

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

05101896

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ANNEICIA RICHARDS,

Plaintiff,

-against-

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,  
G. ZUPNICK, M.D., and M. GARCIA-MASON  
RDMS,

Defendants.  
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Index No.  
Date Filed  
Plaintiff designates  
New York County as  
the place of trial.  
The basis of the venue  
is defendant PLANNED  
PARENTHOOD OF NEW YORK  
CITY, INC.'s principal  
place of business

**FILED** SUMMONS

~~FEB 09~~ 2005

To the above named Defendants:

**NEW YORK  
COUNTY CLERK'S OFFICE**

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
February 4, 2005

BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C.

By: 

ROGER M. KUNKIS, ESQ.  
Attorneys for Plaintiff  
225 West 34th Street  
New York, New York 10122  
(212) 564-3555

TO: PLANNED PARENTHOOD OF NEW YORK CITY, INC.  
26 Bleeker Street  
New York, New York 10012

G. ZUPNICK, M.D.  
Planned Parenthood of New York City, Inc.  
26 Bleeker Street  
New York, New York 10012

M. GARCIA-MASON, RDMS  
Planned Parenthood of New York City, Inc.  
26 Bleeker Street  
New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
ANNEICIA RICHARDS,

Plaintiff,

-against-

CERTIFICATE OF  
MERIT

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,  
G. ZUPNICK, M.D., and M. GARCIA-MASON,  
RDMS,

Defendants.  
-----X


ROGER M. KUNKIS, an attorney duly admitted to practice in the Courts of this State, affirms the following under penalties of perjury.

I am a member of the firm of BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., attorneys for plaintiff in the above-entitled matter, and submit this Certificate of Merit pursuant to CPLR 3012-a(2).

Your affirmant has reviewed the facts of the case and has consulted with one physician who is licensed to practice in a State within the United States of America and your affirmant reasonably believes that said physician is knowledgeable in the relevant issues involved in the particular action, and that your

affirmant has concluded on the basis of such review and consultation, that there is a reasonable basis for the commencement of this action.

Dated: New York, New York  
February 4, 2005



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ROGER M. KUNIKIS

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X

ANNEICIA RICHARDS,

Plaintiffs,

-against-

VERIFIED COMPLAINT

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,  
G. ZUPNICK, M.D., and M. GARCIA-MASON,  
RDMS,

Defendants.

-----X

Plaintiff, complaining of the defendants by her attorneys  
BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., respectfully shows to this  
Court and alleges:

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF

1. Upon information and belief, that at all the times  
hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK  
CITY, INC. had a principal place of business located in the County,  
City and State of New York.

2. Upon information and belief, that at all the times  
hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK  
CITY, INC. was a domestic corporation organized and existing under  
and by virtue of the laws of the State of New York.

3. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was a foreign corporation licensed to do business in the State of New York.

4. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. owned an office for the practice of obstetrics/gynecology located at 26 Bleeker Street, New York, New York.

5. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. operated an office for the practice of obstetrics/gynecology located at 26 Bleeker Street, New York, New York.

6. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. maintained an office for the practice of obstetrics/gynecology located at 26 Bleeker Street, New York, New York.

7. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. controlled an office for the practice of obstetrics/gynecology located at 26 Bleeker Street, New York, New York.

8. Upon information and belief, that at all the times hereinafter mentioned, defendant G. ZUPNICK, M.D. was a physician duly licensed to practice medicine in the State of New York.

9. Upon information and belief, that at all the times hereinafter mentioned, defendant G. ZUPNICK, M.D. was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

10. Upon information and belief, that at all the times hereinafter mentioned, defendant M. GARCIA-MASON, RDMS was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

11. Plaintiff consulted defendants PLANNED PARENTHOOD OF NEW YORK CITY, INC., G. ZUPNICK, M.D. and M. GARCIA-MASON, RDMS on or about April 3, 2004 for pregnancy and on said date an alleged abortion was performed by defendant G. ZUPNICK, M.D.

12. Plaintiff remained under the care of defendants PLANNED PARENTHOOD OF NEW YORK CITY, INC., G. ZUPNICK, M.D. and M. GARCIA-MASON, RDMS until approximately April 8, 2004.

13. That on or about April 8, 2004, plaintiff was admitted to SUNY Downstate Medical Center where she was diagnosed with a right ruptured ectopic pregnancy and was required to undergo a diagnostic laparoscopy, exploratory laparotomy, evacuation of hematoma, right partial salpingectomy, and lysis of adhesions.

14. That defendants departed and deviated from good and accepted gynecological and obstetrical practice in the care and

treatment rendered to plaintiff and that as a result of the negligent and careless treatment rendered to the plaintiff, plaintiff sustained serious injury and was required to undergo hospitalization and procedure and, upon information and belief, further hospitalizations and procedures may be required.

15. That the injuries to plaintiff and their sequelae were due to the carelessness and negligence of the defendants in failing to treat the plaintiff in the proper and accepted gynecological and obstetrical manner, and all without any fault or lack of care on the part of the plaintiff herein.

16. That defendants were negligent and careless in the care and treatment rendered to the plaintiff; in failing to treat the plaintiff in accordance with accepted medical, gynecological and surgical standards in the community; in failing to take proper care and precaution in the conduct of care rendered to the plaintiff; in failing to adequately test and exam plaintiff and diagnose an ectopic or tubal pregnancy; in failing to perform an appropriate blood test or early sonogram or proper sonogram to determine if plaintiff had an ectopic pregnancy; in causing delay and occasioning such delay in diagnosing a tubal pregnancy; in failing to perform the abortion in a proper manner; in performing the abortion in a negligent and improper manner; in that the aforesaid operation was performed in an improper manner; in that defendants deviated from accepted medical, surgical and



gynecological standards; in exhibiting poor technique during the procedure; in carelessly, negligently and recklessly failing to diagnose and/or timely diagnose the conditions from which plaintiff was suffering; in failing and omitting to perform and/or timely perform appropriate diagnostic studies; in failing to heed the complaints, signs and symptoms of plaintiff; in improperly advising and prescribing for the plaintiff; in failing to attach significance to abnormal findings; in failing to timely diagnose the condition from which the plaintiff was suffering; in failing to perform the appropriate diagnostic studies upon the plaintiff; in failing and omitting to exercise and take proper care, precaution and caution in the conduct of the care and treatment rendered to the plaintiff so as to prevent unfavorable results; in lulling the plaintiff into a false sense of security; in failing to timely diagnose and treat the plaintiff; in negligently treating and/or prescribing for the plaintiff; in failing to timely diagnose and treat conditions of plaintiff; in failing to order appropriate medical consultations; in failing and omitting to order appropriate diagnostic tests; in failing and omitting to understand the nature of the underlying pathology; in failing and omitting to properly and timely perform diagnostic studies; in failing and omitting to properly interpret diagnostic studies; in failing and omitting to perform appropriate diagnostic, blood, and/or sonographic studies; in failing to have appropriate evaluations; in failing to enter

into the process of differential diagnosis; in failing to perform adequate diagnostic and/or radiological studies; in failing to properly examine plaintiff; in failing to appropriately evaluate those diagnostic studies performed; in failing to diagnose and/or timely diagnose the conditions for which plaintiff was suffering; in that defendant PLANNED PARENTHOOD granted privileges and permitted incompetent and inexperienced physicians to perform medical services in their facilities; in that they failed to conduct an appropriate investigation into the background, experience and competency of physicians before granting privileges; in that defendants deviated from accepted medical, gynecological and obstetrical standards; and in otherwise being negligent in the premises.

17. By reason of the foregoing, plaintiff sustained severe and serious personal injuries; was caused to suffer severe physical pain and mental anguish as a result thereof; and many of the injuries are of a permanent and lasting nature; that plaintiff was confined to bed and home and hospital as a result thereof; and was incapacitated from attending to her usual duties and activities.

18. That as a result of the foregoing, plaintiff has been damaged in a sum which is just, fair and compensable and exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF  
PLAINTIFF

19. Plaintiff repeats and reiterates each and every allegation contained in the prior paragraphs of the complaint, with the same force and effect as if alleged in full.

20. That defendants failed to obtain from plaintiff prior to treatment for her said condition an informed and knowledgeable consent to the treatment therefor and defendant and/or each of them failed to advise and communicate to the plaintiff a knowledge and understanding of the risks, hazards and sequelae of the treatment rendered to the plaintiff.

21. That defendants failed to disclose to plaintiff the risks and benefits involved as reasonable medical practitioners under similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

22. That a reasonably prudent person in the plaintiff's position would not have undergone the treatment if she had been fully informed and that the lack of informed consent is a proximate cause of plaintiff's injuries.

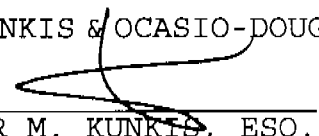
23. That by reason of the aforesaid, plaintiff sustained damages to her body as aforesaid; sustained serious physical pain and mental anguish as a result thereof; sustained permanent and lasting injuries; plaintiff was confined to her bed and home and hospital as a result thereof; and was incapacitated from attending to her usual duties and activities.

24. That as a result of the foregoing, plaintiff has been damaged in a sum which is just, fair and compensable and exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

25. This action falls within one or more of the exceptions set forth in CPLR 1602.

WHEREFORE, plaintiff demands judgment against the defendants on the first cause of action in a sum which is just, fair and compensable and which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction; on the second cause of action in a sum which is just, fair and compensable and which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction; together with the costs and disbursements of this action.

BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C.


By:   
ROGER M. KUNKIS, ESQ.  
Attorneys for Plaintiff  
225 West 34th Street  
New York, New York 10122  
(212) 564-3555

STATE OF NEW YORK     )  
                                      :   SS.:  
COUNTY OF NEW YORK    )

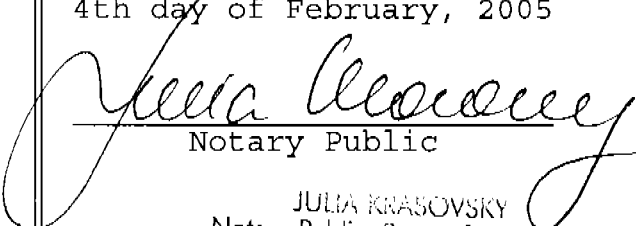
ROGER M. KUNKIS, being duly sworn, deposes and says:

That deponent is an attorney and a partner in the law firm of BAUMAN, KUNKIS & OCASIO-DOUGLAS, P.C., attorneys for plaintiff; that he has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to his own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true; that the reason that this verification is made by your deponent instead of plaintiff is because plaintiff is not presently within the County of New York where your deponent's office is located.

Deponent further says that the grounds of his belief as to all matters in the said COMPLAINT are based upon deponent's general investigation of the facts herein.

  
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ROGER M. KUNKIS

Sworn to before me this  
4th day of February, 2005

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

JULIA KRASOVSKY  
Notary Public, State of New York  
No. 01KR5049536  
Qualified in Kings County  
Commission Expires Sept. 18, 2005