

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Crisis Pregnancy Services, Inc. v. Jennifer L. Page et al.; Hannah Kamke v. Crisis Pregnancy Services, Inc.

Crisis Pregnancy Services · No. 23-CV-1057-LJV · Decided January 31, 2026

SUMMARY

The United States District Court for the Western District of New York denied Crisis Pregnancy Services, Inc.’s motion for reconsideration of an earlier decision addressing claims under the Freedom of Access to Clinic Entrances Act and counterclaims by Hannah Kamke. The court held that the arguments concerning informed consent merely rehashed prior arguments and that arguments concerning punitive damages and attorney’s fees were raised for the first time. The case was referred back to the magistrate judge for further proceedings.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilardo
JURISDICTION	United States District Court for the Western District of New York
DECIDED	January 31, 2026
DOCKET	23-CV-1057-LJV
DISPOSITION	denied
PROCEDURAL POSTURE	Crisis Pregnancy Services moved for reconsideration of the court's prior order that had granted in part and denied in part Jennifer Page's motion to dismiss and CompassCare's motion to dismiss Hannah Kamke's counterclaims.
STANDARD OF REVIEW	A motion for reconsideration is an extraordinary request granted only in rare circumstances, generally where the court overlooked controlling decisions, evidence, or data that might reasonably be expected to alter its conclusion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Crisis Pregnancy Services, Inc., doing business as CompassCare v. Jennifer L. Page, Hannah Kamke, John Doe, Jane Doe

TOPICS

motion for reconsideration

informed consent

civil rights

health law

civil procedure

PRACTICE AREAS

civil procedure

civil rights

health law

QUESTIONS PRESENTED

1. Whether CompassCare established grounds for reconsideration based on the court's alleged failure to address Kamke's lack-of-informed-consent claim.
2. Whether CompassCare could raise arguments concerning punitive damages and attorney fees for medical malpractice for the first time on reconsideration.
3. Whether Kamke plausibly alleged emotional distress arising from the allegedly nonconsensual transvaginal ultrasound.

HOLDINGS

1. Reconsideration was not warranted because CompassCare merely rehashed arguments previously made and disagreed with the court's prior decision.
2. Kamke plausibly alleged emotional distress resulting from the transvaginal ultrasound and from confusion about whether she was pregnant, even though the ultrasound showed that she was not pregnant.
3. The court would not consider CompassCare's arguments concerning punitive damages and attorney fees because CompassCare failed to raise them in its original motion to dismiss.

KEY QUOTATIONS

“A motion for reconsideration is an extraordinary request that is granted only in rare circumstances, such as where the court failed to consider evidence or binding authority.” (Discussion)

“It is well established that a motion for reconsideration is not an opportunity to relitigate issues or advance new arguments.” (Discussion)

FACTUAL BACKGROUND

CompassCare operates a reproductive health facility in Amherst, New York. Kamke alleged that a CompassCare nurse administered a transvaginal ultrasound without obtaining her informed consent and that she suffered emotional distress from the ultrasound and confusion about whether she was pregnant. CompassCare argued that the ultrasound could not have caused injury or distress because it showed that Kamke was not pregnant.

PROCEDURAL HISTORY

CompassCare filed an action under the Freedom of Access to Clinic Entrances Act against Page, Kamke, and Doe defendants. Kamke asserted counterclaims, and the court previously resolved the parties' motions to dismiss in part. CompassCare then moved for reconsideration, arguing that the prior order did not address punitive

damages, attorney fees for medical malpractice, and lack of informed consent. The court denied reconsideration and referred the case back to Magistrate Judge H. Kenneth Schroeder, Jr., for further proceedings.

DISPOSITION

denied

REMAND INSTRUCTIONS

The case was referred back to Magistrate Judge H. Kenneth Schroeder, Jr., for further proceedings consistent with the October 1, 2025 referral order.

CASES CITED

- Van Buskirk v. United Grp. of Cos., 935 F.3d 49, 54 (2d Cir. 2019)
- Shrader v. CSX Transp., Inc., 70 F.3d 255, 257 (2d Cir. 1995)
- Rock v. Enfants Riches Deprimes, LLC, 2020 WL 2793026, at *2 (S.D.N.Y. May 29, 2020)
- Polsby v. St. Martin's Press, Inc., 2000 WL 98057, at *1 (S.D.N.Y. Jan. 18, 2000)
- de los Santos v. Fingerson, 1998 WL 788781, at *1 (S.D.N.Y. Nov. 12, 1998)