

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

-----X
SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.
-----X

To the above named Defendants:

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 Plaintiffs' Attorney (s) 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: Westbury, New York
September 8, 2011



LAW OFFICE OF ROBERT F. DANZI
Attorneys for Plaintiffs
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

Filed: 9-8-11
Index No.: 150347-11

SUMMONS

Plaintiffs designate NEW YORK County as the place of trial.

Basis of venue is Defendant's place of business.

TO: PLANNED PARENTHOOD HUDSON PECONIC, INC.
4 Skyline Drive
Hawthorne, New York 10532

"JOHN DOE", M.D.
(Unknown at present)

QUEENS LONG ISLAND MEDICAL GROUP, P.C.
640 Hawkins Avenue
Ronkonkoma, New York 11779

MICHAEL ALAN LEE, M.D.
c/o Queens Long Island Medical Group, P.C.
640 Hawkins Avenue
Ronkonkoma, New York 11779

BHANUMATHY VINAYAGASUNDARAM, M.D.
c/o Queens Long Island Medical Group, P.C.
640 Hawkins Avenue
Ronkonkoma, New York 11779

JOHN T. MATHER MEMORIAL HOSPITAL
Attn.: President
75 North Country Road
Port Jefferson, New York 11777

THE MOUNT SINAI HOSPITAL
Attn.: General Counsel
1 Gustave L Levy Place
New York, New York 10029

MIRIAM CREMER, M.D.
c/o The Mount Sinai Hospital, Dept. of Ob/Gyn
1 Gustave L Levy Place
New York, New York 10029

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

-----X
SHARA DEJESUS,

Plaintiff,

VERIFIED COMPLAINT

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.
-----X

Plaintiff, SHARA DEJESUS, by her attorney, the LAW OFFICE OF ROBERT F.
DANZI, for her Verified Complaint, respectfully alleges upon information and belief:

1. At all times herein, plaintiff, SHARA DEJESUS was and still is a resident of the
County of Suffolk, State of New York.

2. Upon information and belief, at all times herein, defendant, PLANNED
PARENTHOOD HUDSON PECONIC, INC., was and still is a domestic, not-for-profit
corporation duly organized and existing under the laws of the State of New York.

3. Upon information and belief, at all times herein, defendant, "JOHN DOE", M.D.
is an individual whose identity, role and function cannot be readily ascertained but whose
signature appears on the page from the PLANNED PARENTHOOD HUDSON PECONIC, INC.
chart attached hereto and made part hereof as Exhibit "A".

4. Upon information and belief and at all times herein, defendant, "JOHN DOE",
M.D. was and still is a physician and surgeon duly licensed to practice medicine in the State of
New York.

5. Upon information and belief, at all times herein, defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., was and is a domestic corporation duly organized and existing under the laws of the State of New York with its principal place of business located at 640 Hawkins Avenue, Lake Ronkonkoma, New York 11779.

6. Upon information and belief, at all times herein, defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., was and is a partnership organized and existing under the laws of the State of New York.

7. Upon information and belief, at all times herein, defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., was and is a business entity organized and existing under the laws of the State of New York.

8. Upon information and belief, at all times herein, defendant, MICHAEL ALAN LEE, M.D., was and still is a physician duly licensed to practice medicine in the State of New York.

9. Upon information and belief, at all times herein, defendant, BHANUMATHY VINAYAGASUNDARAM, M.D., was and still is a physician duly licensed to practice medicine in the State of New York.

10. Upon information and belief, at all times herein, defendant, JOHN T. MATHER MEMORIAL HOSPITAL, was and still is a domestic, not-for-profit corporation duly organized and existing under the laws of the State of New York.

11. Upon information and belief, at all times herein, defendant, THE MOUNT SINAI HOSPITAL, was and still is a domestic, not-for-profit corporation duly organized and existing under the laws of the State of New York.

12. Upon information and belief, at all times herein, defendant, MIRIAM CREMER, M.D. was and still is a physician and surgeon duly licensed to practice medicine in the State of New York.

13. Upon information and belief, at all times herein, defendant, "JOHN DOE, M.D.", was a member of and/or agent of and/or employed by defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., and was acting within the scope of his/her employment and/or agency.

14. Upon information and belief, at all times herein, defendant, MICHAEL ALAN LEE, M.D. was a member of and/or agent of and/or employed by defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., and was acting within the scope of his employment and/or agency.

15. Upon information and belief, at all times herein, defendant, BHANUMATHY VINAYAGASUNDARAM, M.D. was a member of and/or agent of and/or employed by defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., and was acting within the scope of his employment and/or agency.

16. Upon information and belief, at all times herein, defendant, MIRIAM CREMER, M.D. was a member of and/or agent of and/or employed by defendant, THE MOUNT SINAI HOSPITAL, and was acting within the scope of her employment and/or agency.

17. Upon information and belief, on February 27, 2010 up to and including May 15, 2010, defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to the performance of an abortion.

18. Upon information and belief, on February 27, 2010 up to and including May 15, 2010, defendant, "JOHN DOE, M.D.", rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to the performance of an abortion.

19. Upon information and belief, from March, 2010 up to and including June, 2010, defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to evaluation and treatment of back and groin pain, among others.

20. Upon information and belief, from April, 2010 up to and including June, 2010, defendant, MICHAEL ALAN LEE, M.D. rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to evaluation and treatment of back and groin pain, among others.

21. Upon information and belief, from April, 2010 up to and including June, 2010, defendant, BHANUMATHY VINAYAGASUNDARAM, M.D. rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to evaluation and treatment of back and groin pain, among others.

22. Upon information and belief, on April 13, 2010 and June 8, 2010 up to and including June 25, 2010, defendant, JOHN T. MATHER MEMORIAL HOSPITAL, rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to evaluation and treatment of chest palpitations, among others.

23. Upon information and belief, from June 1, 2010 up to and including June 5, 2010, defendant, THE MOUNT SINAI HOSPITAL, rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to including but not limited to dilation and evacuation.

24. Upon information and belief, from June 1, 2010 up to and including June 5, 2010, defendant, MIRIAM CREMER, M.D., rendered medical care and treatment to plaintiff, SHARA DEJESUS including but not limited to dilation and evacuation.

25. Defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., is vicariously liable for the acts of negligence of its employees, agents, and/or servants that rendered care and treatment to the plaintiff herein.

26. Defendant, QUEEN LONG ISLAND MEDICAL GROUP, P.C., is vicariously liable for the acts of negligence of its employees, agents, and/or servants that rendered care and treatment to the plaintiff herein.

27. Defendant, JOHN T. MATHER MEMORIAL HOSPITAL is vicariously liable for the acts of negligence of its employees, agents, and/or servants that rendered care and treatment to the plaintiff herein.

28. Defendant, THE MOUNT SINAI HOSPITAL, is vicariously liable for the acts of negligence of its employees, agents, and/or servants that rendered care and treatment to the plaintiff herein.

FIRST CAUSE OF ACTION

29. At all times herein, defendants rendered medical and surgical care to plaintiff, SHARA DEJESUS.

30. At all times herein, plaintiff received medical care and treatment from the defendants, PLANNED PARENTHOOD HUDSON PECONIC, INC., "JOHN DOE, M.D.", QUEENS LONG ISLAND MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D., BHANUMATHY VINAYAGASUNDARAM, M.D., JOHN T. MATHER MEMORIAL HOSPITAL, THE MOUNT SINAI HOSPITAL and MIRIAM CREMER, M.D.

31. The defendants undertook to care for the plaintiff.

32. At all times herein mentioned, defendants owed their patients and in particular, the plaintiff herein, the duty and standard of care which is normally exercised by such physicians and their employees, servants and agents that they are competent, skillful and careful, and acting in accordance with accepted standards, procedures and practices in the State of New York. Specifically, but not by way of limitation and among other things, the defendants failed to properly and completely perform an abortion and failed to properly care for and treat plaintiff thereafter.

33. Defendants breached their obligation to render appropriate medical care and treatment to plaintiff herein.

34. Defendants, their agents, servants and/or employees were careless, negligent and committed malpractice in the medical care and treatment rendered to plaintiff.

35. All of the above occurred through no fault or lack of care on the part of the plaintiff.

36. Solely and wholly as a result of the carelessness, negligence and malpractice of defendants, their agents, servants and/or employees, plaintiff sustained and suffered serious, severe and permanent personal injuries accompanied by conscious pain and anguish.

37. By reason of the foregoing, plaintiff sustained damages in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

SECOND CAUSE OF ACTION

38. Defendants failed to inform plaintiff of the risks, benefits, hazards and alternatives associated with the treatment rendered and procedures performed in connection with

the medical care, diagnosis and treatment rendered to plaintiff, so that an informed consent could be given.

39. A reasonably prudent person in the plaintiff's position would not have undergone the treatment rendered and procedures performed in connection with the medical care, diagnosis and treatment of the plaintiff if she had been fully informed of the risks, benefits, hazards and alternatives connected with said treatment.

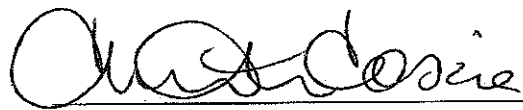
40. The failure to adequately and fully inform plaintiff of the risks, benefits, hazards and alternatives of the treatment rendered and procedures performed are a proximate cause of the injuries plaintiff sustained.

41. As a consequence of the foregoing there was no informed consent to the care rendered and procedures utilized to plaintiff in connection with the medical care, diagnosis and treatment rendered to plaintiff.

42. By reason of the foregoing, plaintiff sustained damages in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against the defendants on all causes of action in sums which exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction and for such other relief as this court may deem just and proper.

Dated: Westbury, New York
September 8, 2011



LAW OFFICE OF ROBERT F. DANZI
Attorneys for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

Exhibit A

Abortion Procedure Record

VII-PPHP-2

Staple Sono Pictures to Back of Form

Staple Laminaria Wrappers to Back of Form

Planned Parenthood Hudson Peconic, Inc. Serving Suffolk, Westchester, Rockland and Putnam Counties

DEJESUS, SHARA Acct#: 889905 DOB: 01/15/1967

ALLERGIES: List: Penicillin NKDA

ABORTION PROCEDURE RECORD

Con.Sed Local NPO >= 6 hrs Yes No

LMP 11/23/10 G.A. by Sono 16.4 Date of Procedure 2/27/16 Age 43 Preg 5 #Deliv 2 #SuAb 1 #MedAB 8 #Miscarriage 1 #Ectopic 2 #Living Children 2

Rh 1 Hct/Hgb 10.4 Temp 99.2 BP 135/85 Pulse 68

Height 57 Weight 246 BCM Desired Condoms C-Section history Yes No Asthma Yes No Breastfeeding Yes No

Yes No All consent signed Birth Control info given Under 18 counseling

Lab Staff Signature Counselor Signature

CERVICAL PREPARATION

Consents signed for cervical preparation and surgical procedure Medical history reviewed/patient cleared for surgery Laminaria Naproxen 550 mg po given by The cervix was cleansed and 1% lidocaine was instilled for paracervical block. A tenaculum was applied and No laminaria and sponges were inserted. Patient tolerated procedure well. Comments Post instructions given Doxycycline 100mg PO BID x 7 days (start now) Laminaria inserted by Date/Time Misoprostol mcg misoprostol was given locally at AM/PM Misoprostol given by Date

Sonogram Ultrasound and report reviewed Consents I have reviewed the consent forms and answered all patient questions Exam: Abdomen: nl Vulva: nl Vag: nl Cervix: nl Adnexa: nl GC/CHL done Uterus: 10 weeks, position Anterior Intent: I intend to utilize disarticulation/dismemberment techniques to remove the fetus using suction and/or forceps. Procedure: The cervix was cleansed and tenaculum applied. Laminaria and sponges removed. 10 cc of 1% lidocaine (with 1u vasopressin) was instilled as a paracervical block. The cervix was dilated to 14 Pratt and 12 mm cannula was used to empty the uterus using Electromechanical suction or MVA. Sharp curettage was performed.

The POC fetus was removed using forceps in addition to suction. Fetal demise occurred prior to the fetus reaching the following landmarks: if head first, before the entire fetal head was outside the body of the woman, and if breech, before any part of the fetal trunk past the navel was outside the body of the woman. Multiple passes of forceps occurred resulting in extraction of the fetus in multiple parts The umbilical cord was severed before removal of fetal parts The umbilical cord was not pulsating prior to evacuation to the anatomical landmarks listed above.

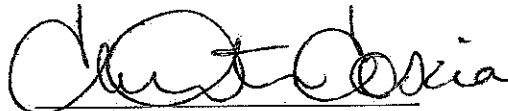
Sono guidance was used during procedure. Sono post-operatively demonstrated that the uterus was empty. Uterotonics administered: Methergine 12 mg IM x 1 Methergine 0.2 mg IC x 1 Oxytocin mL per Liter The patient was transferred to the recovery room in stable condition. Estimated blood loss 210 cc. Physician Signature

PPHP Manual of Medical Standards and Guidelines Confidential Property of Planned Parenthood Hudson Peconic, Inc. Revised July 2009

CERTIFICATE OF MERIT

I, Christine Coscia, an associate of the Law Office of Robert F. Danzi, attorney for the above named plaintiff, affirm that I have reviewed the facts of the case as presented by the claimant and have consulted with a physician licensed to practice medicine in the State of New York and who practices in the medical specialties involved herein and who I reasonably believe is knowledgeable in the relevant issues involved herein and I, as attorney for the plaintiff, have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of the within action.

Dated: Westbury, New York
September 8, 2011


Christine Coscia

ATTORNEY'S VERIFICATION

CHRISTINE COSCIA, an attorney duly admitted to practice in the county of New York affirms under penalties of perjury:

I am an associate with the LAW OFFICE OF ROBERT F. DANZI, attorney for plaintiff.

I have read the attached SUMMONS and COMPLAINT and know the contents thereof; it is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. This verification is made by me because plaintiff does not reside within the county where we maintain our office.

Dated: Westbury, New York
September 8, 2011


CHRISTINE COSCIA

INDEX NO.:
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.

SUMMONS and VERIFIED COMPLAINT

Law Office of Robert F. Danzi
Attorney for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
T: (516) 228-4226
F: (516) 228-6569

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

SHARA DEJESUS,

Index No. 150347-11

Plaintiff,

VERIFIED ANSWER

-against-

PLANNED PARENTHOOD HUDSON PECONIC, INC.,
"JOHN DOE", M.D., QUEENS LONG ISLAND MEDICAL
GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.

Defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., by its attorneys, McALOON & FRIEDMAN, P.C., answering the plaintiff's complaint, respectfully alleges, upon information and belief, as follows:

1. Denies any knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraphs "1", "3", "4", "5", "6", "7", "8", "9", "10", "11", "13", "14", "15", "16", "18", "19", "20", "21", "22", "23", "24", "26", "27", and "28" of the complaint.

2. Denies any knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraph "17" of the complaint except admits that medical treatment was rendered to one SHARA DEJESUS on February 27, 2010 and May 15, 2010.

3. Denies any knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraph "25" of the complaint in the form alleged, and otherwise begs leave to refer all questions of law to the Court.

ANSWERING THE FIRST CAUSE OF ACTION

4. Denies any knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraphs "29", "30", and "31" of the complaint except admits that medical treatment was rendered to one SHARA DEJESUS on February 27, 2010 and May 15, 2010, and otherwise begs leave to refer all questions of law to the Court.

5. Denies any knowledge or information sufficient to form a belief as to each and every allegation set forth in paragraphs "32" of the complaint in the form alleged, and otherwise begs leave to refer all questions of law to the Court.

6. Denies each and every allegation set forth in paragraphs "33", "34", "35", "36" and "37" of the complaint.

ANSWERING THE SECOND CAUSE OF ACTION

7. Denies each and every allegation set forth in paragraphs "38", "39", "40", "41" and "42" of the complaint.

**AS AND FOR A FIRST, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE:**

8. The defendant's liability, if any, is limited pursuant to CPLR 1600, et seq.

**AS AND FOR A SECOND, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE:**

9. Any verdict or judgment should be reduced by the amounts of past or future collateral source reimbursements of alleged special damage pursuant to CPLR 4545(c).

**AS AND FOR A THIRD, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE:**

10. Plaintiff's second cause of action, if any, is barred pursuant to §2805-d of the Public Health Law.

**AS AND FOR A FOURTH, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE:**

11. The injuries and damages of the plaintiff, for which these causes of action have been instituted, were caused wholly or in part through the culpable conduct and contributory negligence on the part of plaintiff and therefore the amount of damages, if any, shall be diminished in the proportion which said conduct attributable to plaintiff bears to the defendant's conduct, if any, which caused the damages.

**AS AND FOR A FOURTH, SEPARATE
AND DISTINCT AFFIRMATIVE DEFENSE:**

12. Plaintiff's causes of action, if any, are barred by the doctrine of Assumption of the Risk.

WHEREFORE, the defendant PLANNED PARENTHOOD HUDSON PECONIC, INC. demands judgment dismissing plaintiff's complaint together with the costs and disbursements of this action.

McALOON & FRIEDMAN, P.C.

By: 

STEPHEN S. YORK, ESQ.

Attorneys for Defendant PLANNED
PARENTHOOD HUDSON PECONIC, INC.
Office and P.O. Address
123 William Street - 25th Floor
New York, NY 10038-3804
Tel. No. (212) 732-8700

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

I, the undersigned, an attorney admitted to practice in the Courts of New York State, state that I am a member of the firm of McALOON & FRIEDMAN, P.C., attorneys of record for the defendant PLANNED PARENTHOOD HUDSON PECONIC, INC. in the within action; I have read the foregoing ANSWER and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by defendant is because defendant resides outside the county where deponent maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: all records, reports and documents maintained by deponent in his file.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York
November 9, 2011



STEPHEN S. YORK, ESQ.

150347 2011
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC, INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D., BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE MOUNT SINAI HOSPITAL and MIRIAM CREMER, M.D.,

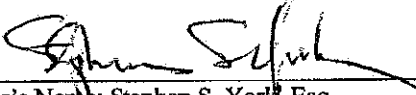
Defendants.

VERIFIED ANSWER

McAloon & Friedman, P.C.
Attorneys for Defendants
Office and Post Office Address, Telephone
123 William Street
New York, New York 10038-3804
(212) 732-8700 (212) 227-2903

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: November 9, 2011

Signature: 
Print Signer's Name: Stephen S. York, Esq.

To

Attorney(s) for

Service of a copy of the within _____ is hereby admitted.

Dated, _____
Attorney(s) for

Sir: - Please take notice

Notice of Entry that the within is a (*certified*) true copy of a _____ duly entered in
the office of the clerk of the within named court on _____ 20

Notice of Settlement that an order _____ of which the within is a true copy will be presented
for settlement to the HON. _____ on of the judges of the
within named court, at _____ on _____ 20
at

Dated,

Yours, etc.
McAloon & Friedman, P.C.
Attorneys for
Office and Post Office Address, Telephone
123 William Street
New York, New York 10038-3804

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----x
SHARA DEJESUS,

Index No.: 150347/11

Plaintiff,

- against -

VERIFIED ANSWER

PLANNED PARENTHOOD HUDSON PECONIC, INC.,
"JOHN DOE", M.D., QUEENS LONG ISLAND MEDICAL
GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE MOUNT
SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.
-----x

Defendant, QUEENS-LONG ISLAND MEDICAL GROUP, P.C., by
its attorneys, SILVERSON, PARERES & LOMBARDI, LLP, answering the
Verified Complaint of the plaintiff, alleges the following upon
information and belief:

AS AND FOR AN ANSWER TO PLAINTIFF'S COMPLAINT

1. Denies knowledge or information sufficient to
form a belief as to the truth of the allegations contained in
paragraphs 1, 2, 3, 4, 10, 11, 12, 13, 16, 17, 18, 22, 23, 24,
25, 27 and 28 of plaintiff's Complaint.
2. Admits the allegations contained in paragraph 5 of
plaintiff's Complaint to the extent that the defendant Queens-
Long Island Medical Group, P.C. ("QLIMG") is a professional

corporation duly organized and existing under and by virtue of the laws of the State of New York, having its principal place of business located at 1000 Zeckendorf Boulevard, Garden City, New York 11530.

3. Denies the allegations contained in paragraph 6 of plaintiff's Complaint.

4. Denies the allegations in the form alleged as contained in paragraphs 7 and 19 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

5. Denies the allegations contained in paragraph 26 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

6. Admits the allegations contained in paragraph 14 of plaintiff's Complaint to the extent that the defendant MICHAEL ALAN LEE, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the plaintiff during the course of his employment with the QLIMG.

7. Admits the allegations contained in paragraph 15 of plaintiff's Complaint to the extent that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the

plaintiff during the course of her employment with the QLIMG.

8. Denies the allegations contained in paragraph 20 of plaintiff's Complaint except admits that the defendant MICHAEL ALAN LEE, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

9. Denies the allegations contained in paragraph 21 of plaintiff's Complaint except admits that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

10. Defendant QUEENS-LONG ISLAND MEDICAL GROUP, P.C. repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 28 of plaintiff's Complaint as though more fully set forth at length herein.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 29, 30 and 31 of plaintiff's Complaint as they relate to the codefendants, except admits that the defendants, MICHAEL ALAN LEE, M.D. and BHANUMATHY VINAYAGASUNDARAM, M.D. did treat

plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

12. Denies the allegations in the form alleged as contained in paragraph 32 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

13. Denies the allegations contained in paragraphs 33, 34, 35, and 36 of plaintiff's Complaint.

14. Denies the allegations contained in paragraph 37 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

15. Defendant QUEENS-LONG ISLAND MEDICAL GROUP, P.C. repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 37 of plaintiff's Complaint as though more fully set forth at length herein.

16. Denies the allegations contained in paragraph 38, 39 and 41 of plaintiff's Complaint.

17. Denies the allegations contained in paragraphs 40 and 42 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

18. If the plaintiff secures a judgment against the answering defendant and if the answering defendant is found to be 50% or less liable than judgment against the answering defendant for non-economic loss as defined in Article 16 of the Civil Practice Law and Rules can only be had against the answering defendant to the extent the answering defendant is found to be liable.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

19. Upon information and belief, any past or future costs or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules, and consequently, if any damages are recoverable against the said answering defendant, the amount of such damages shall be diminished by the amount of the funds which plaintiff has or shall received from such collateral source.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

20. That in the event of any judgment or verdict on behalf of the plaintiff, the answering defendant is entitled to set-off of any verdict or judgment with respect to the amounts

of any payments made to the plaintiffs for medical and other expenses prior thereto.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

21. The answering defendant invokes the protection of Public Health Law Section 2805(d) with respect to the alleged cause of action for an informed consent and reserves all rights pursuant thereto.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

22. Whatever injuries the plaintiff may have sustained at the time and place alleged in the Complaint were caused in whole or in part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and without any negligence or fault or want of care on the part of the answering defendant and that any award will thereby be proportionately diminished or barred.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

23. The plaintiff failed to properly effectuate service on the answering defendant, and as a result, this court lacks jurisdiction over the answering defendant.

WHEREFORE, it is respectfully requested that defendant QUEENS-LONG ISLAND MEDICAL GROUP, P.C. demands judgment dismissing all causes of action in plaintiff's Complaint against

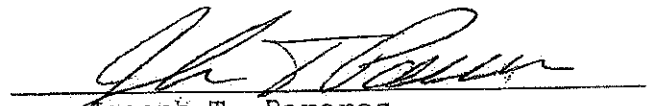
the answering defendant together with the costs and
disbursements of this action.

Dated: New York, New York
September 26, 2011

Yours, etc.

SILVERSON, PARERES & LOMBARDI, LLP

By:


Joseph T. Pareres
Attorneys for Defendants
MICHAEL ALAN LEE, M.D., BHANUMATHY
VINAYSGASUNDARAM, M.D. and QUEENS-
LONG ISLAND MEDICAL GROUP, P.C.
192 Lexington Avenue, 17th Fl.
New York, New York 10016
212-557-1818

TO: Christine Coscia, Esq.
LAW OFFICES OF ROBERT F. DANZI
Attorney for Plaintiff
900 Merchants Concourse, Ste. 314
Westbury, New York 11590
516-228-4226

VERIFICATION

JOSEPH T. PARERES, ESQ., an attorney admitted to practice before the Courts of the State of New York, hereby affirms, under penalty of perjury, as follows:

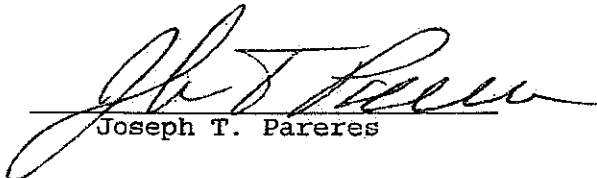
That I am a Partner in the firm of SILVERSON, PARERES & LOMBARDI, LLP, attorneys for the defendant, QUEENS-LONG ISLAND MEDICAL GROUP, P.C., herein.

That I have read the foregoing VERIFIED ANSWER and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

The grounds for affirmants' knowledge and belief as to all matters therein stated are documents in the possession of defendant's attorneys and discussion with my client.

The reason this affirmation is made by the undersigned and not by the defendants is that defendants reside outside the County wherein I maintain my offices.

Dated: New York, New York
September 26, 2011


Joseph T. Pareres

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----x
SHARA DEJESUS,

Index No.: 150347/11

Plaintiff,

- against -

VERIFIED ANSWER

PLANNED PARENTHOOD HUDSON PECONIC, INC.,
"JOHN DOE", M.D., QUEENS LONG ISLAND MEDICAL
GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE MOUNT
SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.
-----x

Defendant, MICHAEL ALAN LEE, M.D., by his attorneys,
SILVERSON, PARERES & LOMBARDI, LLP, answering the Verified
Complaint of the plaintiff, alleges the following upon
information and belief:

AS AND FOR AN ANSWER TO PLAINTIFF'S COMPLAINT

1. Denies knowledge or information sufficient to
form a belief as to the truth of the allegations contained in
paragraphs 1, 2, 3, 4, 10, 11, 12, 13, 16, 17, 18, 22, 23, 24,
25, 27 and 28 of plaintiff's Complaint.

2. Admits the allegations contained in paragraph 5 of
plaintiff's Complaint to the extent that the defendant Queens-
Long Island Medical Group P.C. ("QLIMG") is a professional

corporation duly organized and existing under and by virtue of the laws of the State of New York, having its principal place of business located at 1000 Zeckendorf Boulevard, Garden City, New York 11530.

3. Denies the allegations contained in paragraph 6 of plaintiff's Complaint.

4. Denies the allegations in the form alleged as contained in paragraphs 7 and 19 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

5. Denies the allegations contained in paragraph 26 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

6. Admits the allegations contained in paragraph 14 of plaintiff's Complaint to the extent that the defendant MICHAEL ALAN LEE, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the plaintiff during the course of his employment with the QLIMG.

7. Admits the allegations contained in paragraph 15 of plaintiff's Complaint to the extent that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the plaintiff during the course of her employment with the QLIMG.

8. Denies the allegations contained in paragraph 20

of plaintiff's Complaint except admits that the defendant MICHAEL ALAN LEE, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

9. Denies the allegations contained in paragraph 21 of plaintiff's Complaint except admits that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

10. Defendant MICHAEL ALAN LEE, M.D. repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 28 of plaintiff's Complaint as though more fully set forth at length herein.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 29, 30 and 31 of plaintiff's Complaint as they relate to the codefendants, except admit that the defendants, MICHAEL ALAN LEE, M.D. and BHANUMATHY VINAYAGASUNDARAM, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

12. Denies the allegations in the form alleged as contained in paragraph 32 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

13. Denies the allegations contained in paragraphs 33, 34, 35, and 36 of plaintiff's Complaint.

14. Denies the allegations contained in paragraph 37 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

15. Defendant MICHAEL ALAN LEE, M.D. repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 37 of plaintiff's Complaint as though more fully set forth at length herein.

16. Denies the allegation contained in paragraph 38, 39 and 41 of plaintiff's Complaint.

17. Denies the allegations contained in paragraphs 40 and 42 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

18. If the plaintiff secures a judgment against the answering defendant and if the answering defendant is found to be 50% or less liable than judgment against the answering

defendant for non-economic loss as defined in Article 16 of the Civil Practice Law and Rules can only be had against the answering defendant to the extent the answering defendant is found to be liable.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

19. Upon information and belief, any past or future costs or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules, and consequently, if any damages are recoverable against the said answering defendant, the amount of such damages shall be diminished by the amount of the funds which plaintiff has or shall received from such collateral source.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

20. That in the event of any judgment or verdict on behalf of the plaintiff, the answering defendant is entitled to set-off of any verdict or judgment with respect to the amounts of any payments made to the plaintiffs for medical and other expenses prior thereto.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

21. The answering defendant invokes the protection of Public Health Law Section 2805(d) with respect to the alleged cause of action for an informed consent and reserves all rights pursuant thereto.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

22. Whatever injuries the plaintiff may have sustained at the time and place alleged in the Complaint were caused in whole or in part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and without any negligence or fault or want of care on the part of the answering defendant and that any award will thereby be proportionately diminished or barred.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

23. The plaintiff failed to properly effectuate service on the answering defendant, and as a result, this court lacks jurisdiction over the answering defendant.

WHEREFORE, it is respectfully requested that defendant MICHAEL ALAN LEE, M.D. demands judgment dismissing all causes of

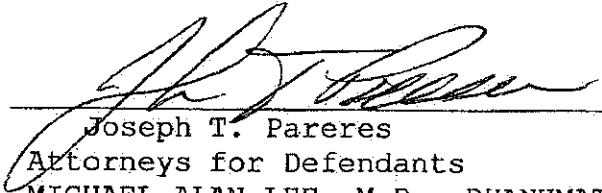
action in plaintiff's Complaint against the answering defendant together with the costs and disbursements of this action.

Dated: New York, New York
September 26, 2011

Yours, etc.

SILVERSON, PARERES & LOMBARDI, LLP

By:



Joseph T. Pareres
Attorneys for Defendants
MICHAEL ALAN LEE, M.D., BHANUMATHY
VINAYSGASUNDARAM, M.D. and QUEENS-
LONG ISLAND MEDICAL GROUP, P.C.
192 Lexington Avenue, 17th Fl.
New York, New York 10016
212-557-1818

TO: Christine Coscia, Esq.
LAW OFFICES OF ROBERT F. DANZI
Attorney for Plaintiff
900 Merchants Concourse, Ste. 314
Westbury, New York 11590
516-228-4226

VERIFICATION

JOSEPH T. PARERES, ESQ., an attorney admitted to practice before the Courts of the State of New York, hereby affirms, under penalty of perjury, as follows:

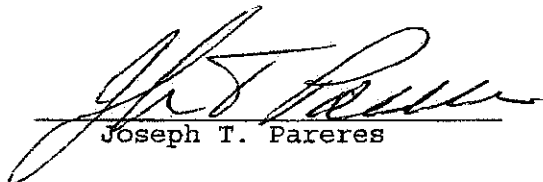
That I am a Partner in the firm of SILVERSON, PARERES & LOMBARDI, LLP, attorneys for the defendant, MICHAEL ALAN LEE, M.D., herein.

That I have read the foregoing VERIFIED ANSWER and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

The grounds for affirmants' knowledge and belief as to all matters therein stated are documents in the possession of defendant's attorneys and discussion with my client.

The reason this affirmation is made by the undersigned and not by the defendants is that defendants reside outside the County wherein I maintain my offices.

Dated: New York, New York
September 26 2011


Joseph T. Pareres

SUPREME COURT OF THE STATE NEW YORK
COUNTY OF NEW YORK

-----x
SHARA DEJESUS,

Index No.: 150347/11

Plaintiff,

- against -

VERIFIED ANSWER

PLANNED PARENTHOOD HUDSON PECONIC, INC.,
"JOHN DOE", M.D., QUEENS LONG ISLAND MEDICAL
GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE MOUNT
SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.
-----x

Defendant, BHANUMATHY VINAYAGASUNDARAM, M.D., by her
attorneys, SILVERSON, PARERES & LOMBARDI, LLP, answering the
Verified Complaint of the plaintiff, alleges the following upon
information and belief:

AS AND FOR AN ANSWER TO PLAINTIFF'S COMPLAINT

1. Denies knowledge or information sufficient to
form a belief as to the truth of the allegations contained in
paragraphs 1, 2, 3, 4, 10, 11, 12, 13, 16, 17, 18, 22, 23, 24,
25, 27 and 28 of plaintiff's Complaint.
2. Admits the allegations contained in paragraph 5 of
plaintiff's Complaint to the extent that the defendant Queens-
Long Island Medical Group, P.C. ("QLIMG") is a professional

corporation duly organized and existing under and by virtue of the laws of the State of New York, having its principal place of business located at 1000 Zeckendorf Boulevard, Garden City, New York 11530.

3. Denies the allegations contained in paragraph 6 of plaintiff's Complaint.

4. Denies the allegations in the form alleged as contained in paragraphs 7 and 19 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

5. Denies the allegations contained in paragraph 26 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

6. Admits the allegations contained in paragraph 14 of plaintiff's Complaint to the extent that the defendant MICHAEL ALAN LEE, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the plaintiff during the course of his employment with the QLIMG.

7. Admits the allegations contained in paragraph 15 of plaintiff's Complaint to the extent that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. is an employee of the defendant Queens-Long Island Medical Group, P.C. and treated the plaintiff during the course of her employment with the QLIMG.

8. Denies the allegations contained in paragraph 20 of plaintiff's Complaint except admits that the defendant MICHAEL ALAN LEE, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

9. Denies the allegations contained in paragraph 21 of plaintiff's Complaint except admits that the defendant BHANUMATHY VINAYAGASUNDARAM, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

AS AND FOR AN ANSWER TO THE FIRST CAUSE OF ACTION

10. Defendant BHANUMATHY VINAYAGASUNDARAM, M.D., repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 28 of plaintiff's Complaint as though more fully set forth at length herein.

11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 29, 30 and 31 of plaintiff's Complaint as they relate to the codefendants, except admits that the defendants, MICHAEL ALAN LEE, M.D. and BHANUMATHY VINAYAGASUNDARAM, M.D. did treat plaintiff at some time, and that said care and treatment was rendered in accordance with good and accepted medical standards.

12. Denies the allegations in the form alleged as contained in paragraph 32 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

13. Denies the allegations contained in paragraphs 33, 34, 35, and 36 of plaintiff's Complaint.

14. Denies the allegations contained in paragraph 37 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR AN ANSWER TO THE SECOND CAUSE OF ACTION

15. Defendant, BHANUMATHY VINAYAGASUNDARAM, M.D., repeats, reiterates and realleges each and every denial and every denial of knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 37 of plaintiff's Complaint as though more fully set forth at length herein.

16. Denies the allegations contained in paragraph 38, 39 and 41 of plaintiff's Complaint.

17. Denies the allegations contained in paragraphs 40 and 42 of plaintiff's Complaint and refers all questions of fact and law to the trial court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

18. If the plaintiff secures a judgment against the answering defendant and if the answering defendant is found to be 50% or less liable than judgment against the answering

defendant for non-economic loss as defined in Article 16 of the Civil Practice Law and Rules can only be had against the answering defendant to the extent the answering defendant is found to be liable.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

19. Upon information and belief, any past or future costs or expenses incurred or to be incurred by the plaintiff for medical care, dental care, custodial care or rehabilitative services, loss of earnings or other economic loss, has been or will with reasonable certainty be replaced or indemnified in whole or in part from a collateral source as defined in Section 4545(c) of the New York Civil Practice Law and Rules, and consequently, if any damages are recoverable against the said answering defendant, the amount of such damages shall be diminished by the amount of the funds which plaintiff has or shall received from such collateral source.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

20. That in the event of any judgment or verdict on behalf of the plaintiff, the answering defendant is entitled to set-off of any verdict or judgment with respect to the amounts of any payments made to the plaintiffs for medical and other expenses prior thereto.

6 *

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

21. The answering defendant invokes the protection of Public Health Law Section 2805(d) with respect to the alleged cause of action for an informed consent and reserves all rights pursuant thereto.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

22. Whatever injuries the plaintiff may have sustained at the time and place alleged in the Complaint were caused in whole or in part or were contributed to by the culpable conduct and want of care on the part of the plaintiff and without any negligence or fault or want of care on the part of the answering defendant and that any award will thereby be proportionately diminished or barred.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

23. The plaintiff failed to properly effectuate service on the answering defendant, and as a result, this court lacks jurisdiction over the answering defendant.

WHEREFORE, it is respectfully requested that defendant, BHANUMATHY VINAYAGASUNDARAM, M.D. demands judgment dismissing all causes of action in plaintiff's Complaint against

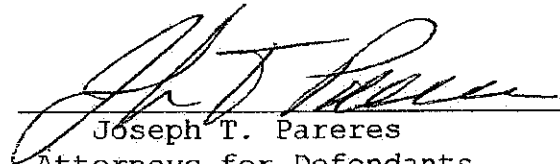
the answering defendant together with the costs and
Disbursements of this action.

Dated: New York, New York
September 26, 2011

Yours, etc.

SILVERSON, PARERES & LOMBARDI, LLP

By:



Joseph T. Pareres
Attorneys for Defendants
MICHAEL ALAN LEE, M.D., BHANUMATHY
VINAYSGASUNDARAM, M.D. and QUEENS-
LONG ISLAND MEDICAL GROUP, P.C.
192 Lexington Avenue, 17th Fl.
New York, New York 10016
212-557-1818

TO: Christine Coscia, Esq.
LAW OFFICES OF ROBERT F. DANZI
Attorney for Plaintiff
900 Merchants Concourse, Ste. 314
Westbury, New York 11590
516-228-4226

VERIFICATION

JOSEPH T. PARERES, ESQ., an attorney admitted to practice before the Courts of the State of New York, hereby affirms, under penalty of perjury, as follows:

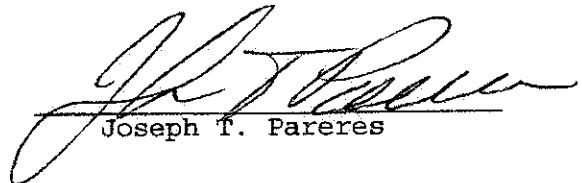
That I am a Partner in the firm of SILVERSON, PARERES & LOMBARDI, LLP, attorneys for the defendant, BHANUMATHY VINAYAGASUNDARAM, M.D., herein.

That I have read the foregoing VERIFIED ANSWER and know the contents thereof; that the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

The grounds for affirmants' knowledge and belief as to all matters therein stated are documents in the possession of defendant's attorneys and discussion with my client.

The reason this affirmation is made by the undersigned and not by the defendants is that defendants reside outside the County wherein I maintain my offices.

Dated: New York, New York
September 26, 2011


Joseph T. Pareres

JRD/jp
M-3449-B
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
SHARA DEJESUS,

Plaintiff,

Index No. 150347/11

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC, "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

VERIFIED ANSWER

Defendants.
-----x

Defendant, JOHN T. MATHER MEMORIAL HOSPITAL, by
attorneys, FUMUSO, KELLY, DeVERNA, SNYDER, SWART & FARRELL, LLP
as and for its Verified Answer to the Verified Complaint of the
plaintiff herein, respectfully alleges upon information and
belief as follows:

FIRST: Denies knowledge or information sufficient to
form a belief as to each and every allegation contained in
paragraphs numbered and designated "1", "2", "3", "4", "5", "6",
"7", "8", "9", "11", "12", "13", "14", "15", "16", "17", "18",
"19", "20", "21", "23", "24", "25", "26" and "28" of the
plaintiff's' Verified Complaint.

SECOND: Denies knowledge or information sufficient to
form a belief as to each and every allegation contained in
paragraph designated "22" of the plaintiff's Verified Complaint,

except admits that this answering defendant rendered certain professional services to the plaintiff and respectfully submits all questions of fact and law to this Honorable Court.

THIRD: Denies each and every allegation contained in paragraph numbered and designated "27" of the plaintiff's Verified Complaint.

FIRST CAUSE OF ACTION

FOURTH: Denies knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs designated "29", "30" and "31" of the plaintiff's Verified Complaint, except admits that this answering defendant rendered certain professional services to the plaintiff and respectfully submits all questions of fact and law to this Honorable Court.

FIFTH: Denies each and every allegation contained in paragraphs numbered and designated "32", "33", "34", "35", "36" and "37" of the plaintiff's Verified Complaint.

SECOND CAUSE OF ACTION

SIXTH: Denies each and every allegation contained in paragraphs numbered and designated "38", "39", "40", "41" and "42" of the plaintiff's Verified Complaint.

AS AND FOR A STATUTORY DEFENSE:

SEVENTH: Defendant relies on the provision of Public Health Law 2805-d.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

EIGHTH: That the injuries of the plaintiff was caused in whole or in part by her own contributory negligence and/or culpable conduct and/or by persons and/or events over which this defendant had no control and her claims are therefore barred or the amount of same is diminished accordingly.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

NINTH: Upon information and belief, plaintiff has received remuneration and/or compensation for some or all of her claimed economic loss and answering defendant is entitled to have any verdict or judgment reduced by the amount of that remuneration or compensation pursuant to CPLR 4545.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

TENTH: That if any liability is found as against this answering defendant, then said liability will constitute 50% or less of the total liability assigned to all persons liable and, as such, the liability of this answering defendant to plaintiff for non-economic loss shall be limited and shall not exceed this answering defendant's equitable share, as provided in Article 16 of the CPLR.

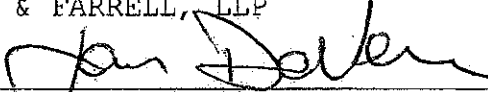
WHEREFORE, defendant demands judgment dismissing the plaintiff's' Verified Complaint herein, together with the costs and disbursements of this action.

Dated: Hauppauge, New York
September 20, 2011

Yours, etc.,

FUMUSO, KELLY, DeVERNA, SNYDER,
SWART & FARRELL, LLP

By:



JAMES R. DeVERNA

Attorneys for Defendant
JOHN T. MATHER MEMORIAL HOSPITAL
110 Marcus Blvd.
Hauppauge, New York 11788
(631) 232-0200

TO:

LAW OFFICE OF ROBERT F. DANZI
Attorneys for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

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

-----X
SHARA DEJESUS,

Plaintiff,

-against-

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG
ISLAND MEDICAL GROUP, P.C., MICHAEL
ALAN LEE, M.D., BHANUMATHY
VINAYAGASUNDARAM, M.D., JOHN T.
MATHER MEMORIAL HOSPITAL, THE MOUNT
SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.
-----X

Index No. 150347-2011

**VERIFIED ANSWER TO THE
VERIFIED COMPLAINT**

The Defendant **THE MOUNT SINAI HOSPITAL** (the "HOSPITAL") by and through its attorneys, **KAUFMAN BORGEEST & RYAN LLP**, as and for its Verified Answer to the Plaintiff's Verified Complaint alleges the following upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "12", "13", "14", "15", "17", "18", "19", "20", "21", "22", "24", "25", "26" and "27" of the Plaintiff's Verified Complaint.

2. Denies in the form alleged each and every allegation contained in paragraph designated "11" of the Plaintiff's Verified Complaint, but admits that **THE MOUNT SINAI HOSPITAL** (the "HOSPITAL") is a not-for-profit corporation in New York State.

3. Denies in the form alleged each and every allegation contained in paragraph designated "16" of the Plaintiff's Verified Complaint and respectfully refer all questions of fact to the trier of fact and respectfully refer all questions of law to this honorable court for judicial determination.

4. Denies in the form alleged each and every allegation contained in paragraphs designated "23", "29", "30" and "31" of the Plaintiff's Verified Complaint.

5. Denies each and every allegation contained in paragraphs designated "28", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41" and "42" of the Plaintiff's Verified Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Upon information and belief, Plaintiff's economic loss, if any, as specified in §4545 of the CPLR, was or will be replaced or indemnified, in whole or in part, from collateral sources, and the answering Defendant is entitled to have the Court consider the same in determining such special damages as provided in §4545 of the CPLR.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That pursuant to CPLR §1600 *et seq.*, if it is determined by verdict or decision that two or more tortfeasors are jointly liable to the Plaintiff, and if the liability of the answering Defendant is found to be 50% or less of the total liability assigned to all persons liable, the liability of such Defendant to Plaintiff for non-economic loss shall not exceed this Defendant's equitable share determined in accordance with the relative culpability of each person causing or contributing to the total liability for non economic loss.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Plaintiff's claim for lack of informed consent is barred by reason of the applicable provisions of Public Health Law § 2805(d)(4) in that Plaintiff cannot establish: (1) that a reasonably prudent person in the Plaintiff's position would not have undergone the treatment or diagnosis if he or she had been fully informed; and (2) that the alleged lack of informed consent

is a proximate cause of the injury or condition for which recovery is sought. Therefore, Defendant invokes the protection of Public Health Law § 2805(d)(4) with respect to the alleged cause of action for informed consent and reserves all rights pursuant thereto.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. The Defendant will claim that it acted at all times within good and accepted medical practice, and that no actions on his/her part were the proximate cause of any injury to the Plaintiff. To the extent that Plaintiff may prove at trial that the Plaintiff's claimed injuries were the result of negligence and/or malpractice, to the extent that discovery so demonstrates, the Defendant will contend that if there was negligence, it was committed by parties over whom he/she had no control nor any right to exercise control.

WHEREFORE, Defendant **THE MOUNT SINAI HOSPITAL** (the "HOSPITAL") demands judgment dismissing the Verified Complaint of the Plaintiff, together with the costs and disbursements of this action.

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of this paper or the contentions herein are not frivolous, as that term is defined in Part 130 of the Court Rules.

Dated: New York, New York
November 15, 2011

Yours, etc.,

KAUFMAN BORGEEST & RYAN LLP

By: 

David G. Kelton, Esq.
Attorneys for Defendant,
THE MOUNT SINAI HOSPITAL
(the "Hospital")
120 Broadway – 14th Floor
New York, New York 10271
Telephone No. (212) 980-9600
Fax No. (212) 980-9291

File No. 922.020

TO: Christine Coscia, Esq.
LAW OFFICE OF ROBERT F. DANZI
Attorneys for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

Re: Shara DeJesus v. Planned Parenthood

**CORPORATE VERIFICATION ON BEHALF
OF THE MOUNT SINAI HOSPITAL**

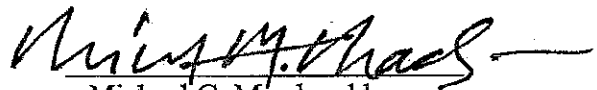
STATE OF NEW YORK)

SS:

COUNTY OF NEW YORK)

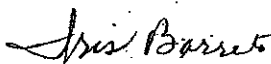
MICHAEL G. MACDONALD, being duly sworn, deposes and says that deponent is Executive Vice President and General Counsel of THE MOUNT SINAI HOSPITAL, the corporation named in the within action; that deponent has read the foregoing Answer and knows the contents thereof; that same is true to deponent's knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true.

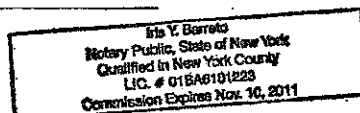
This verification is made by deponent because THE MOUNT SINAI HOSPITAL is a domestic corporation. Deponent is an officer thereof, to wit, its Executive Vice President and General Counsel. The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows: Records and files kept by The Mount Sinai Hospital during the normal course of business as a Hospital.



Michael G. Macdonald
Executive Vice President
and General Counsel

Sworn to before me this 4th
day of November, 2011.


Notary Public



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

-----X
SHARA DEJESUS,

Index No. 150347-2011

Plaintiff,

-against-

**VERIFIED ANSWER TO THE
VERIFIED COMPLAINT**

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG
ISLAND MEDICAL GROUP, P.C., MICHAEL
ALAN LEE, M.D., BHANUMATHY
VINAYAGASUNDARAM, M.D., JOHN T.
MATHER MEMORIAL HOSPITAL, THE MOUNT
SINAI HOSPITAL and MIRIAM CREMER, M.D.,

Defendants.

-----X

The Defendant, **MIRIAM CREMER, M.D.**, by and through her attorneys, **KAUFMAN BORGEEST & RYAN LLP**, as and for her response to Plaintiff's Verified Complaint alleges the following upon information and belief:

1. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraphs designated "1", "2", "3", "4", "5", "6", "7", "8", "9", "10", "11", "13", "14", "15", "17", "18", "19", "20", "21", "22", "23", "25", "26" and "27" of the Plaintiff's Verified Complaint.

2. Denies in the form alleged each and every allegation contained in paragraph designated "12" of the Plaintiff's Verified Complaint, but admits that **MIRIAM CREMER, M.D.** is licensed to practice medicine in New York State.

3. Denies in the form alleged each and every allegation contained in paragraph designated "16", "24", "28", "29" and "30" of the Plaintiff's Verified Complaint and respectfully

refer all questions of fact to the trier of fact and respectfully refer all questions of law to this honorable court for judicial determination.

4. Denies in the form alleged each and every allegation contained in paragraph designated "31" of the Plaintiff's Verified Complaint.

5. Denies each and every allegation contained in paragraphs designated "32", "33", "34", "35", "36", "37", "38", "39", "40", "41" and "42" of the Plaintiff's Verified Complaint.

AFFIRMATIVE DEFENSES

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. Upon information and belief, Plaintiff's economic loss, if any, as specified in §4545 of the CPLR, was or will be replaced or indemnified, in whole or in part, from collateral sources, and the answering Defendant is entitled to have the Court consider the same in determining such special damages as provided in §4545 of the CPLR.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. That pursuant to CPLR §1600 et seq., if it is determined by verdict or decision that two or more tortfeasors are jointly liable to the Plaintiff, and if the liability of the answering Defendant is found to be 50% or less of the total liability assigned to all persons liable, the liability of such Defendant to Plaintiff for non-economic loss shall not exceed this Defendant's equitable share determined in accordance with the relative culpability of each person causing or contributing to the total liability for non economic loss.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. Upon information and belief, this Court did not acquire jurisdiction over the Defendant(s) herein in that said Defendant(s) was not legally served with process and

consequently the Court lacks jurisdiction pursuant to CPLR 308, over the person and property of this answering Defendant(s).

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. The Defendant will claim that it acted at all times within good and accepted medical practice, and that no actions on his/her part were the proximate cause of any injury to the Plaintiff. To the extent that Plaintiff may prove at trial that the Plaintiff's claimed injuries were the result of negligence and/or malpractice, to the extent that discovery so demonstrates, the Defendant will contend that if there was negligence, it was committed by parties over whom he/she had no control nor any right to exercise control.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

10. Plaintiff's claim for lack of informed consent is barred by reason of the applicable provisions of Public Health Law § 2805(d)(4) in that Plaintiff cannot establish: (1) that a reasonably prudent person in the Plaintiff's position would not have undergone the treatment or diagnosis if he or she had been fully informed; and (2) that the alleged lack of informed consent is a proximate cause of the injury or condition for which recovery is sought. Therefore, Defendant invokes the protection of Public Health Law § 2805(d)(4) with respect to the alleged cause of action for informed consent and reserves all rights pursuant thereto.

WHEREFORE, Defendant, **MIRIAM CREMER, M.D.**, demands judgment dismissing the Verified Complaint of the Plaintiff, together with the costs and disbursements of this action.

To the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of this paper or the contentions herein are not frivolous, as that term is defined in Part 130 of the Court Rules.

Dated: New York, New York
May 9, 2012

Yours, etc.,

KAUFMAN BORGEEST & RYAN LLP

By: 

David G. Kelton, Esq.

Attorneys for Defendant,
**MIRIAM CREMER, M.D. and
THE MOUNT SINAI HOSPITAL**
120 Broadway – 14th Floor
New York, New York 10271
Telephone No. (212) 980-9600
Fax No. (212) 980-9291
File No. 922.020

TO: Christine Coscia, Esq.
LAW OFFICE OF ROBERT F. DANZI
Attorneys for Plaintiff
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(516) 228-4226

SILVERSON, PARERES & LOMBARDI, LLP
Attorneys for Defendants
**QUEENS LONG ISLAND MEDICAL
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M.D. and BHANUMATHY
VINAYAGASUNDARAM, M.D.**
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New York, New York 10016
(212) 557-1810

**FUMUSO, KELLY, DeVERNA,
SNYDER, SWART & FARRELL**
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JOHN T. MATHER MEMORIAL HOSPITAL
110 Marcus Blvd.
Hauppauge, New York 11788
(631) 232-0200

McALOON & FRIEDMAN, P.C.
Attorneys for Defendant
**PLANNED PARENTHOOD HUDSON
PECONIC, INC.**
123 William Street, 25th Floor
New York, New York 10038
(212) 732-8700

VERIFICATION


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

DAVID G. KELTON, being duly sworn, states that he is a Partner with the law firm of KAUFMAN BORGEEST & RYAN LLP, attorneys for the Defendant MIRIAM CREMER, M.D. in this action and that the foregoing VERIFIED ANSWER is true to his knowledge, except as to those matters therein stated upon information and belief, and as to those matters he believes them to be true; that the grounds of his belief as to all matters not stated upon his knowledge are correspondence and other writings furnished by the Defendant and other documentations maintained in the office of her attorneys; and that the reason this Verification is not made by Defendant is that the Defendant resides in a county and state other than the county and state where her attorneys have their law office.

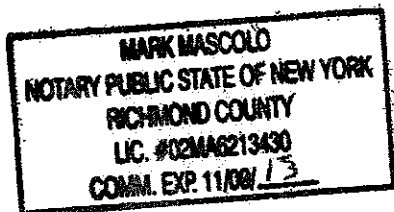


DAVID G. KELTON

Sworn to before me this 9th
day of May 2012



Notary Public



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

-----X
SHARA DEJESUS,

Index No.: 150347/11

Plaintiff,

**VERIFIED BILL OF
PARTICULARS**

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.
-----X

Plaintiff, SHARA DEJESUS, by her attorney, the LAW OFFICE OF ROBERT F.
DANZI, as and for her Response to Demand for a Verified Bill of Particulars of defendant,
PLANNED PARENTHOOD HUDSON PECONIC, INC., sets forth as follows:

1. a) Plaintiff, SHARA DEJESUS, date of birth is January 15, 1967.
b) 338 Boyle Road, Selden, New York 11784.
c) 338 Boyle Road, Selden, New York 11784.
d) Not applicable. There is no loss of consortium claim.
e) Johanna DeJesus whose date of birth is December 13, 1990 and Jenise
DeJesus whose date of birth is May 7, 1989.

2. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806,
673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of
Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept.
1978). Not foregoing this objection, see paragraph "7" below.

3. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph “7” below.

4. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph “7” below.

5. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph “7” below.

6. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph “7” below.

7. Defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., its agents, servants and/or employees were negligent and careless in the care and treatment of plaintiff, SHARA DEJESUS: in negligently failing to perform a termination of pregnancy in February 2010; in failing to completely evacuate the uterus of products of conception in February 2010; in improperly performing ultrasound; in improperly interpreting ultrasound; in failing to use sonography during the procedure to guide the procedure or to determine that the uterus was properly evacuated; in failing to use sonography to confirm complete evacuation of the uterus at

the conclusion of the procedure; in negligent assessment of gestational age; in failing to note the topographical condition of plaintiff's uterus, specifically the pre-existent fibroids; in negligent selection of portions from the ultrasound to be made part of the chart and to be available for review; in negligent supervision and training of the ultrasound technician in the performance of the procedure, the identification of fibroids within the uterus and the selection of samples from the ultrasound study to be made part of the chart; in failing to adequately dilate plaintiff's cervix; in negligent selection of instrumentation; in inappropriate choice of a 6 mm cannula to empty the uterus; in failing to use proper and adequate suction for purposes of evacuation; in negligent surgical technique in the performance of the procedure; in failing to take into account the pre-existent topography of plaintiff's uterus, specifically fibroids, in performing and planning for the procedure pre, intra and post operatively; in failing to perform a proper and adequate pathological evaluation of the products of conception removed from plaintiff's uterus during the process of evacuation; in failing to appreciate the absence of placental or pre-placental products or cellular structures consistent with products of conception; in negligent evaluation of specimen for gestational age; in negligent evaluation of specimen for completeness; in negligent identification of villi and sac being present at the time of pathological evaluation; in failing to report to the surgeon the absence of placenta, fetal parts, villi or gestational sac; in failing to reorder sonogram; in failing to resuction; in failing to send products of conception specimen for further evaluation; in inadequate discharge instructions; in negligent discharge follow up; in negligently failing to timely inform plaintiff of results of blood draw to establish Rh factor; in failing to maintain an adequate index of suspicion; in failing and neglecting to timely, adequately, and properly perform, request, obtain, use, utilize, administer and/or evaluate necessary diagnostic examinations, tests and/or consultations; in failing and neglecting to keep

adequate, complete, accurate, thorough and relevant records and notes upon which to rely, or to otherwise adequately memorialize and/or record relevant information, history, complaints, signs, symptoms and findings; in failing to inform plaintiff and/or her representative of the risks, hazards and/or alternatives to treatment rendered; in failing to properly correlate and/or evaluate the findings and history obtained; in failing to obtain necessary, timely and/or adequate consultation with other medical professionals; in failing to use and employ the best medical judgment; in failing to properly interpret diagnostic and laboratory tests and studies; in failing to fully appreciate the significance of plaintiff's presenting condition; in failing and/or neglecting to expect, anticipate and/or foresee the danger, risk, harm and injury; in failing to take all necessary steps to timely and/or properly correct and/or repair plaintiff's condition; in failing and/or neglecting to use reasonable care and/or diligence in safeguarding and/or protecting plaintiff; in failing to administer, recommend and/or ensure administration and recommendation of proper course of medical treatment for plaintiff's condition; in failing to keep abreast of current medical customs and practice; in failing to perform necessary and/or further diagnostic work-up and/or treatment in a timely and/or diligent fashion and/or ensure performance of same; in failing to possess the degree of medical skill and knowledge necessary under the circumstances; in allowing the plaintiff to languish without appropriate medical care; in failing to arrange for follow-up care; in negligently allowing plaintiff's condition to deteriorate; in failing to timely and properly formulate a differential diagnosis; in failing to timely and properly recognize the significance of, determine the etiology of and act upon plaintiff's presenting condition; in lack of informed consent; and in failing to disclose to the plaintiff alternatives to treatment rendered and the reasonably foreseeable risks and benefits involved as a reasonable medical practitioner under

similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

8. The 6 mm cannula was not the proper tool to evacuate plaintiff's uterus of products of conception given the topography of her uterus. Plaintiff reserves her right to amend pending completion of discovery.

9. Plaintiff has no knowledge of the names, addresses, physical appearances and/or occupations of each and every person who performed such acts and/or omissions other than the named defendants herein. It will be claimed that the named defendants are vicariously liable for the acts and/or omissions of their partners, agents, servants and/or employees, including the named individuals who treated plaintiff, and whose names, identities and descriptions are not known to plaintiff, but whose names appear on the medical and hospital records and are known more readily to the answering defendant.

10. Defendants, their agents, servants and/or employees were negligent in failing to properly inform plaintiff of the risks, hazards, complications and potential complications arising from the performance of the treatment rendered herein; failing to disclose to the plaintiff alternatives to the treatment rendered and the reasonably foreseeable risks, benefits and alternatives involved as a reasonable medical practitioner under similar circumstances would have disclosed, in a manner permitting the plaintiff to make a knowledgeable evaluation. Had such risk been disclosed, plaintiff would not have undergone the treatment rendered. This demand is rejected in all other aspects as inappropriate for bill of particulars and objected to as evidentiary in nature.

11. Upon information and belief, the negligent acts and/or omissions charged against defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., occurred from February 22, 2010 up to and including May 15, 2010.

12. a) See paragraph "11" above.

b) The negligent acts and/or omissions charged against defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC. took place at PLANNED PARENTHOOD HUDSON PECONIC, INC., located at 4 Skyline Drive, Hawthorne, New York 10532.

13. Termination of pregnancy.

14. As a result of the carelessness, negligence and malpractice of defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., its agents, servants and/or employees, plaintiff, SHARA DEJESUS, sustained the following serious and permanent personal injuries:

- failed termination of pregnancy;
- endometritis;
- anemia;
- blood loss;
- severe sepsis;
- fever and chills;
- temperature of 106;
- need for cooling blanket and ice packs;
- profound hypovolemia;
- hydronephrosis and hydroureter;
- enlarged uterus;

- total abdominal hysterectomy*;
- hormonal changes as a consequence of hysterectomy*;
- hemodynamic instability;
- infection;
- need for transfusions;
- need for antibiotics;
- sterility*;
- vaginal bleeding;
- pain;
- vaginal discharge;
- palpitations
- emotional pain;
- sexual avoidance;
- protracted hospitalization;
- disorientation;
- abdominal swelling;
- need to undergo repeat abortion;
- need for unnecessary surgeries;
- economic loss;
- loss of income.

15. Dr. Elizabeth Jeremias located at 640 Hawkins Ave., Ronkonkoma, New York;
 Dr. Michael A. Lee located at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Palivan located
 at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Richard Rose located at 5400 Nesconset

Highway, Port Jefferson Station, New York 11776; Dr. Stanley Ostrow located at 235 N. Belle Mead Road, East Setauket, New York 11733; and Dr. Phillibert located at 6 Technology Drive, East Setauket, New York 11733.

16. Plaintiff, SHARA DEJESUS, was confined to John T. Mather Memorial Hospital located at 75 North Country Road, Port Jefferson, New York 11777, on April 13, 2010 and from June 8, 2010 up to and including June 25, 2010; The Mount Sinai Hospital located at 1 Gustave L Levy Place, New York, New York 10029 from June 1, 2010 up to and including June 5, 2010; and Stony Brook University Hospital located at Nicolls Road, Stony Brook, New York from November 27, 2010 up to and including December 6, 2010.

17. Not applicable.

18. a) Plaintiff, SHARA DEJESUS, was confined to her home for approximately six months.

b) Plaintiff, SHARA DEJESUS, was confined to her bed for approximately two months.

19. a) Stony Brook University Hospital located at 101 Nicolls Road, Stony Brook, New York 11790.

b) Nurses Station Clerk.

c) Upon information and belief, \$28,649.00.

d) Plaintiff, SHARA DEJESUS's last date of work was April 12, 2010.

e) See "19a" above.

f) To be provided.

20. Special damages are currently unknown but would be the amounts of bills

incurred by plaintiff from the defendants herein, any hospitals and doctors she has or will treat with in relation to the malpractice. Plaintiff is currently not in possession of same. However, once received, the amounts will be included in a Supplemental Bill of Particulars.

21. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "26" below.

22. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "26" below.

23. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "26" below.

24. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "26" below.

25. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "26" below.

26. Defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., its agents, servants and/or employees were negligent and careless in the care and treatment of plaintiff, SHARA DEJESUS: in negligently failing to perform termination of pregnancy in May 2010; in failing to treat plaintiff on May 15, 2010; in abandoning plaintiff; in failing to take a proper history; in failing to appreciate the significance of the history received; in failing to timely perform a proper and complete physical; in failing to appreciate results of tests performed; in failing and neglecting to timely, adequately, and properly perform, request, obtain, use, utilize, administer and/or evaluate necessary diagnostic examinations, tests and/or consultations; in failing and neglecting to keep adequate, complete, accurate, thorough and relevant records and notes upon which to rely, or to otherwise adequately memorialize and/or record relevant information, history, complaints, signs, symptoms and findings; in failing to properly correlate and/or evaluate the findings and history obtained; in failing to obtain necessary, timely and/or adequate consultation with other medical professionals; in failing to use and employ the best medical judgment; in failing to maintain a suitable index of suspicion; in failing to properly interpret diagnostic and laboratory tests and studies; in failing to fully appreciate the significance of plaintiff's presenting condition; in failing and/or neglecting to expect, anticipate and/or foresee the danger, risk, harm and injury; in failing to take all necessary steps to timely and/or properly correct and/or repair plaintiff's presenting condition; in failing and/or neglecting to use reasonable care and/or diligence in safeguarding and/or protecting plaintiff; in failing to administer, recommend and/or ensure administration and recommendation of proper course of medical and/or surgical care and treatment for plaintiff's presenting condition; in failing to keep abreast of current medical customs and practice; in failing to perform necessary and/or further diagnostic work-up and/or treatment in a timely and/or diligent fashion and/or ensure

performance of same; in failing to possess the degree of medical skill and knowledge necessary under the circumstances; in allowing the patient to languish without appropriate medical care; in failing to form proper differential diagnoses and treatment; in failing to arrange for follow-up care; in negligently allowing plaintiff's condition to deteriorate; in failing to timely and properly formulate a differential diagnosis; in failing to timely and properly recognize the significance of, determine the etiology of and act upon the plaintiff's presenting condition; in lack of informed consent; and in failing to disclose to the plaintiff alternatives to treatment rendered and the reasonably foreseeable risks and benefits involved as a reasonable medical practitioner under similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

27. Plaintiff makes no claim for improper or defective equipment at this time, but reserves her right to amend pending completion of discovery.

28. Plaintiff has no knowledge of the names, addresses, physical appearances and/or occupations of each and every person who performed such acts and/or omissions other than the named defendants herein. It will be claimed that the named defendants are vicariously liable for the acts and/or omissions of their partners, agents, servants and/or employees, including the named individuals who treated plaintiff, and whose names, identities and descriptions are not known to plaintiff, but whose names appear on the medical and hospital records and are known more readily to the answering defendant.

29. Defendants, their agents, servants and/or employees were negligent in failing to properly inform plaintiff of the risks, hazards, complications and potential complications arising from the performance of the treatment rendered herein; failing to disclose to the plaintiff alternatives to the treatment rendered and the reasonably foreseeable risks, benefits and

alternatives involved as a reasonable medical practitioner under similar circumstances would have disclosed, in a manner permitting the plaintiff to make a knowledgeable evaluation. Had such risk been disclosed, plaintiff would not have undergone the treatment rendered. This demand is rejected in all other aspects as inappropriate for bill of particulars and objected to as evidentiary in nature.

30. Upon information and belief, the negligent acts and/or omissions charged against defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC., occurred from February 22, 2010 up to and including May 15, 2010.

31. a) See paragraph "30" above.

b) See paragraph "12b" above.

32. Termination of pregnancy.

33. See paragraph "14" above.

34. See paragraph "15" above.

35. See paragraph "16" above.

36. Not applicable.

37. See paragraph "18" above.

38. See paragraph "19" above.

39. See paragraph "20" above.

40. Objection. The information sought is overbroad, unduly burdensome and not likely to lead to discoverable information.

41. See paragraph "40" above.

42. Not applicable.

43. Not applicable.

44. Not applicable.

45. Not applicable.

46. Plaintiff, SHARA DEJESUS' social security number is 133-66-9924.

Plaintiff reserves her right to amend and/or supplement this response upon completion of discovery up to and through the trial of this matter.

Dated: Westbury, New York
March 19, 2012



LAW OFFICE OF ROBERT F. DANZI
Attorney for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

TO: McALOON & FRIEDMAN, P.C.
Attorneys for Defendant
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and BHANUMATHY VINAYAGASUNDARAM, M.D.,
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KAUFMAN, BORGEEST & RYAN, LLP
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THE MOUNT SINAI HOSPITAL
120 Broadway, 14th Floor
New York, New York 10271
(212) 980-9600

ATTORNEY'S VERIFICATION

CHRISTINE COSCIA, an attorney duly admitted to practice in the county of New York affirms under penalties of perjury:

I am an associate with the LAW OFFICE OF ROBERT F. DANZI, attorney for plaintiff.

I have read the attached BILL OF PARTICULARS and know the contents thereof; it is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. This verification is made by me because plaintiff does not reside within the county where we maintain our office.

Dated: Westbury, New York
March 19, 2012


CHRISTINE COSCIA

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

Kathleen Chiddo, being sworn, says:

I am not a party to the action, am over 18 years of age and reside at Bethpage, New York.

On March 19, 2012 I served the within

VERIFIED BILL OF PARTICULARS

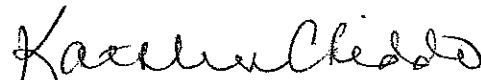
by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth herein, as follows:

FUMUSO, KELLY, DeVERNA, SNYDER, SWART & FARRELL, LLP
Attorneys for Defendant
JOHN T. MATHER MEMORIAL HOSPITAL
110 Marcus Blvd.
Hauppauge, NY 11788
(631) 232-0200

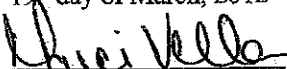
SILVERSON, PARERES & LOMBARDI, LLP
Attorneys for Defendants
QUEENS LONG ISLAND MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
and BHANUMATHY VINAYAGASUNDARAM, M.D.,
192 Lexington Avenue, 17th Floor
New York, NY 10016
(212) 557-1810

McALOON & FRIEDMAN, P.C.
Attorneys for Defendant
PLANNED PARENTHOOD HUDSON PECONIC, INC.
123 William Street, 25th Floor
New York, NY 10038
(212) 732-8700

KAUFMAN, BORGEESE & RYAN, LLP
Attorneys for Defendant
THE MOUNT SINAI HOSPITAL
120 Broadway, 14th Floor
New York, New York 10271
(212) 980-9600


Kathleen Chiddo

Sworn to before me this
19th day of March, 2012


Notary Public

MARC VELLA
Notary Public, State of New York
No. 01VE6066189
Qualified in Nassau County
Commission Expires ~~November 13, 20~~

1/18/14

INDEX NO.: 150347/11
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.

VERIFIED BILL OF PARTICULARS

Law Office of Robert F. Danzi
Attorney for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
T: (516) 228-4226
F: (516) 228-6569

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

-----X
SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.
-----X

Index No.: 150347/11

**VERIFIED BILL OF
PARTICULARS**

Plaintiff, SHARA DEJESUS, by her attorney, the LAW OFFICE OF ROBERT F. DANZI, as and for her Response to Demand for a Verified Bill of Particulars of defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., sets forth as follows:

1. a) Upon information and belief, the negligent acts and/or omissions charged against defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., occurred from March 8, 2010 up to and including June 2011.
- b) The negligent acts and/or omissions charged against defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., took place at QUEENS LONG ISLAND MEDICAL GROUP, P.C., located at 640 Hawkins Avenue, Ronkonkoma, New York 11779.
2. Defendant, QUEENS LONG ISLAND MEDICAL GROUP, P.C., its agents, servants and/or employees were negligent and careless in the care and treatment of plaintiff, SHARA DEJESUS: in failing to take a proper history; in failing to take a proper history which would have included a history of recent termination of pregnancy; in failing to take a proper

history, specifically failing to inquire and note the absence of menses; in failing to perform a proper physical examination; in failing to have a proper and appropriate index of suspicion in light of plaintiff's recent termination of pregnancy; in failing to perform a proper diagnosis in not identifying that plaintiff was pregnant; in failing to perform a pelvic sonogram; in failing to order a pelvic sonogram; in failing to perform a proper pelvic examination; in failing to properly screen for malignant neoplasm; in failing to properly work up complaints of left inguinal pain; in failing to properly work up complaints of lower back pain; in failing to properly consider that plaintiff had a procedure to evacuate her uterus during the month of February 2010; in failing to properly evaluate plaintiff's leiomyoma of the uterus; in failing to properly work up plaintiff's dysfunctional uterine bleeding; in failing to properly work up plaintiff's dyspareunia; in failing to work up and investigate the absence of menses; in failing to perform a proper blood work up including but not limited to tests to determine plaintiff's HCG levels and other measures to confirm or rule out pregnancy; in failing to note and investigate plaintiff's fever; in failing order proper medications specifically antibiotics; in failing to treat plaintiff who called with fever and post-operative signs and symptoms of infection; in failing to perform a proper differential diagnosis; in failing to properly treat infection; in failing to properly diagnose infection; in failing to properly investigate the signs and symptoms of infection; in failing to adequately clear plaintiff for surgery; in failing to maintain an adequate index of suspicion; in failing and neglecting to timely, adequately, and properly perform, request, obtain, use, utilize, administer and/or evaluate necessary diagnostic examinations, tests and/or consultations; in failing and neglecting to keep adequate, complete, accurate, thorough and relevant records and notes upon which to rely, or to otherwise adequately memorialize and/or record relevant information, history, complaints, signs, symptoms and findings; in failing to properly correlate and/or

evaluate the findings and history obtained; in failing to obtain necessary, timely and/or adequate consultation with other medical professionals; in failing to use and employ the best medical judgment; in failing to properly interpret diagnostic and laboratory tests and studies; in failing to fully appreciate the significance of plaintiff's presenting condition; in failing and/or neglecting to expect, anticipate and/or foresee the danger, risk, harm and injury; in failing to take all necessary steps to timely and/or properly correct and/or repair plaintiff's presenting condition; in failing and/or neglecting to use reasonable care and/or diligence in safeguarding and/or protecting plaintiff; in failing to administer, recommend and/or ensure administration and recommendation of proper course of medical and treatment for plaintiff's presenting condition; in failing to keep abreast of current medical customs and practice; in failing to perform necessary and/or further diagnostic work-up and/or treatment in a timely and/or diligent fashion and/or ensure performance of same; in failing to possess the degree of medical skill and knowledge necessary under the circumstances; in allowing the plaintiff to languish without appropriate medical care; in failing to arrange for follow-up care; in negligently allowing plaintiff's condition to deteriorate; in failing to timely and properly formulate a differential diagnosis; in failing to timely and properly recognize the significance of, determine the etiology of and act upon plaintiff's presenting condition; in lack of informed consent; and in failing to disclose to the plaintiff alternatives to treatment rendered and the reasonably foreseeable risks and benefits involved as a reasonable medical practitioner under similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

3. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of*

Brooklyn, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "2" above.

4. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "2" above.

5. Left inguinal pain, lower back pain, fever, signs and symptoms of infection, and all complaints, signs and symptoms contained within the John T. Mather Memorial Hospital chart.

6. As a result of the carelessness, negligence and malpractice of defendant, JOHN T. MATHER MEMORIAL HOSPITAL, its agents, servants and/or employees, plaintiff, SHARA DEJESUS, sustained the following serious and permanent personal injuries:

- failed termination of pregnancy;
- endometritis;
- anemia;
- blood loss;
- severe sepsis;
- fever and chills;
- temperature of 106;
- need for cooling blanket and ice packs;
- profound hypovolemia;
- hydronephrosis and hydroureter;
- enlarged uterus

- total abdominal hysterectomy*;
- hormonal changes as a consequence of hysterectomy*;
- hemodynamic instability;
- infection;
- need for transfusions;
- need for antibiotics;
- sterility*;
- vaginal bleeding;
- pain;
- vaginal discharge;
- palpitations
- emotional pain;
- sexual avoidance;
- protracted hospitalization;
- disorientation;
- abdominal swelling;
- need to undergo repeat abortion;
- need for unnecessary surgeries;
- economic loss;
- loss of income.

All injuries with an asterisk (*) are permanent in nature.

7. Dr. Elizabeth Jeremias located at 640 Hawkins Ave., Ronkonkoma, New York;

Dr. Michael A. Lee located at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Palivan located

at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Richard Rose located at 5400 Nesconset Highway, Port Jefferson Station, New York 11776; Dr. Stanley Ostrow located at 235 N. Belle Mead Road, East Setauket, New York 11733; and Dr. Phillibert located at 6 Technology Drive East Setauket, New York 11733.

8. Plaintiff, SHARA DEJESUS, was confined to John T. Mather Memorial Hospital located at 75 North Country Road, Port Jefferson, New York 11777, on April 13, 2010 and from June 8, 2010 up to and including June 25, 2010; The Mount Sinai Hospital located at 1 Gustave L Levy Place, New York, New York 10029 from June 1, 2010 up to and including June 5, 2010; and Stony Brook University Hospital located at Nicolls Road, Stony Brook, New York from November 27, 2010 up to and including December 6, 2010.

9. a) See paragraph "8" above.
- b) Plaintiff, SHARA DEJESUS, was confined to her home for approximately six months.
- c) Plaintiff, SHARA DEJESUS, was confined to her bed for approximately two months.

10. Plaintiff, SHARA DEJESUS, date of birth is January 15, 1967 she resides at 338 Boyle Road, Selden, New York 11784.

11. Plaintiff has no knowledge of the names, addresses, physical appearances and/or occupations of each and every person who performed such acts and/or omissions other than the named defendants herein. It will be claimed that the named defendants are vicariously liable for the acts and/or omissions of their partners, agents, servants and/or employees, including the named individuals who treated plaintiff, and whose names, identities and descriptions are not

known to plaintiff, but whose names appear on the medical and hospital records and are known more readily to the answering defendant.

12. a) Stony Brook University Hospital located at 101 Nicolls Road, Stony Brook, New York 11790.
 - b) Nurses Station Clerk.
 - c) Upon information and belief, \$28,649.00.
 - d) Plaintiff, SHARA DEJESUS's last date of work was on April 12, 2010.
 - e) To be provided.
 - f) From April 12, 2010 up to and including March 14, 2011.
13. a-e, g) Special damages are currently unknown but would be the amounts of bills incurred by plaintiff from the defendants herein, any hospitals and doctors she has or will treat with in relation to the malpractice. Plaintiff is currently not in possession of same. However, once received, the amounts will be included in a Supplemental Bill of Particulars.
- f) Not applicable.
14. Not applicable.
15. This demand is palpably improper as it seeks disclosure of items inappropriate for a bill of particulars and not discoverable under CPLR Article 30, *Bharwani v. Rosario*, 180 A.D.2d 704, 579 N.Y.S.2d 727 (2d Dept.1992). Not foregoing this objection, an authorization for HIP has been provided.
16. Defendants, their agents, servants and/or employees were negligent in failing to properly inform plaintiff of the risks, hazards, complications and potential complications arising from the performance of the treatment rendered herein; failing to disclose to the plaintiff

alternatives to the treatment rendered and the reasonably foreseeable risks, benefits and alternatives involved as a reasonable medical practitioner under similar circumstances would have disclosed, in a manner permitting the plaintiff to make a knowledgeable evaluation. Had such risk been disclosed, plaintiff would not have undergone the treatment rendered. This demand is rejected in all other aspects as inappropriate for bill of particulars and objected to as evidentiary in nature.

17. See paragraph "16" above.

18. Plaintiff, SHARA DEJESUS' social security number is 133-66-9924.

19. Not applicable.

Plaintiff reserves her right to amend and/or supplement this response upon completion of discovery up to and through the trial of this matter.

Dated: Westbury, New York
March 19, 2012



LAW OFFICE OF ROBERT F. DANZI
Attorney for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
(516) 228-4226

TO: SILVERSON, PARERES & LOMBARDI, LLP
Attorneys for Defendants
QUEENS LONG ISLAND MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
and BHANUMATHY VINAYAGASUNDARAM, M.D.,
192 Lexington Avenue, 17th Floor
New York, NY 10016
(212) 557-1810

FUMUSO, KELLY, DeVERNA, SNYDER, SWART & FARRELL, LLP
Attorneys for Defendant
JOHN T. MATHER MEMORIAL HOSPITAL
110 Marcus Blvd.
Hauppauge, NY 11788
(631) 232-0200

McALOON & FRIEDMAN, P.C.
Attorneys for Defendant
PLANNED PARENTHOOD HUDSON PECONIC, INC.
123 William Street, 25th Floor
New York, NY 10038
(212) 732-8700

KAUFMAN, BORGEEST & RYAN, LLP
Attorneys for Defendant
THE MOUNT SINAI HOSPITAL
120 Broadway, 14th Floor
New York, New York 10271
(212) 980-9600

ATTORNEY'S VERIFICATION

CHRISTINE COSCIA, an attorney duly admitted to practice in the county of New York affirms under penalties of perjury:

I am an associate with the LAW OFFICE OF ROBERT F. DANZI, attorney for plaintiff.

I have read the attached BILL OF PARTICULARS and know the contents thereof; it is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. This verification is made by me because plaintiff does not reside within the county where we maintain our office.

Dated: Westbury, New York
March 19, 2012


CHRISTINE COSCIA

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

Kathleen Chiddo, being sworn, says:

I am not a party to the action, am over 18 years of age and reside at Bethpage, New York.

On March 19, 2012 I served the within

VERIFIED BILL OF PARTICULARS

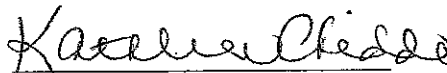
by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth herein, as follows:

FUMUSO, KELLY, DeVERNA, SNYDER, SWART & FARRELL, LLP
Attorneys for Defendant
JOHN T. MATHER MEMORIAL HOSPITAL
110 Marcus Blvd.
Hauppauge, NY 11788
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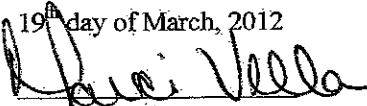
SILVERSON, PARERES & LOMBARDI, LLP
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QUEENS LONG ISLAND MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
and BHANUMATHY VINAYAGASUNDARAM, M.D.,
192 Lexington Avenue, 17th Floor
New York, NY 10016
(212) 557-1810

McALOON & FRIEDMAN, P.C.
Attorneys for Defendant
PLANNED PARENTHOOD HUDSON PECONIC, INC.
123 William Street, 25th Floor
New York, NY 10038
(212) 732-8700

KAUFMAN, BORGEESE & RYAN, LLP
Attorneys for Defendant
THE MOUNT SINAI HOSPITAL
120 Broadway, 14th Floor
New York, New York 10271
(212) 980-9600


Kathleen Chiddo

Sworn to before me this
19th day of March, 2012


Notary Public

MARCI VELLA
Notary Public, State of New York
No. 01VE6066189
Qualified in Nassau County
Commission Expires November 23, 20
1/18/14

INDEX NO.: 150347/11
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.

VERIFIED BILL OF PARTICULARS

Law Office of Robert F. Danzi
Attorney for Plaintiff
900 Merchants Concourse, Suite 314
Westbury, New York 11590
T: (516) 228-4226
F: (516) 228-6569

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

-----X
SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.
-----X

Index No.: 150347/11

**VERIFIED BILL OF
PARTICULARS**

Plaintiff, SHARA DEJESUS, by her attorney, the LAW OFFICE OF ROBERT F. DANZI, as and for her Response to Demand for a Verified Bill of Particulars of defendant, MICHAEL ALAN LEE, M.D., sets forth as follows:

1. a) Upon information and belief, the negligent acts and/or omissions charged against defendant, MICHAEL ALAN LEE, M.D., occurred from March 8, 2010 up to and including June 2011.
- b) The negligent acts and/or omissions charged against defendant, MICHAEL ALAN LEE, M.D., took place at QUEENS LONG ISLAND MEDICAL GROUP, P.C., located at 640 Hawkins Avenue, Ronkonkoma, New York 11779.
2. Defendant, MICHAEL ALAN LEE, M.D., his agents, servants and/or employees were negligent and careless in the care and treatment of plaintiff, SHARA DEJESUS: in failing to take a proper history; in failing to take a proper history which would have included a history of recent termination of pregnancy; in failing to take a proper history, specifically failing to

inquire and note the absence of menses; in failing to perform a proper physical examination; in failing to have a proper and appropriate index of suspicion in light of plaintiff's recent termination of pregnancy; in failing to perform a proper diagnosis in not identifying that plaintiff was pregnant; in failing to perform a pelvic sonogram; in failing to order a pelvic sonogram; in failing to perform a proper pelvic examination; in failing to properly screen for malignant neoplasm; in failing to properly work up complaints of left inguinal pain; in failing to properly work up complaints of lower back pain; in failing to properly consider that plaintiff had a procedure to evacuate her uterus during the month of February 2010; in failing to properly evaluate plaintiff's leiomyoma of the uterus; in failing to properly work up plaintiff's dysfunctional uterine bleeding; in failing to properly work up plaintiff's dyspareunia; in failing to work up and investigate the absence of menses; in failing to timely perform a proper blood work up including but not limited to tests to determine plaintiff's HCG levels and other measures to confirm or rule out pregnancy; in failing to note and investigate plaintiff's fever; in failing to order proper medications specifically antibiotics; in failing to treat plaintiff who called with fever and post-operative signs and symptoms of infection; in failing to perform a proper differential diagnosis; in failing to properly treat infection; in failing to properly diagnose infection; in failing to properly investigate the signs and symptoms of infection; in failing to adequately clear plaintiff for surgery; in failing to maintain an adequate index of suspicion; in failing and neglecting to timely, adequately, and properly perform, request, obtain, use, utilize, administer and/or evaluate necessary diagnostic examinations, tests and/or consultations; in failing and neglecting to keep adequate, complete, accurate, thorough and relevant records and notes upon which to rely, or to otherwise adequately memorialize and/or record relevant information, history, complaints, signs, symptoms and findings; in failing to properly correlate and/or

evaluate the findings and history obtained; in failing to obtain necessary, timely and/or adequate consultation with other medical professionals; in failing to use and employ the best medical judgment; in failing to properly interpret diagnostic and laboratory tests and studies; in failing to fully appreciate the significance of plaintiff's presenting condition; in failing and/or neglecting to expect, anticipate and/or foresee the danger, risk, harm and injury; in failing to take all necessary steps to timely and/or properly correct and/or repair plaintiff's presenting condition; in failing and/or neglecting to use reasonable care and/or diligence in safeguarding and/or protecting plaintiff; in failing to administer, recommend and/or ensure administration and recommendation of proper course of medical and treatment for plaintiff's presenting condition; in failing to keep abreast of current medical customs and practice; in failing to perform necessary and/or further diagnostic work-up and/or treatment in a timely and/or diligent fashion and/or ensure performance of same; in failing to possess the degree of medical skill and knowledge necessary under the circumstances; in allowing the plaintiff to languish without appropriate medical care; in failing to arrange for follow-up care; in negligently allowing plaintiff's condition to deteriorate; in failing to timely and properly formulate a differential diagnosis; in failing to timely and properly recognize the significance of, determine the etiology of and act upon plaintiff's presenting condition; in lack of informed consent; and in failing to disclose to the plaintiff alternatives to treatment rendered and the reasonably foreseeable risks and benefits involved as a reasonable medical practitioner under similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

3. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of*

Brooklyn, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "2" above.

4. This demand is palpably improper pursuant to *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dept. 1998) and *Patterson v. Jewish Hospital & Medical Center of Brooklyn*, 94 Misc.2d 680, 405 N.Y.S.2d 194, *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dept. 1978). Not foregoing this objection, see paragraph "2" above.

5. Left inguinal pain, lower back pain, fever, signs and symptoms of infection, and all complaints, signs and symptoms contained within the John T. Mather Memorial Hospital chart.

6. As a result of the carelessness, negligence and malpractice of defendant, MICHAEL ALAN LEE, M.D., his agents, servants and/or employees, plaintiff, SHARA DEJESUS, sustained the following serious and permanent personal injuries:

- failed termination of pregnancy;
- endometritis;
- anemia;
- blood loss;
- severe sepsis;
- fever and chills;
- temperature of 106;
- need for cooling blanket and ice packs;
- profound hypovolemia;
- hydronephrosis and hydroureter;
- enlarged uterus

- total abdominal hysterectomy*;
- hormonal changes as a consequence of hysterectomy*;
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- palpitations
- emotional pain;
- sexual avoidance;
- protracted hospitalization;
- disorientation;
- abdominal swelling;
- need to undergo repeat abortion;
- need for unnecessary surgeries;
- economic loss;
- loss of income.

All injuries with an asterisk (*) are permanent in nature.

7. Dr. Elizabeth Jeremias located at 640 Hawkins Ave., Ronkonkoma, New York;

Dr. Michael A. Lee located at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Palivan located

at 640 Hawkins Ave., Ronkonkoma, New York; Dr. Richard Rose located at 5400 Nesconset Highway, Port Jefferson Station, New York 11776; Dr. Stanley Ostrow located at 235 N. Belle Mead Road, East Setauket, New York 11733; and Dr. Phillibert located at 6 Technology Drive East Setauket, New York 11733.

8. Plaintiff, SHARA DEJESUS, was confined to John T. Mather Memorial Hospital located at 75 North Country Road, Port Jefferson, New York 11777, on April 13, 2010 and from June 8, 2010 up to and including June 25, 2010; The Mount Sinai Hospital located at 1 Gustave L Levy Place, New York, New York 10029 from June 1, 2010 up to and including June 5, 2010; and Stony Brook University Hospital located at Nicolls Road, Stony Brook, New York from November 27, 2010 up to and including December 6, 2010.

9. a) See paragraph "8" above.
- b) Plaintiff, SHARA DEJESUS, was confined to her home for approximately six months.
- c) Plaintiff, SHARA DEJESUS, was confined to her bed for approximately two months.

10. Plaintiff, SHARA DEJESUS, date of birth is January 15, 1967 she resides at 338 Boyle Road, Selden, New York 11784.

11. Plaintiff has no knowledge of the names, addresses, physical appearances and/or occupations of each and every person who performed such acts and/or omissions other than the named defendants herein. It will be claimed that the named defendants are vicariously liable for the acts and/or omissions of their partners, agents, servants and/or employees, including the named individuals who treated plaintiff, and whose names, identities and descriptions are not

known to plaintiff, but whose names appear on the medical and hospital records and are known more readily to the answering defendant.

12. a) Stony Brook University Hospital located at 101 Nicolls Road, Stony Brook, New York 11790.
- b) Nurses Station Clerk.
- c) Upon information and belief, \$28,649.00.
- d) Plaintiff, SHARA DEJESUS's last date of work was on April 12, 2010.
- e) To be provided.
- f) From April 12, 2010 up to and including March 14, 2011.

13. a-e, g) Special damages are currently unknown but would be the amounts of bills incurred by plaintiff from the defendants herein, any hospitals and doctors she has or will treat with in relation to the malpractice. Plaintiff is currently not in possession of same. However, once received, the amounts will be included in a Supplemental Bill of Particulars.

f) Not applicable.

14. Not applicable.

15. This demand is palpably improper as it seeks disclosure of items inappropriate for a bill of particulars and not discoverable under CPLR Article 30, *Bharwani v. Rosario*, 180 A.D.2d 704, 579 N.Y.S.2d 727 (2d Dept.1992). Not foregoing this objection, an authorization for HIP has been provided.

16. Defendants, their agents, servants and/or employees were negligent in failing to properly inform plaintiff of the risks, hazards, complications and potential complications arising from the performance of the treatment rendered herein; failing to disclose to the plaintiff

alternatives to the treatment rendered and the reasonably foreseeable risks, benefits and alternatives involved as a reasonable medical practitioner under similar circumstances would have disclosed, in a manner permitting the plaintiff to make a knowledgeable evaluation. Had such risk been disclosed, plaintiff would not have undergone the treatment rendered. This demand is rejected in all other aspects as inappropriate for bill of particulars and objected to as evidentiary in nature.

17. See paragraph "16" above.

18. Plaintiff, SHARA DEJESUS' social security number is 133-66-9924.

19. Not applicable.

Plaintiff reserves her right to amend and/or supplement this response upon completion of discovery up to and through the trial of this matter.

Dated: Westbury, New York
March 19, 2012



LAW OFFICE OF ROBERT F. DANZI
Attorney for Plaintiff
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ATTORNEY'S VERIFICATION

CHRISTINE COSCIA, an attorney duly admitted to practice in the county of New York affirms under penalties of perjury:

I am an associate with the LAW OFFICE OF ROBERT F. DANZI, attorney for plaintiff.

I have read the attached BILL OF PARTICULARS and know the contents thereof; it is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. This verification is made by me because plaintiff does not reside within the county where we maintain our office.

Dated: Westbury, New York
March 19, 2012


CHRISTINE COSCIA

INDEX NO.: 150347/11
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

SHARA DEJESUS,

Plaintiff,

- against -

PLANNED PARENTHOOD HUDSON PECONIC,
INC., "JOHN DOE", M.D., QUEENS LONG ISLAND
MEDICAL GROUP, P.C., MICHAEL ALAN LEE, M.D.,
BHANUMATHY VINAYAGASUNDARAM, M.D.,
JOHN T. MATHER MEMORIAL HOSPITAL, THE
MOUNT SINAI HOSPITAL and MIRIAM CREMER,
M.D.,

Defendants.

VERIFIED BILL OF PARTICULARS

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