

**STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY**

HEATHER PARKER,

Plaintiff,

SUMMONS

-against-

Index No.:

PLANNED PARENTHOOD OF THE NORTH
COUNTRY NEW YORK, INC. and PLANNED
PARENTHOOD FEDERATION OF AMERICA, INC.,
AND JANE DOES 1-12

Defendant(s).

To the above-named Defendant(s):

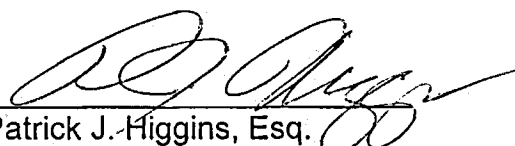
You are summoned and required to serve upon Plaintiff's attorneys, at the address stated below, a Verified Answer to the attached Verified Complaint.

If this Summons was personally served upon you in the State of New York, the Verified Answer must be served within twenty (20) days after such service of the Summons, excluding the date of service. If the Summons was not personally delivered to you within the State of New York, the Verified Answer must be served within thirty (30) days after the service of the Summons is complete as provided by law.

If you do not serve a Verified Answer to the attached Verified Complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the Verified Complaint, without further notice to you.

The action will be heard in the Supreme Court of the State of New York, in and for the County of Albany. This action is brought in the County of Albany based on CPLR 503.

Dated: January 2, 2018


Patrick J. Higgins, Esq.
LaFave, Wein & Frament, PLLC
Attorneys for Plaintiff
2400 Western Avenue
Guilderland, New York 12084
518-869-9094

**STATE OF NEW YORK
SUPREME COURT**

COUNTY OF ALBANY

HEATHER PARKER,

Plaintiff,

-against-

PLANNED PARENTHOOD OF THE NORTH
COUNTRY NEW YORK, INC. AND PLANNED
PARENTHOOD FEDERATION OF AMERICA,
INC., AND JANE DOES 1-12

Defendants.

VERIFIED COMPLAINT

Index No.:

Plaintiff, Heather Parker, as and for her Verified Complaint, by and through her attorneys, LaFave, Wein & Frament, PLLC, complains against the Defendants, PLANNED PARENTHOOD OF THE NORTH COUNTY NEW YORK, INC. and PLANNED PARENTHOOD FEDERATION OF AMERICA, INC. as follows:

1. At all times mentioned herein, Plaintiff Heather Parker resides and continues to reside in the City of Peru, County of Clinton, State of New York.
2. At all times mentioned herein, upon information and belief, Defendant Planned Parenthood of the North Country New York, Inc. was and still is a domestic not-for-profit corporation licensed to do business in the State of New York with a principal place of business located at 66 Brinkerhoff Street, Plattsburgh, New York 12901 in the City of Plattsburgh and County of Clinton, State of New York.

3. At all times mentioned, upon information and belief, defendant Planned Parenthood Federation of America, Inc. was and is a domestic not for profit corporation conducting business in the New York State with a principal place of business at 15 Mill Street in Nyack, New York, and with corporate offices in Washington, D.C.

4. At all times mentioned herein, defendant Planner Parenthood of North Country New York, Inc. was a duly authorized affiliate of defendant Planned Parenthood Federation of America, Inc.

5. At all times mentioned, defendants and/or their principals, partners, agents, affiliates, servants, physicians, nurses, nurse practitioners, physicians assistants, and/or employees held themselves out as a health care providers duly qualified and capable of rendering proper and adequate medical care, services, and/or treatment to members of the general public, including Plaintiff.

6. Defendants Jane Does 1-12 are the currently unknown individual principals, partners, agents, affiliates, servants, physicians, nurses, nurse practitioners, physicians assistants, and/or employees who rendered medical care, services, and/or treatment to Plaintiff at Planned Parenthood in Plattsburgh, New York commencing on or earlier than July 1, 2015.

7. Pursuant to CPLR 1024 Plaintiff has not had the opportunity to determine the identities of these parties despite effort meeting the requirements of the statute.

8. At all times mentioned herein, defendants were required to practice medicine in conformity with the requirements and regulations of the New York State Department of

Health.

9. At all times mentioned, defendants were required to practice medicine in conformity with the requirements and regulations of Medicare.

10. At all times mentioned, defendants were required to practice medicine in conformity with the requirements and regulations of Medicaid.

11. At all times mentioned, defendants were required to practice medicine in conformity with the requirements and regulations of the United States Department of Health and Human Services.

12. The limitations of Article 16 of the CPLR do not apply because one or more of the exceptions set forth in CPLR 1601 and/or 1602 apply.

AS AND FOR A FIRST CAUSE OF ACTION AGAINST
DEFENDANTS

13. Defendants undertook and agreed to render medical care, services, and/or treatment to Plaintiff on or earlier than July 1, 2015 and thereafter through 2017.

14. At all times mentioned herein, Defendants represented, expressly or impliedly, that the medical care, services, and/or treatment rendered to Plaintiff was within the scope of their medical practice, training, and/or skill.

15. The medical care, services, treatment, and/or diagnosis rendered to Plaintiff by Defendants was negligent, careless, and/or reckless, and not in accordance with good and accepted medical practice.

16. The foregoing carelessness, recklessness, negligence, and/or medical malpractice of Defendants was a direct and proximate cause of the serious and permanent

personal injuries, damages, and loss sustained by Plaintiff.

17. In addition to active and direct negligence and medical malpractice on the part of defendants, defendants are vicariously liable for the negligence of any of their partners, agents, affiliates, servants, employees, independent contractors, and/or subcontractors providing care and treatment to the Plaintiff at the Planned Parenthood.

18. By reason of the foregoing, Plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANTS

19. Plaintiff repeats and re-alleges paragraphs 1-18 above as if fully set forth at length here.

20. On or earlier than July 1, 2015 and commencing through 2017 thereafter Plaintiff consulted and came under the medical care and treatment of Defendants for medical care, services, treatment, and/or surgery.

21. At all times mentioned herein, Defendants represented to Plaintiff that the medical care, services, treatment, and/or surgeries she received or did not receive from Defendants would be safe and did not at any time pertinent thereto disclose or discuss with her the risks, benefits, and/or alternatives to the care or treatment provided or not provided by Defendants, including but not limited to the risks, benefits, and/or alternatives of conducting one or more diagnostic tests, evaluations, and/or surgeries, and of the use of a particular implant device.

22. Plaintiff consented to the medical care, services, treatment, diagnostic tests, evaluations, implant, and/or surgeries in reliance on the advice, recommendation, and information provided and/or not provided by Defendants.

23. Plaintiff would not have consented to the medical care, services, treatment, diagnostic tests, evaluations, and/or surgeries provided and/or not provided by Defendants if she had been advised of the risks, benefits, and/or alternatives to said medical care, services, treatment, diagnostic tests, evaluations, and/or surgeries.

24. A reasonably prudent person would not have consented to the medical care, services, treatment, diagnostic tests, evaluations, and/or surgeries provided and/or not provided by Defendants if he or she been presented with the reasonably foreseeable risks, benefits, and/or alternatives involved with the aforementioned medical care, services, treatment, diagnostic tests, evaluations, and/or surgeries provided or not provided.

25. The aforementioned medical care, services, treatment, and/or surgeries the above-mentioned Defendants provided to Plaintiff were not of an emergency nature.

26. The aforementioned failure to provide informed consent was a direct and proximate cause of the serious and permanent personal injuries sustained by Plaintiff.

27. As a direct and proximate result of the foregoing, Plaintiff required further medical care, aid, attention, treatment, and/or special services and endured severe pain and suffering.

28. As a direct and proximate result of the foregoing, Plaintiff suffered from a loss of enjoyment of life, loss of quality of life, incurred the injuries and damages that normally

follow such occurrence as set forth in this complaint.


29. The aforementioned was caused without any negligence on the part of Plaintiff.

30. As a direct and proximate result of the foregoing, Defendants are statutorily liable to Plaintiff for a lack of informed consent pursuant to New York State Public Health Law § 2805-d.

31. By reason of the foregoing, Plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, on their First, and Second Causes of Action in an amount which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction, together with interest as allowed by statute, the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

Dated: January 2, 2018
Guilderland, NY


by: Patrick J. Higgins, Esq.
for: LaFave, Wein & Frament, PLLC
Attorneys for Plaintiff
2400 Western Avenue
Guilderland, New York 12084
518-869-9094

**STATE OF NEW YORK
SUPREME COURT COUNTY OF ALBANY**

HEATHER PARKER,

Plaintiff,

VERIFICATION

-against-

Index No.:

PLANNED PARENTHOOD OF THE NORTH
COUNTRY NEW YORK, INC. and PLANNED
PARENTHOOD FEDERATION OF AMERICA, INC.,
AND JANE DOES 1-12

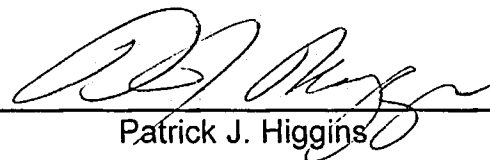
Defendants.

ATTORNEY VERIFICATION

Patrick J. Higgins, an attorney licensed to practice law in New York State, affirms under the penalties of perjury and CPLR §2106 that Plaintiff's Verified Complaint is true to the best of my knowledge except as to those matters alleged on information and belief, and as to those matters I believe them to be true. The source of my knowledge is the file maintained in my office, including discussions with Plaintiff and prior cases.

I make this verification in place of Plaintiff as Plaintiff is not physically present in the County of Albany where our offices are located.

Dated: January 2, 2018
 Guilderland, New York



Patrick J. Higgins

**STATE of NEW YORK
SUPREME COURT COUNTY of ALBANY**

HEATHER PARKER,

Plaintiff(s),

CERTIFICATE OF MERIT

-against-

Index No.:

PLANNED PARENTHOOD OF THE NORTH
COUNTRY NEW YORK, INC. and PLANNED
PARENTHOOD FEDERATION OF AMERICA, INC.,

Defendant(s).

Patrick J. Higgins, Esq., an attorney at law duly admitted to practice before the courts of the State of New York, and not a party to this action, hereby affirms the following under penalty of perjury:

1. I am an attorney and counselor at law duly admitted to practice law in the State of New York, and I am a partner of the firm LaFAVE, WEIN & FRAMENT, PLLC, attorneys for Plaintiff, and as such, I am familiar with the pleadings and proceedings herein.

2. That I was unable to obtain the consultation required by CPLR §3012-a(1) because a limitation of time established by CPLR Article 2 would bar the action, and the certificate required by CPLR §3012-a(a)(1) could not reasonably be obtained before such time expired. The certificate required shall be filed within ninety days after service of the complaint

Dated: January 2, 2018
Guilderland, NY


by: Patrick J. Higgins, Esq.
for: LaFAVE, WEIN & FRAMENT, PLLC
Attorneys for Plaintiff
2400 Western Avenue
Guilderland, NY 12084
518-869-9094