

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
LISA M. D'AVANZO,

Plaintiff,

Index No. 613549/2017

-against-

PLANNED PARENTHOOD FEDERATION OF AMERICA,  
INC., PLANNED PARENTHOOD OF NASSAU COUNTY,  
INC., BRONWYN FITZ, M.D., NASSAU HEALTH CARE  
CORPORATION, d/b/a NASSAU UNIVERSITY MEDICAL  
CENTER, IRWIN GOLDSTEIN, M.D., and LONG ISLAND OB  
GYN ASSOCIATES,

**VERIFIED BILL OF  
PARTICULARS FOR  
DEFENDANT IRWIN  
GOLDSTEIN, M.D.**

Defendants.  
-----X

PLEASE TAKE NOTICE that the following is Plaintiff's Bill of Particulars in response to the demand of defendant IRWIN GOLDSTEIN, M.D.:

1. The negligence and malpractice of this defendant, his agents, servants and employees, consisted of: failing to treat Plaintiff in accordance with accepted standards of medical care, in failing to properly diagnose and treat ectopic pregnancy; in failing to properly examine plaintiff; in failing to take a proper medical history from plaintiff; in failing to perform proper and indicated tests for the diagnosis and treatment of plaintiff's condition, including x-rays, sonograms, CT Scans, MRIs, laboratory tests and blood tests to confirm that plaintiff was not pregnant and that the termination of pregnancy she had previously undergone had removed products of conception; failing to properly interpret and review tests that were performed on plaintiff including sonograms; misdiagnosed plaintiff as suffering from pelvic inflammatory disease; misdiagnosed plaintiff as not being pregnant; failed to schedule appropriate follow-up visits and examinations; failed to examine plaintiff when she returned to the hospital after being seen in the emergency room; failed to refer plaintiff for treatment of an ectopic pregnancy prior to its rupture; failing to treat ectopic pregnancy.

2. a. This defendant rendered medical services to plaintiff on numerous dates in

2015 and 2016, which are contained within his office records.

b. The claimed negligence occurred on or about October 7, 2016.

c. The claimed negligence occurred at Long Island OB GYN Associates, 79 Grand Avenue, Massapequa, NY 11758.

3. As a result of the negligence and malpractice of this defendant, his agents, servants and employees, Plaintiff Lisa D'Avanzo suffered the following injuries:

Continued presence of an ectopic pregnancy; ruptured fallopian tube; necessity for surgery; formation of scar tissue in her reproductive organs; potential interference with future ability to conceive; pain and suffering; mental anguish; loss of enjoyment of life.

4. Plaintiff was treated by the following health care providers:

October 15, 2016, through October 17, 2016  
South Nassau Communities Hospital  
1 Healthy Way  
Oceanside, NY 11572

5. See item 4 above.

6. a. Dates of confinement to home: 10/20/16 – 12/5/16.

b. Dates of confinement to bed: approximately one week after 10/15/16.

7. a. Name and address of employer at time of alleged negligence: MAC Cosmetics.

b. Occupation at time of alleged negligence: cosmetics sales.

c. Name and address of present employer: Trinity Hairdressing and Makeup Academy.

d. Current occupation: cosmetics.

8. Loss of earnings: approximately \$10,000.

9. Plaintiff is not a student.

10. Special damages will be supplied in a supplemental bill of particulars.

11. Collateral source: to be provided.

12. No application as to this defendant.

13. Negligence by the co-defendants to this action is claimed. See, bills of particulars for the co-defendants.

14. Negligence by the co-defendants to this action is claimed. See, bills of particulars for the co-defendants.

15. Plaintiff resides at 933 Grant Place, Bellmore, NY 11710.

16. Plaintiff was born in 1988. Plaintiff's social security number is XXX-XX-3191.

17. Plaintiff has not been known by any other name.

Dated: July 30, 2018  
Islandia, New York

Yours, etc.

RAPPAPORT, GLASS, LEVINE & ZULLO, LLP

BY:



THOMAS P. VALET

Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

TO: Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical  
Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

THOMAS P. VALET, affirms under penalties and pursuant to CPLR 2106:

That affirmant is the attorney for the plaintiff(s) in the action within; that affirmant has read the foregoing VERIFIED BILL OF PARTICULARS and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes it to be true and the reason that this verification is not made by plaintiff and is made by affirmant is that plaintiff is not presently in the county where the attorneys for the plaintiff has his office.

Affirmant further says that the source of affirmant's information and the grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are from investigations made on behalf of said plaintiff.

Dated: July 30, 2018  
Islandia, New York



---

THOMAS P. VALET

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

Diana Rybacki, being duly sworn, deposes and says: deponent is not a party to the action, is of 18 years of age and resides at Smithtown, New York.

On Monday, July 30, 2018 deponent served the within VERIFIED BILL OF PARTICULARS upon:

Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

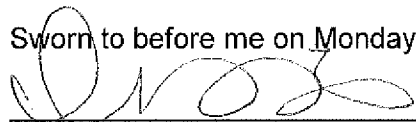
Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

the address designated by said attorneys for the purpose, by depositing a true copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Diana Rybacki

Sworn to before me on Monday, July 30, 2018



Notary Public

EMMA M. NARAIN  
Notary Public, State of New York  
No. 01NA6185272  
Qualified in Nassau County  
Commission Expires April 14, 2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
LISA M. D'AVANZO,

Plaintiff,

Index No. 613549/2017

-against-

PLANNED PARENTHOOD FEDERATION OF AMERICA,  
INC., PLANNED PARENTHOOD OF NASSAU COUNTY,  
INC., BRONWYN FITZ, M.D., NASSAU HEALTH CARE  
CORPORATION, d/b/a NASSAU UNIVERSITY MEDICAL  
CENTER, IRWIN GOLDSTEIN, M.D., and LONG ISLAND OB  
GYN ASSOCIATES,

**VERIFIED BILL OF  
PARTICULARS FOR  
DEFENDANT LONG  
ISLAND OB GYN  
ASSOCIATES**

Defendants.  
-----X

PLEASE TAKE NOTICE that the following is Plaintiff's Bill of Particulars in response to the demand of defendant LONG ISLAND OB GYN ASSOCIATES:

1. The negligence and malpractice of this defendant, its agents, servants and employees, consisted of: failing to treat Plaintiff in accordance with accepted standards of medical care, in failing to properly diagnose and treat ectopic pregnancy; in failing to properly examine plaintiff; in failing to take a proper medical history from plaintiff; in failing to perform proper and indicated tests for the diagnosis and treatment of plaintiff's condition, including x-rays, sonograms, CT Scans, MRIs, laboratory tests and blood tests to confirm that plaintiff was not pregnant and that the termination of pregnancy she had previously undergone had removed products of conception; failing to properly interpret and review tests that were performed on plaintiff including sonograms; misdiagnosed plaintiff as suffering from pelvic inflammatory disease; misdiagnosed plaintiff as not being pregnant; failed to schedule appropriate follow-up visits and examinations; failed to examine plaintiff when she returned to the hospital after being seen in the emergency room; failed to refer plaintiff for treatment of an ectopic pregnancy prior to its rupture; failing to treat ectopic pregnancy.

2. a. This defendant rendered medical services to plaintiff on numerous dates in 2015 and 2016, which are contained within his office records.

b. The claimed negligence occurred on or about October 7, 2016.

c. The claimed negligence occurred at Long Island OB GYN Associates, 79 Grand Avenue, Massapequa, NY 11758.

3. As a result of the negligence and malpractice of this defendant, his agents, servants and employees, Plaintiff Lisa D'Avanzo suffered the following injuries:

Continued presence of an ectopic pregnancy; ruptured fallopian tube; necessity for surgery; formation of scar tissue in her reproductive organs; potential interference with future ability to conceive; pain and suffering; mental anguish; loss of enjoyment of life.

4. Plaintiff was treated by the following health care providers:

October 15, 2016, through October 17, 2016  
South Nassau Communities Hospital  
1 Healthy Way  
Oceanside, NY 11572

5. See item 4 above.

6. a. Dates of confinement to home: 10/20/16 – 12/5/16.

b. Dates of confinement to bed: approximately one week after 10/15/16.

7. a. Name and address of employer at time of alleged negligence: MAC  
Cosmetics.

b. Occupation at time of alleged negligence: cosmetics sales.

c. Name and address of present employer: Trinity Hairdressing and Makeup  
Academy.

d. Current occupation: cosmetics.

8. Loss of earnings: approximately \$10,000.

9. Plaintiff is not a student.

10. Special damages will be supplied in a supplemental bill of particulars.

- 11. Collateral source: to be provided.
- 12. No application as to this defendant.
- 13. Negligence by the co-defendants to this action is claimed. See, bills of particulars for the co-defendants.
- 14. Negligence by the co-defendants to this action is claimed. See, bills of particulars for the co-defendants.
- 15. Plaintiff resides at 933 Grant Place, Bellmore, NY 11710.
- 16. Plaintiff was born in 1988. Plaintiff's social security number is XXX-XX-3191.
- 17. Plaintiff has not been known by any other name.

Dated: July 30, 2018  
Islandia, New York

Yours, etc.

RAPPAPORT, GLASS, LEVINE & ZULLO, LLP

BY:   
THOMAS P. VALET

Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

TO: Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical  
Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200



McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

THOMAS P. VALET, affirms under penalties and pursuant to CPLR 2106:

That affirmant is the attorney for the plaintiff(s) in the action within; that affirmant has read the foregoing VERIFIED BILL OF PARTICULARS and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes it to be true and the reason that this verification is not made by plaintiff and is made by affirmant is that plaintiff is not presently in the county where the attorneys for the plaintiff has his office.

Affirmant further says that the source of affirmant's information and the grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are from investigations made on behalf of said plaintiff.

Dated: July 30, 2018  
Islandia, New York

  
THOMAS P. VALET

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

Diana Rybacki, being duly sworn, deposes and says: deponent is not a party to the action, is of 18 years of age and resides at Smithtown, New York.

On Monday, July 30, 2018 deponent served the within VERIFIED BILL OF PARTICULARS upon:

Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

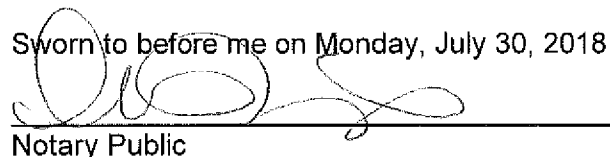
Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

the address designated by said attorneys for the purpose, by depositing a true copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Diana Rybacki

Sworn to before me on Monday, July 30, 2018

  
Notary Public

EMMA M. NARAIN  
Notary Public, State of New York  
No. 01NA6185272  
Qualified in Nassau County  
Commission Expires April 14, 2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
LISA M. D'AVANZO,

Plaintiff,

Index No. 613549/2017

-against-

PLANNED PARENTHOOD FEDERATION OF AMERICA,  
INC., PLANNED PARENTHOOD OF NASSAU COUNTY,  
INC., BRONWYN FITZ, M.D., NASSAU HEALTH CARE  
CORPORATION, d/b/a NASSAU UNIVERSITY MEDICAL  
CENTER, IRWIN GOLDSTEIN, M.D., and LONG ISLAND OB  
GYN ASSOCIATES,

**VERIFIED BILL OF  
PARTICULARS FOR  
DEFENDANT NASSAU  
HEALTH CARE  
CORPORATION**

Defendants.  
-----X

PLEASE TAKE NOTICE that the following is Plaintiff's Bill of Particulars in response to the demand of defendant NASSAU HEALTH CARE CORPORATION, d/b/a NASSAU UNIVERSITY MEDICAL CENTER:

1. The claimed malpractice occurred between on or about October 4, 2016, and on or about October 7, 2016.

2. The claimed malpractice occurred in the emergency room at Nassau University Medical Center, 2201 Hempstead Turnpike, East Meadow, NY 11554 and at the clinic to which Plaintiff returned at NUMC three days later.

3. The negligence and malpractice of this defendant, its agents, servants and employees, consisted of: failing to treat Plaintiff in accordance with accepted standards of medical care, in failing to properly diagnose and treat ectopic pregnancy; in failing to properly examine plaintiff; in failing to take a proper medical history from plaintiff; in failing to perform proper and indicated tests for the diagnosis and treatment of plaintiff's condition, including x-rays, sonograms, CT Scans, MRIs, laboratory tests and blood tests to confirm that plaintiff was not pregnant and that the termination of pregnancy she had previously undergone had removed products of conception; failing to properly interpret and review tests that were performed on

plaintiff including sonograms; misdiagnosed plaintiff as suffering from pelvic inflammatory disease; misdiagnosed plaintiff as not being pregnant; failed to schedule appropriate follow-up visits and examinations; failed to examine plaintiff when she returned to the hospital after being seen in the emergency room; failed to refer plaintiff for treatment of an ectopic pregnancy prior to its rupture; failing to treat ectopic pregnancy.

4. The names of persons and employees of the defendant who failed to act are in the possession of the defendant.

5. See prior response.

6. Objection, this is an improper demand for a bill of particulars.

7. Plaintiff is not claiming defective equipment at present but reserves the right to supplement this response after completion of discovery.

8. Plaintiff is not claiming that defendant violated any statutes.

9. Objection, improper demand for a bill of particulars. See prior responses with regard to claims of negligence.

10. See prior response.

11. As a result of the negligence and malpractice of this defendant, its agents, servants and employees, Plaintiff Lisa D'Avanzo suffered the following injuries:

Continued presence of an ectopic pregnancy; ruptured fallopian tube; necessity for surgery; formation of scar tissue in her reproductive organs; potential interference with future ability to conceive; pain and suffering; mental anguish; loss of enjoyment of life.

12. a. Dates of confinement to bed approximately one week after October 15, 2016.
- b. Dates of confinement to house: October 20, 2016 through December 5, 2016.
- c. Dates of confinement to hospital:

October 15, 2016, through October 17, 2016  
South Nassau Communities Hospital  
1 Healthy Way  
Oceanside, NY 11572

13. Special damages will be supplied in a supplemental bill of particulars.
14.
  - a. Plaintiff's occupation: cosmetics.
  - b. Name and address of employer Trinity Hairdressing and Makeup Academy.
  - c. Length of time plaintiff was unable to attend employment: 10/20/16 – 12/5/16.
  - d. Plaintiff's earnings for the year prior to alleged negligence: to be provided
  - e. Lost earnings: approximately \$10,000

15. Plaintiff was born in 1988.

16. Plaintiff resides at 933 Grant Place, Bellmore, NY 11710.

17. No application as to this defendant.

18. Plaintiff will claim that the defendant NASSAU UNIVERSITY MEDICAL CENTER was and is vicariously responsible for the acts and omissions of all agents, servants, employees, physicians and nurses who treated the plaintiff at the NASSAU UNIVERSITY MEDICAL CENTER. The names of all such individuals are not currently known to plaintiff but are within the knowledge of this defendant.

19. See response to demand No. 3, above.

20. See response to demand No. 3, above.

Dated: July 30, 2018  
Islandia, New York

Yours, etc.

RAPPAPORT, GLASS, LEVINE & ZULLO, LLP

BY: 

THOMAS P. VALET

Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

TO: Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical  
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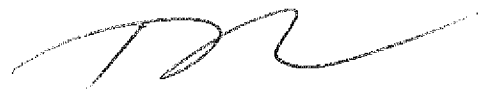
McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

THOMAS P. VALET, affirms under penalties and pursuant to CPLR 2106:

That affirmant is the attorney for the plaintiff(s) in the action within; that affirmant has read the foregoing VERIFIED BILL OF PARTICULARS and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes it to be true and the reason that this verification is not made by plaintiff and is made by affirmant is that plaintiff is not presently in the county where the attorneys for the plaintiff has his office.

Affirmant further says that the source of affirmant's information and the grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are from investigations made on behalf of said plaintiff.

Dated: July 30, 2018  
Islandia, New York



---

THOMAS P. VALET



AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

Diana Rybacki, being duly sworn, deposes and says: deponent is not a party to the action, is of 18 years of age and resides at Smithtown, New York.

On Monday, July 30, 2018 deponent served the within VERIFIED BILL OF PARTICULARS upon:

Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

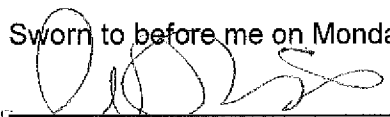
Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

the address designated by said attorneys for the purpose, by depositing a true copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Diana Rybacki

Sworn to before me on Monday, July 30, 2018

  
\_\_\_\_\_  
Notary Public

EMMA M. NARAIN  
Notary Public, State of New York  
No. 01NA6185272  
Qualified in Nassau County  
Commission Expires April 14, 2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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LISA M. D'AVANZO,

Plaintiff,

Index No. 613549/2017

-against-

PLANNED PARENTHOOD FEDERATION OF AMERICA,  
INC., PLANNED PARENTHOOD OF NASSAU COUNTY,  
INC., BRONWYN FITZ, M.D., NASSAU HEALTH CARE  
CORPORATION, d/b/a NASSAU UNIVERSITY MEDICAL  
CENTER, IRWIN GOLDSTEIN, M.D., and LONG ISLAND OB  
GYN ASSOCIATES,

**VERIFIED BILL OF  
PARTICULARS FOR  
DEFENDANT PLANNED  
PARENTHOOD**

Defendants.  
-----X

PLEASE TAKE NOTICE that the following is Plaintiff's Bill of Particulars in response to the  
to the demand of defendant PLANNED PARENTHOOD OF NASSAU COUNTY, INC.:

1.
  - a. Plaintiff was born in 1988.
  - b. Plaintiff resides at 933 Grant Place, Bellmore, NY 11710.
  - c. Plaintiff is not married.
  - d. Plaintiff has a 2 year old son.

2. Objection, this demand is in the nature of an interrogatory and as such is improper for a bill of particulars. Without waiving this objection, Plaintiff responds as follows: In the course of its treatment of Plaintiff, Defendant, its agents, servants and employees, negligently failed to diagnose and determine that Plaintiff has an ectopic pregnancy and not a uterine pregnancy; failed to diagnose and determine that the abortion procedure performed on Plaintiff failed to terminate her pregnancy; failed to diagnose the continued presence of a fetus in Plaintiff; and/or failed to diagnose that Plaintiff had a heterotopic pregnancy.

3. Objection, this demand is in the nature of an interrogatory and as such is improper for a bill of particulars. Without waiving this objection, Plaintiff responds as follows: Defendant, its agents, servants and employees, negligently failed to perform tests to confirm that Plaintiff's

pregnancy had been terminated and that she had a uterine and not an ectopic pregnancy, including sonograms and blood tests.

4. Objection, this demand is in the nature of an interrogatory and as such is improper for a bill of particulars. Without waiving this objection, Plaintiff responds as follows: Defendant, its agents, servants and employees, failed to properly perform an abortion of Plaintiff's pregnancy.

5. Objection, this demand is in the nature of an interrogatory and as such is improper for a bill of particulars. Without waiving this objection, Plaintiff responds as follows: No such claim is asserted at present.

6. Objection, this demand is in the nature of an interrogatory and as such is improper for a bill of particulars. Without waiving this objection, Plaintiff responds as follows: Defendant, its agents, servants and employees, failed to properly perform an abortion of Plaintiff's pregnancy; failed to properly terminate Plaintiff's pregnancy; failed to properly perform a dilation and curettage procedure on Plaintiff; failed to properly examine the tissues and other material removed from Plaintiff to confirm that they contained the product of conception; failed to order and perform tests to confirm that the pregnancy had been terminated, including pathological analysis of the tissues removed and the performance of sonograms and blood work; failed to properly review and interpret the results of tests that were performed prior to, during and after the surgery, including sonograms; failed to determine that Plaintiff was suffering from an ectopic pregnancy; failed to diagnose a non-uterine pregnancy; failed to diagnose a heterotopic pregnancy.

7. See prior responses.

8. Plaintiff cannot presently respond to this demand but will provide a complete response after completion of discovery.

9. Plaintiff will claim that each and every individual involved in the care and treatment of Plaintiff at this defendant's facility was negligent in their treatment of Plaintiff. The names of each and every such individual who treated Plaintiff at this defendant's facility are not known to Plaintiff but are within the specific knowledge of this defendant.

10. a. The procedure as performed by Defendant which included a failure to tests the materials removed and the failure to perform post-surgical tests to confirm that the pregnancy was terminated presented the risk of a continued ectopic pregnancy and the risk that Plaintiff's fallopian tube would rupture.

b. The risk of a continued ectopic pregnancy presented the risk that Plaintiff's fallopian tube would rupture.

c. Defendant failed to advise Plaintiff about the risk of a continued ectopic pregnancy and the risk that Plaintiff's fallopian tube would rupture.

d. Plaintiff would have chosen to have additional tests performed to confirm that her pregnancy had been terminated.

e. Yes, see prior responses.

f. See prior responses.

g. On or before October 1, 2016.

11. Plaintiff was treated by the following health care providers:

a. Nassau University Medical Center  
2201 Hempstead Turnpike  
East Meadow, NY 11554

b. Planned Parenthood of Nassau County (Bronwyn Fitz, M.D.)  
540 Fulton Avenue  
Hempstead, NY 11550

c. South Nassau Communities Hospital  
1 Healthy Way  
Oceanside, NY 11572

d. Irwin Goldstein, M.D.  
Long Island OB GYN Associates  
79 Grand Avenue  
Massapequa, NY 11758

12. See item 11 above.

13. a. The negligence and malpractice of this defendant, its agents, servants and employees, took place on or about October 1, 2016.

b. The claimed malpractice occurred at Planned Parenthood of Nassau County, 540 Fulton Street, Hempstead, NY 11550.

15. Termination of pregnancy.

16. As a result of the negligence and malpractice of this defendant, its agents, servants and employees, Plaintiff Lisa D'Avanzo suffered the following injuries:

Continued presence of an ectopic pregnancy; ruptured fallopian tube; necessity for surgery; formation of scar tissue in her reproductive organs; potential interference with future ability to conceive; pain and suffering; mental anguish; loss of enjoyment of life.

17. See prior responses.

18. See prior responses.

19. See prior responses.

20. a. Dates of confinement to home: October 20, 2016 through December 5, 2016.

b. Dates of confinement to bed: approximately one week after October 20, 2016.

21. a. Plaintiff's employer at the time of alleged negligence: MAC Cosmetics.

b. Capacity in which plaintiff was employed: sales.

c. Plaintiff's earnings for the year prior to alleged negligence: to be provided.

d. Last date plaintiff worked prior to alleged negligence: September 30, 2016.

e. Plaintiff's current employer: Trinity Hairdressing and Makeup Academy.

f. Loss of earnings claimed: \$10,000.

22. The amount of special damages is not currently known but will be supplied in a supplemental bill of particulars.

23. No application other than this action.

24. Objection, improper demand for a bill of particulars.

25. Not applicable.

26. Not applicable.

27. Objection. Improper demand for bill of particulars.

Dated: July 30, 2018  
Islandia, New York

Yours, etc.

RAPPAPORT, GLASS, LEVINE & ZULLO, LLP

BY: 

THOMAS P. VALET

Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

TO: Heidell, Pittoni, Murphy & Bach, LLP

Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

Kerley, Walsh, Matera & Cinquemani, P.C.

Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical  
Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.


Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

THOMAS P. VALET, affirms under penalties and pursuant to CPLR 2106:

That affirmant is the attorney for the plaintiff(s) in the action within; that affirmant has read the foregoing VERIFIED BILL OF PARTICULARS and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes it to be true and the reason that this verification is not made by plaintiff and is made by affirmant is that plaintiff is not presently in the county where the attorneys for the plaintiff has his office.

Affirmant further says that the source of affirmant's information and the grounds of affirmant's belief as to all matters not stated upon affirmant's knowledge are from investigations made on behalf of said plaintiff.

Dated: July 30, 2018  
Islandia, New York

  
THOMAS P. VALET

AFFIDAVIT OF SERVICE

STATE OF NEW YORK, COUNTY OF SUFFOLK ss.:

Diana Rybacki, being duly sworn, deposes and says: deponent is not a party to the action, is of 18 years of age and resides at Smithtown, New York.

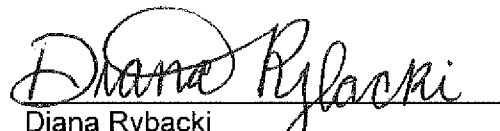
On Monday, July 30, 2018 deponent served the within VERIFIED BILL OF PARTICULARS upon:

Heidell, Pittoni, Murphy & Bach, LLP  
Attorney For: Irwin Goldstein, M.D. and Long Island OB GYN Associates  
1050 Franklin Avenue  
Garden City, NY 11530-1760  
Phone: (516) 408-1600

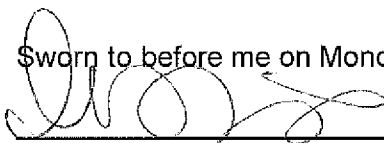
Kerley, Walsh, Matera & Cinquemani, P.C.  
Attorney For: Nassau Health Care Corporation d/b/a Nassau University Medical Center  
2174 Jackson Avenue  
Seaford, NY 11783-2608  
Phone: (516) 409-6200

McAloon & Friedman, P.C.  
Attorney For: Planned Parenthood of Nassau County, Inc.  
123 William Street, 25th Floor  
New York, NY 10038-3804  
Phone: (212) 732-8700

the address designated by said attorneys for the purpose, by depositing a true copy of same in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

  
Diana Rybacki

Sworn to before me on Monday, July 30, 2018

  
\_\_\_\_\_  
Notary Public

EMMA M. NARAIN  
Notary Public, State of New York  
No. 01NA6185272  
Qualified in Nassau County  
Commission Expires April 14, 2020