselor noted that [redacted] was anxious and avoided eye contact when she appeared for her interview.

Despite having knowledge of a substance abuse history and signs of intoxication of methamphetamine use, Defendants attempted to get informed consent from Plaintiff...

[Redacted] could not legally give informed consent as she was intoxicated. Plaintiffs attempted to get [redacted] to sign a consent to treatment to terminate pregnancy. Despite having no legal capacity to consent, [redacted] signed the consent for medical treatment...