

Certification

STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

I, Milton Adair Tingling, County Clerk and Clerk of Supreme Court New York County,

do hereby certify that on August 2, 2016 I have compared

the document attached hereto,

ORDER page(s) 1

with the originals filed in my office and the same is a correct transcript

therefrom and of the whole of such original in witness

whereto I have affixed my signature and seal.



**MILTON ADAIR TINGLING
NEW YORK COUNTY CLERK**

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

PRESENT: Hon. HELEN E. FREEDMAN
Justice

PART 30 (8)

In re: Tonya Jackson

- v -

Harlem Hospital

INDEX NO. 113962/94
MOTION DATE _____
MOTION SEQ. NO. 001
MOTION CAL. NO. _____

The following papers, numbered 1 to _____ were read on this motion to/for _____

Notice of Motion/ Order to Show Cause — Affidavits — Exhibits _____

Answering Affidavits — Exhibits _____

Replying Affidavits _____

Cross-Motion: [] Yes [X] No

SUPPORT OFFICE
PAPERS NUMBERED
FILED
JUN 15 1994
COUNTY CLERK'S OFFICE
NEW YORK

Upon the foregoing papers, it is ordered that this motion for motion discovery
is granted. Upon payment of reproduction
costs Harlem Hospital shall furnish
withdrawal.

Dated: 8/9/94 HS

SUPREME COURT
STATE OF NEW YORK
RECEIVED
JUN 14 1994
I.A.S. MOTION
SUPPORT OFFICE

J.S.C.

Check one: [X] FINAL DISPOSITION [] NON-FINAL DISPOSITION

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I, Milton Adair Tingling, County Clerk and Clerk of Supreme Court New York County,

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ORDER TO SHOW CAUSE page(s) 2

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**MILTON ADAIR TINGLING
NEW YORK COUNTY CLERK**

At ~~20~~ I.A.S. Part , of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse located at 60 Centre Street, in the Borough of Manhattan, City and State of New York, on the 20 day of May, 1994

FILED
JUN 15 1994
COUNTY CLERK'S OFFICE
NEW YORK

P R E S E N T :

HON.

Helen Freedson
Justice.

----- X

In the Matter of the Application of TONYA JACKSON,

Petitioner,

ORDER TO SHOW CAUSE

For an Order pursuant to CPLR Section 3102(c) seeking pre-action discovery

Index No. *113962/94*

-against-

HARLEM HOSPITAL and EASTERN WOMEN'S HOSPITAL,

Respondents.

----- X

Upon reading and filing the annexed affirmation of PETER D. ROSENBERG, ESQ., duly affirmed the 3rd day of May, 1994, upon the Exhibits annexed hereto, and upon the due deliberation of this Court.

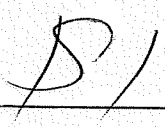
LET the said Respondents HARLEM HOSPITAL and EASTERN WOMEN'S HOSPITAL, show cause before I.A.S. Part 30, of the

Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse thereof, located at 60 Centre Street, New York, New York, on the ^{pm 324} 2 day of ~~May~~ ^{June} 1994, at ^{2:00} ~~9:30~~ o'clock in the forenoon of that day, or as soon thereafter as counsel may be heard, why an Order should not be issued pursuant to CPLR Section 3102(c) compelling the said Respondent~~s~~ to supply the Petitioner's attorneys with copies of medical records which have been requested, and for such other and further relief as to this Court may seem just and proper.

AND, it is further

ORDERED, that service of a copy of this Order and Affirmation upon the said Respondents, HARLEM HOSPITAL, at their address 506 Lenox Avenue, New York, New York 10037, and EASTERN WOMEN'S HOSPITAL, 44 East 30th Street, New York, New York 10016, on or before the ²⁸ day of May, 1994, shall be deemed sufficient.

E N T E R



J.S.C.

Certification

STATE OF NEW YORK, COUNTY OF NEW YORK, SS:

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**MILTON ADAIR TINGLING
NEW YORK COUNTY CLERK**



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

In the Matter of the Application of TONYA JACKSON, Petitioner, Plaintiff(s) For an Order pursuant to CPLR section 3102(c) seeking preaction discovery against HARLEM HOSPITAL and EASTERN WOMEN'S HOSPITAL, Defendant(s)

Index No. 113962/94

AFFIDAVIT OF SERVICE OF SUMMONS (AND COMPLAINT) ORDER TO SHOW CAUSE

STATE OF NEW YORK, COUNTY OF ROCKLAND SS: The undersigned, being duly sworn, deposes and says; deponent is not a party herein, is over 18 years of age and resides at SPRING VALLEY, NEW YORK. That on MAY 25, 19 94 at 4:58 P.M., at 506 LENNOX AVENUE, WP BUILDING, ROOM 136, NEW YORK, N.Y. deponent served the within summons and complaint on HARLEM HOSPITAL defendant therein named, ORDER TO SHOW CAUSE

- INDIVIDUAL 1. [] defendant therein. CORPORATION 2. [X] a DOMESTIC corporation, by delivering thereat a true copy of each to MS. L. CRADEL personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof. SUITABLE AGE PERSON 3. [] by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state. AFFIXING TO DOOR, ETC. 4. [] by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

- MAILING TO RESIDENCE USE WITH 3 OR 4 5A. [] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. MAILING TO BUSINESS USE WITH 3 OR 4 5B. [] Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, at in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, or 3 [X] Male [] White Skin [X] Black Hair [] White Hair [] 14-20 Yrs. [] Under 5' [] Under 100 Lbs. [X] Female [X] Black Skin [] Brown Hair [] Balding [X] 21-35 Yrs. [] 5'0"-5'3" [X] 100-130 Lbs. [] Yellow Skin [] Blonde Hair [] Mustache [] 36-50 Yrs. [] 5'4"-5'8" [] 131-160 Lbs. [] Brown Skin [] Gray Hair [] Beard [] 51-65 Yrs. [X] 5'9"-6'0" [] 161-200 Lbs. [] Red Skin [] Red Hair [] Glasses [] Over 65 Yrs. [] Over 6' [] Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT. [] The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE [] I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Aaron Ward (Signature) Print name beneath signature AARON WARD

Sworn to before me on May 26, 1994

IRVING BOTWINICK Notary Public, State of New York No. 01BO4857147 Qualified in Rockland County Commission Expires Oct. 31, 1995

License No. 908572

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.

Certification

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**MILTON ADAIR TINGLING
NEW YORK COUNTY CLERK**



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

In the Matter of the Application of TONYA JACKSON, Petitioner, Plaintiff(s) For an Order pursuant to CPLR section 3102(c) seeking preaction discovery against HARLEM HOSPITAL and EASTERN WOMEN'S HOSPITAL, Respondents, Defendant(s)

Index No. 113962/94

AFFIDAVIT OF SERVICE OF SUMMONS AND COMPLAINTS ORDER TO SHOW CAUSE

STATE OF NEW YORK, COUNTY OF ROCKLAND

SS:

The undersigned, being duly sworn, deposes and says; deponent

is not a party herein, is over 18 years of age and resides at SPRING VALLEY, NEW YORK.

That on MAY 25, 19 94 at 3:56 P.M., at 44 EAST 30th STREET, 7th FLOOR, NEW YORK, N.Y.

deponent served the within summons and complaint on EASTERN WOMEN'S HOSPITAL defendant therein named.

ORDER TO SHOW CAUSE

INDIVIDUAL

1.

by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2.

a DOMESTIC corporation, by delivering thereat a true copy of each to THOMAS KELLY personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be MANAGING AGENT thereof.

SUITABLE AGE PERSON

3.

by delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

AFFIXING TO DOOR, ETC.

4.

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

FILED JUN 15 1994 COUNTY CLERK'S OFFICE NEW YORK

MAILING TO RESIDENCE USE WITH 3 OR 4

5A.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at

MAILING TO BUSINESS USE WITH 3 OR 4

5B.

Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, at

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION USE WITH 1, 2, or 3

- Male, White Skin, Black Hair, White Hair, 14-20 Yrs., Under 5', Under 100 Lbs.
Female, Black Skin, Brown Hair, Balding, 21-35 Yrs., 5'0"-5'3", 100-130 Lbs.
Yellow Skin, Blonde Hair, Mustache, 36-50 Yrs., 5'4"-5'8", 131-160 Lbs.
Brown Skin, Gray Hair, Beard, 51-65 Yrs., 5'9"-6'0", 161-200 Lbs.
Red Skin, Red Hair, Glasses, Over 65 Yrs., Over 6', Over 200 Lbs.

Other identifying features:

USE IN NYC CIVIL CT.

The words "CONSUMER CREDIT TRANSACTION" were prominently displayed at the top of the summons(es) and the additional legend was printed in not less than 12 point bold upper case type on the summons(es) pursuant to 22 NYCRR §208.6(d) and (f).

MILITARY SERVICE

I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Defendant wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated.

Upon information and belief I aver that the recipient is not in military service of New York State or of the United States as that term is defined in either the State or in the Federal Constitutions.

IRVING BOTWINICK Notary Public, State of New York No. 01804857147. Qualified in Rockland County Commission Expires Oct. 31, 1995

Aaron Ward (Signature)

AARON WARD

Print name beneath signature

License No. 908572

Sworn to before me on

MAY 26, 1994

INSTRUCTIONS: Check appropriate boxes and fill in blanks. Delete inappropriate italicized language and military service allegation if not applicable.