



ATTORNEYS AT LAW

1050 HENCKES AVENUE - GARDEN CITY, NY 11530-1600

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WWW.HPMB.COM

**Peter DeNoto**  
**Partner**  
**pdenoto@hpmb.com**

February 6, 2018

Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
1355 Motor Parkway  
Islandia, New York 11749

RE: D'Avanzo v. Planned Parenthood Federation of America, Inc., et al.  
Our File No.: 125-2858

Dear Mr. Valet:

Please be advised we have served the Answer and initial discovery demands upon you by e-file.

E-filing of the verification page for IRWIN GOLDSTEIN, M.D. will follow shortly.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Peter DeNoto'.

Peter DeNoto

PD/ajl

HEIDELL, PITTONI, MURPHY & BACH, LLP

NEW YORK | CONNECTICUT | WESTCHESTER | LONG ISLAND

1809108.1



A FIRM AT LAW

ROSE F. GILLESPIE AVENUE, SUITE 200, NEW YORK, NY 11304-4000  
 TEL: 516-435-1000 FAX: 516-435-1001  
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**Peter DeNoto**  
**Partner**  
**pdenoto@hpmb.com**

February 6, 2018

Thomas P. Valet, Esq.  
 Rappaport, Glass, Levine & Zullo, LLP  
 1355 Motor Parkway  
 Islandia, New York 11749

RE: D'Avanzo v. Planned Parenthood Federation of America, Inc., et al.  
Our File No.: 125-2858

Dear Mr. Valet:

Please be advised that the Medicare Secondary Payer Statute ("MSP"), 42 U.S.C. §1395y, was enacted in 1980 to help control the increasing costs of the Medicare program. The statutory provisions under 42 U.S.C. §1395, combined with supporting provisions under the Code of Federal Regulations, including 42 C.F.R. §§411.40, et seq., are often collectively referred to as the MSP. The MSP requires that Medicare will not pay for medical treatment of accident-related injuries for Medicare beneficiaries where other payments, such as settlement agreements, have been made. Recent amendments to the MSP impose strict reporting obligations for cases involving Medicare beneficiaries. These reporting obligations are commonly referred to as Section 111.

Defendant(s) or Defendant(s)' Insurance Carrier will not settle with or make payments to any claimant who does not agree to comply with claimant's obligations under the MSP or are unwilling to provide information necessary to enable Defendant(s) or Defendant(s)' insurance carrier to comply with its MSP obligations.

Highlights of the MSP are set forth below:

- Medicare beneficiaries must use settlement proceeds to pay for treatment of accident-related injuries, and must reimburse Medicare if Medicare has already paid for such treatment on a conditional basis. "If the beneficiary or other party receives a primary payment, the beneficiary or other party must reimburse

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RE: D'Avanzo v. Planned Parenthood Federation of  
America, Inc., et al.

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Medicare within 60 days.” 42 C.F.R. §411.24(h); see also 42 U.S.C. §1395y(b)(2)(B)(ii).

- Medicare has a direct right of action to recover the costs of accident-related injuries against any entity that receives a primary payment, such as a settlement payment, including beneficiaries and their attorneys. 42 C.F.R. §411.24(g).
- Section 111 requires defendant(s)’ insurance carrier or self-insured defendant(s) to determine if a claimant is eligible for Medicare. 42 U.S.C. §1395y(b)(8)(A)(i).
- Section 111 requires defendant(s)’ insurance carrier or self-insured defendant(s) to report information regarding the claimant to Medicare in the form and manner required by the Secretary of HHS. 42 U.S.C. §1395y(b)(8)(A)(ii)
- Claimants must provide information used to determine Medicare eligibility and report to Medicare as required by Section 111 as a condition of settlement. Information includes:
  - First and last name;
  - Gender;
  - Date of birth;
  - Date of incident; and
  - Medicare Health Insurance Claim No. (preferred) or Social Security No. (if Medicare Health Insurance Claim No. is not available).

42 U.S.C. §1395y(b)(8)(B); *see, also*, MMSEA Section 111 MSP Mandatory Reporting Liability Insurance, No Fault Insurance, and Workers’ Compensation User Guide, Version 3.1 (July 12, 2010) (“User Guide”) at 48-50, Appendixes A & B at pp. 135-209, available at <https://www.cms.gov/MandatoryInsRep/Downloads/NGHPUserGuideV3.1.pdf> (as visited May 16, 2011); Collection of Medicare HICNs, SSNs and EINs – ALERT (April 6, 2010), available at <http://www.cms.gov/MandatoryInsRep/Downloads/RevisedCollectionSSNEINs.pdf> (as visited May 16, 2011).

- Claimants may be required to complete a CMS query form to gather some of the information described above as a condition of settlement.
- Claimant’s attorney and defense counsel are under a continuing obligation to determine the Medicare eligibility status throughout the life of the claim.
- CMS issued a letter to the public on April 6, 2010 which states that collection of the information described herein is appropriate for purposes of compliance with

Thomas P. Valet, Esq.

RE: D'Avanzo v. Planned Parenthood Federation of  
America, Inc., et al.

February 6, 2018

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**HPM&B**  
ATTORNEYS AT LAW

Section 111. See attached. Available at <http://www.cms.gov/MandatoryInsRep/Downloads/RevisedCollectionSSNEINs.pdf> (as visited May 16, 2011).

Defendant(s) and defendant(s)' insurance carriers comply with all MSP requirements, including the Section 111 reporting obligations, and will not settle with or make payment to claimants who (1) do not agree to comply with their own obligations under the MSP, or (2) are unwilling to provide information necessary to enable us and our principal to comply with its MSP obligations.

In light of and in addition to the foregoing, enclosed please find our Notice to Produce Medicare/Medicaid-lien information.

Thank you for your time and consideration regarding this matter. Should you have any questions or concerns, please do not hesitate to contact this office.

Very truly yours,

  
Peter DeNoto

PD/ajl

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU-----X  
LISA M. D'AVANZO,

Plaintiff,

-against-

PLANNED PARENTHOOD FEDERATION OF  
AMERICA, INC., PLANNED PARENTHOOD OF  
NASSAU COUNTY, INC., BRONWYN FITZ, M.D.,  
NASSAU HEALTH CARE CORPORATION, d/b/a  
NASSAU UNIVERSITY MEDICAL CENTER, IRWIN  
GOLDSTEIN, M.D., and LONG ISLAND OB GYN  
ASSOCIATES,Defendants.  
-----X**SIGNING REQUIREMENT  
CERTIFICATION****Pursuant to 22 NYCRR § 130-  
1.1-a**

Index No.: 613549/2017

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the Courts of the State of New York, hereby certifies that, to the best of my knowledge, upon information and belief, and after reasonable inquiry under the circumstances, the presentation of the papers listed below or the contentions contained in the annexed documents are not frivolous as defined in 22 NYCRR 130-1.1(c):

**DEMAND FOR A BILL OF PARTICULARS, DEMAND FOR A LIST OF ATTORNEYS, NOTICE TO PRODUCE AUTHORIZATIONS, CPLR §4545 DEMAND, REQUEST FOR IDENTITY OF WITNESSES AND NOTICE TO PRODUCE, CPLR 3017(c) DEMAND, DEMAND FOR CERTIFICATE OF MERIT, DEMAND FOR EXPERT WITNESS DISCLOSURE. DEMAND FOR PARTY STATEMENTS, NOTICE TO PRODUCE, DEMAND FOR PHOTOGRAPHS, VIDEOS AND AUDIOTAPES, NOTICE TO PRODUCE MEDICARE/MEDICAID LIEN INFORMATION and DEMAND FOR SOCIAL NETWORKING INFORMATION**

Dated: Garden City, New York  
February 6, 2018

HEIDELL, PITTONI, MURPHY &amp; BACH, LLP

By: 

PETER DeNOTO  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

Index No.: 613549/2017

-against-

**DEMAND FOR A BILL OF  
PARTICULARS**

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

Defendants.

-----X

PLEASE TAKE NOTICE that, pursuant to Rule 3041 et seq., of the Civil Practice  
Law and Rules, plaintiff is hereby required to serve upon HEIDELL, PITTONI, MURPHY &  
BACH, LLP, attorneys for the defendant IRWIN GOLDSTEIN, M.D., within twenty (20) days  
after service of a copy of this demand, a verified bill of particulars of the Complaint, setting forth  
in detail the following:

1. The manner and respect in which it is claimed that the defendant was  
negligent, careless and unskillful.

2. Set forth the following:

- a. The dates on which defendant rendered services.
- b. The dates and times of the day each alleged act of negligence of  
defendant occurred.
- c. The place or places where services were rendered by defendant.

3. The nature, location, extent and duration of each injury which it will be claimed was caused by the negligence of the defendant. If any injuries are claimed to be permanent, so state.

4. If it will be claimed the aforesaid injuries necessitated any hospitalizations or treatment at other institutions, set forth the following:

- a. The names and addresses of each hospital or institution with the dates of confinement or outpatient treatment.

5. If it will be claimed that the aforesaid injuries necessitated treatment by any physicians, set forth the names and addresses of each physician and the dates of treatment or visits.

6. If it will be claimed that the aforesaid injuries necessitated confinement to bed or home, set forth the following:

- a. The dates of confinement to home.
- b. The dates of confinement to bed.

7. Set forth the following:

- a. The name and address of plaintiff's employer at the time of the alleged negligence.
- b. The capacity in which plaintiff was then employed.
- c. The name and address of plaintiff's present employer, if any.
- d. The capacity in which plaintiff is presently employed.

8. If loss of earnings is claimed as a result of the alleged negligence, set forth the following:

- a. Plaintiff's earnings for the last full year prior to the alleged negligence.
- b. The last date plaintiff worked prior to the alleged negligence.



- c. The loss of earnings claimed to date.
- d. The total amount of lost earnings which will be claimed.
- e. The dates which plaintiff claims to have been absent from work.

9. If plaintiff was a student at the time of the injury, set forth:

- a. The name and address of the school.
- b. The class or year at the time of the injury.
- c. The dates of absence due to the claimed injuries.

10. If any special damages are claimed as a result of the alleged malpractice, set forth the following:

- a. The charges for the above named hospitals, listing each hospital separately.
- b. Physicians' charges.
- c. Charges for medicine, itemizing the medicines charged for.
- d. Charges for nursing services.
- e. Other.

11. Pursuant to CPLR §4545 identify all providers of any collateral source payment for medical care and/or for disability such as insurance, social security, worker's compensation or employee benefit programs. For each collateral source provider identify the limits of coverage available to the plaintiff. Provide the address and claim number for each collateral source provider.

12. If it will be claimed that the defendant hospital performed or undertook any part of the treatment without the patient's informed consent, set forth the following:

- a. The procedure(s) and/or treatment(s) performed or undertaken without the patient's informed consent.

- b. For each procedure or treatment allegedly undertaken without the patient's informed consent, set forth the following:
- (1) Whether the patient signed a written consent authorizing the treatment rendered by defendant and, if so, the date and place of signing.
  - (2) What risks, benefits and alternatives to the procedure or treatment were known to the patient before it was performed.
  - (3) What information concerning the risks, benefits and alternatives was imparted to the patient by the defendant.
  - (4) What information concerning the risks, benefits and alternatives was imparted to the patient by other physicians or through other sources.
  - (5) Whether any assurances were given by the patient that regardless of the risks, the patient would undergo the treatment or procedure.
  - (6) Whether the patient indicated he did not want to be informed of risks, benefits and alternatives of the procedure or treatment.
  - (7) The circumstances making it reasonably possible for the defendant to obtain consent by or on behalf of the patient.
  - (8) What additional information, if any, plaintiff claims the defendant should have provided the patient concerning the procedure and/or treatment.
  - (9) Whether defendant's treatment was rendered in the course of an emergency.

13. If it is claimed that any negligence or malpractice occurred prior to treatment by the defendant, set forth the names of the persons responsible therefor and specify what acts or omissions constituted negligence.

14. If it is claimed that any negligence or malpractice occurred subsequent to the treatment by the defendant, set forth the names of the persons responsible therefor and specify what acts or omissions constituted negligence.

15. Set forth the patient's residence address at the time of the commencement of this action, and for five years prior thereto.

16. Set forth the patient's date of birth and social security number.

17. Set forth any other names by which the patient has been known and the dates of usage of any such other names.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

Index No.: 613549/2017

**DEMAND FOR A LIST OF  
ATTORNEYS**

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

Defendants.  
-----X

The undersigned, attorneys for defendant IRWIN GOLDSTEIN, M.D., hereby  
demand that you serve upon them a list of those who have appeared or who have demanded  
service of copies of papers in this action, together with their post office addresses and the names  
and addresses of their attorneys.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

Index No.: 613549/2017

**NOTICE TO PRODUCE  
AUTHORIZATIONS**

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

Defendants.  
-----X

PLEASE TAKE NOTICE that, we request that on February 26, 2018, at 10:00  
a.m., you produce at our office:

- (1) Pursuant to CPLR § 3121, duly executed authorizations to enable the undersigned to obtain copies of relevant records of hospitals and physicians from whom plaintiff received care and treatment at the time of the alleged negligence or malpractice and prior and subsequent thereto.
- (2) Pursuant to CPLR § 4546, a duly executed written original authorization on IRS Form 4506, to enable the undersigned to obtain copies of income tax records of the plaintiff for five years prior to the date of the alleged negligence or malpractice and for all years in which income tax returns have been filed subsequent to the date of the alleged malpractice.
- (3) Pursuant to CPLR § 3121, duly executed authorizations to enable the undersigned to obtain copies of any and all records referable to the plaintiff maintained by any and all collateral source payors and other health care cost payors and reimbursers.

This demand includes, but is not limited to an original duly executed  
authorization for:

- a) Planned Parenthood Federation Of America, Inc.;

- b) Planned Parenthood Of Nassau County, Inc.;
- c) Bronwyn Fitz, M.D.;
- d) Nassau Health Care Corporation, D/B/A Nassau University Medical Center;
- e) Long Island OB GYN Associates.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing demand, and that any failure to comply fully and completely with this demand at present, or in a timely fashion throughout the duration of this litigation as responsive information subsequently becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims herein.

In lieu of a personal appearance to produce the requested authorizations, it will be acceptable that they be mailed to us provided that they are received not later than February 20, 2018.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

Index No.: 613549/2017

**CPLR § 4545 DEMAND**

-against-

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

Defendants.

-----X

PLEASE TAKE NOTICE that, pursuant to Section 4545 of the CPLR, defendant  
IRWIN GOLDSTEIN, M.D., demands that on or about February 26, 2018, plaintiff serve a  
verified statement, setting forth:

1. Whether plaintiff has been reimbursed or indemnified for economic loss  
claimed in this action from any collateral source:
  - a. If the answer to the foregoing is in the affirmative, state for which  
of such claims plaintiff has received payment, the amount thereof  
and the name and address of the person, firm or organization who  
made such payment.
  - b. If such payment was made by an insurance company, state the  
number of the policy under which paid.
2. Whether plaintiff has made claim for payment for economic loss which has not  
as yet been paid.
  - a. If the answer to the foregoing is in the affirmative, state the name  
of the person, firm or organization to whom such claim was  
presented, the date of presentation and the amount claimed.

- b. If such claim was presented to an insurance company, state the number of the policy under which same was made.

PLEASE TAKE FURTHER NOTICE, that plaintiff is required to provide a copy of the policies in effect for each collateral source provider.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing demand, and that any failure to comply fully and completely with this demand at present, or in a timely fashion throughout the duration of this litigation as responsive information subsequently becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims herein.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

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

Defendants.  
-----X

Index No.: 613549/2017

**REQUEST FOR IDENTITY  
OF WITNESSES AND  
NOTICE TO PRODUCE**

PLEASE TAKE NOTICE that, pursuant to CPLR 3101(a) demand is hereby  
made, within twenty (20) days of receipt hereof, plaintiff furnish a verified statement setting  
forth the names and addresses of persons:

1. Who were present during any conversations between any defendant and plaintiff.
2. Who were present when any care and treatment was rendered by any defendant to plaintiff.
3. Who had any conversations with any defendant relative to the care, treatment or condition of the plaintiff.
4. Who plaintiff claim(s) to be a witness to the occurrence herein.

[NOTE: The term defendant, as used herein, is intended to include not only the party against whom the action is brought, but also agents, employees and representatives.]

If none of the above are known, a verified statement to that effect is requested.

This is a continuing demand and, in the event that witnesses become known, identification is to be furnished forthwith.

PLEASE TAKE FURTHER NOTICE that, demand is hereby made for production, within twenty (20) days of any writings or statements received by or in the possession of plaintiff or plaintiff's representatives:

1. From or made by our client.
2. From or made by any other party hereto.
3. For copies of writings from plaintiff directed to our client or any other party hereto.

PLEASE TAKE FURTHER NOTICE, that this demand shall include production of any diaries, including but not limited to memorandum or notes maintained by the plaintiff or someone within the control of the plaintiff with respect to events pertaining to the claims made in this lawsuit.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing demand, and that any failure to comply fully and completely with this demand at present, or in a timely fashion throughout the duration of this litigation as responsive information subsequently becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims herein.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

Index No.: 613549/2017

**CPLR §3017(c) DEMAND**

-against-

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

Defendants.  
-----X

PLEASE TAKE NOTICE that, pursuant to CPLR § 3017(c), defendant IRWIN  
GOLDSTEIN, M.D. requests that a supplemental demand, setting forth the total damages to  
which the plaintiff deem(s) entitled in this action, be served upon the undersigned within twenty  
(20) days of the date of this notice.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing  
demand, and that any failure to comply fully and completely with this demand at present, or in a  
timely fashion throughout the duration of this litigation as responsive information subsequently  
becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a  
motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims  
herein.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

Index No.: 613549/2017

**DEMAND FOR  
CERTIFICATE OF MERIT**

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

Defendants.

-----X

PLEASE TAKE NOTICE that, in accordance with CPLR § 3012-a, we request  
that within twenty (20) days of service of this demand, you produce at our office the certificate  
of merit filed at the commencement of this action.

PLEASE TAKE FURTHER NOTICE that, should receipt of this certificate not be  
forthcoming, defendant reserves the right to move, at a later date, for appropriate relief and  
sanctions.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing  
demand, and that any failure to comply fully and completely with this demand at present, or in a  
timely fashion throughout the duration of this litigation as responsive information subsequently  
becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a  
motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims  
herein.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

Index No.: 613549/2017

**DEMAND FOR EXPERT  
WITNESS DISCLOSURE**

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

Defendants.

-----X

PLEASE TAKE NOTICE that, pursuant to CPLR §3101(d)(1)(i), Thomas v. Alleyne, 302 A.D.2d 36, 752 N.Y.S.2d 362 (2d Dep't 2002), Muniz v. Our Lady of Mercy Medical Center, 2003 NY Slip Op 50910U; 2003 N.Y. Misc. LEXIS 617 (Sup. Ct. Bx. Cty. May 7, 2003), and Scher v. St-Lukes-Roosevelt Hospital, N.Y.L.J. Jan. 28, 2003, at 18, col. 4 (Sup. Ct. New York Cty.), HEIDELL, PITTONI, MURPHY & BACH, LLP, as attorneys for defendant IRWIN GOLDSTEIN, M.D., hereby demand that you disclose, within 20 days of receipt of this demand, the following:

1. The identity of each expert whom you expect to call as a witness at trial.
2. The qualifications, in reasonable detail, of each expert, including
  - a. educational background, including
    - i. The undergraduate school(s) attended by such expert(s), with year of graduation;



- ii. The medical school(s) attended by such expert with year of graduation;
  - iii. internship(s) with dates of attendance;
  - iv. residency(ies), with dates of attendance;
  - v. fellowship(s), with years of attendance;
- b. publications, including
  - i. The title of any text authored, contributed to, or edited by the expert(s), with appropriate citation, including
    - (1) Name of publication;
    - (2) Volume number;
    - (3) Date or other appropriate identifying matter;
- c. memberships in professional organizations and societies;
- d. board certifications, including
  - i. The name of the certifying board, and
  - ii. The year of the certification;
- e. medical license(s), all, state and foreign;
- f. areas of specialty and subspecialty practice;
- g. employers, past and present;
- h. hospital affiliations, past and present;
- i. academic appointments, past and present;
- j. total number and frequency each year expert treats the condition at issue and last occasion expert treated the medical condition or conditions at issue;
- k. total number and frequency each year expert is deemed qualified to offer opinion testimony during legal proceedings and last occasion expert was deemed so qualified;

1. total number and frequency each year expert is deemed qualified to offer opinion testimony during legal proceedings, and last occasion expert was deemed so qualified, regarding the medical condition or conditions and theory or theories of causation at issue.
3. The subject matter, in reasonable detail, upon which each expert is expected to testify.
4. The substance, in reasonable detail, of the opinions and conclusions to which each expert is expected to testify.
5. A summary, in reasonable detail, of the grounds for each expert's opinion, including:
  - a. a summary of the facts upon which the expert will rely in formulating his/her opinions and conclusions;
  - b. the source or sources of the expert's knowledge concerning such facts, including, but not limited to, records, reports, statistics, studies, surveys, test results, analyses, models, photographs; and
  - c. all other documents, materials, or oral communications relied upon by the expert which provide the basis for his/her opinions.

PLEASE TAKE FURTHER NOTICE that this demand is a continuing demand, and objection will be taken and an order of preclusion sought regarding the expert opinion testimony of any witness not identified as demanded herein.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

Index No.: 613549/2017

-against-

**DEMAND FOR PARTY  
STATEMENTS**

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

Defendants.  
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PLEASE TAKE NOTICE that, in accordance with the Civil Practice Law and Rules, we request that on February 26, 2018, at 10:00 a.m., you produce at our office any written statements of the defendant, in written, recorded, electronic or other form, that are in possession or control of plaintiff or plaintiff's agents, including counsel, to include but not limited to any and all correspondence, emails, records, reports, films, prescription slips, bills and informational materials obtained from or received by plaintiff from the defendant.

PLEASE TAKE FURTHER NOTICE that the foregoing demand is a continuing demand, and that any failure to comply fully and completely with this demand at present, or in a timely fashion throughout the duration of this litigation as responsive information subsequently becomes known or available to plaintiff and/or plaintiff's counsel, will be deemed the basis for a motion to preclude plaintiff from adducing evidence at trial in support of plaintiff's claims herein.

In lieu of a personal appearance to produce the requested statements, it will be acceptable that copies be mailed to us provided that they are received not later than February 20, 2018.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

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

Defendants.  
-----X

Index No.: 613549/2017

**DEMAND FOR  
PHOTOGRAPHS, VIDEO  
AND AUDIOTAPES**

C O U N S E L O R ( S ) :

PLEASE TAKE NOTICE that, pursuant to the applicable rules of the CPLR, demand is hereby made upon you to furnish to the undersigned, within twenty (20) days of receipt of this Demand, the following:

(1) Color copies of any and all photographs and/or video depicting injuries, conditions or deficits allegedly sustained by plaintiff as a result of defendant's conduct in this action.

(2) Any and all audio cassettes and/or CD's depicting any conversations pertaining to plaintiff's treatment, condition and/or injuries.

PLEASE TAKE FURTHER NOTICE that, failure to comply with this demand will serve as a basis for a motion to preclude the plaintiff, upon a trial of this action, from adducing evidence in support of plaintiff's claims herein.

PLEASE TAKE FURTHER NOTICE that, black and white Xerox copies of  
photographs will NOT be considered as compliance with this demand.

PLEASE TAKE FURTHER NOTICE that, this is an ongoing demand.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

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

Defendants.

-----X

Index No.: 613549/2017

**NOTICE TO PRODUCE  
MEDICARE/MEDICAID  
LIEN INFORMATION**

PLEASE TAKE NOTICE that, demand is hereby made upon the plaintiff to produce for inspection and/or obtain the following pursuant to CPLR Article 31 to serve upon the offices of HEIDELL, PITTONI, MURPHY & BACH, LLP, the attorneys for defendant IRWIN GOLDSTEIN, M.D.:

1. A sworn statement as to whether plaintiff has received benefits from Medicare at any time, for any reason, not limited to the injuries and treatment alleged in the present action. If so, demand is further made that plaintiff provide the following:
  - a. Plaintiff's/plaintiff's decedent's date of birth;
  - b. Plaintiff's/plaintiff's decedent's Social Security Number;
  - c. The Medicare file and/or identification number;
  - d. The name and address of the office handling the Medicare file; and
  - e. Copies of all documents in the possession of plaintiff or his/her/their attorneys relating to plaintiff's/decedent's receipt of Medicare benefits, including, but not limited to, claim forms,



accompanying checks sent by Medicare, lien papers, and all other papers received from Medicare or the Agency handling the Medicare claim; and

- f. A duly executed HIPAA compliant authorization bearing plaintiff's date of birth and social security number and the Medicare file number permitting HEIDELL, PITTONI, MURPHY & BACH, LLP, or its designee to obtain copies of plaintiff's Medicare records.

2. A sworn statement as to whether plaintiff has received benefits from Medicaid at any time, for any reason, not limited to the injuries and treatment alleged in the present action. If so, demand is further made that plaintiff provide the following:

- a. Plaintiff's/plaintiff's decedent's date of birth;
- b. Plaintiff's/plaintiff's decedent's Social Security Number;
- c. The Medicaid file and/or identification number;
- d. The name and address of the office handling the Medicaid file; and
- e. Copies of all documents in the possession of plaintiff or his/her/their attorneys relating to plaintiff's/decedent's receipt of Medicaid benefits, including, but not limited to, claim forms, accompanying checks sent by Medicaid, lien papers, and all other papers received from Medicaid or the Agency holding the Medicaid claim; and
- f. A duly executed HIPAA compliant authorization bearing plaintiff's/decedent's date of birth and social security number and the Medicaid file number, permitting HEIDELL, PITTONI, MURPHY & BACH, LLP or its designee to obtain copies of plaintiff's Medicaid records.

PLEASE TAKE FURTHER NOTICE, the foregoing demands are continuing. In the event any of the above items are obtained after services of this demand they are to be furnished to this office within thirty (30) days of receipt by the plaintiff, or their respective attorneys.

PLEASE TAKE FURTHER NOTICE, that if the demanded information is now known, it must be so stated in a sworn reply. This defendant will object at the time of trial to the testimony of any witness not supplied in accordance with this demand and will take all steps permitted by the CPLR to preserve its rights as to all other demands.

PLEASE TAKE FURTHER NOTICE that, compliance can be made by forwarding a copy of these documents through the United States Postal Services within the time allowed.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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

Plaintiff,

-against-

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

Defendants.  
-----X

Index No.: 613549/2017

**DEMAND FOR SOCIAL  
NETWORKING  
INFORMATION**

COUNSELORS:

PLEASE TAKE NOTICE that, pursuant to CPLR §3120, and based on the principals and standards set forth in CPLR § 3101, you are hereby required to produce for discovery and inspection at the office of the undersigned, within thirty (30) days from the date of service of this notice upon you, the following:

1. A list of every social media site that plaintiff is currently member(s) of or was previously a member of or belonged to from one year prior to the claimed injury in this matter up to and including the current date (this includes, but is not limited to: Facebook, Myspace, Twitter, and Instagram, LinkedIn, etc., that reference, pertain to, contradict, and/or contrast plaintiff's alleged injuries or claims;
2. Copies of any screen shots of: wall postings; blog entries or posts; "tweets;" status updates; on the social websites identified in paragraph "1" that contain any posting/communication/statement/declaration/etc. that are reasonably calculated to result in discoverable evidence;
3. A list of all email addresses used or created by or for plaintiff to present;

4. Copies of all email communications sent or received by plaintiff to present that constitute statements against interest or party statements, that are reasonably calculated to lead to discoverable evidence;

PLEASE TAKE NOTICE that, CPLR § 3101(a) provides that there shall be full disclosure of all matter “material and necessary in the prosecution or defense of any action regardless of the burden of proof.” Parties are entitled to materials that tend to prove or disprove the condition or care at issue, subject to reasonable cost. Should you deem the costs of production are unreasonable, you must provide an authorization so we may obtain the materials directly.

PLEASE TAKE NOTICE that, production of this material must be provided for every name established by or for plaintiff. This includes any account created or set up in plaintiff’s legal name, alias, or fictitious name (e.g., including but not limited to, a “handle,” “avatar,” “screen name,” “user name,” and/or “log-in name”).

PLEASE TAKE NOTICE that, the foregoing demand is a continuing demand, and that any failure to comply fully and completely with this demand at present, or in a timely fashion throughout the duration of this litigation as responsive information subsequently becomes known or available to plaintiff and/or plaintiff’s counsel, will serve as the basis for a motion to preclude plaintiff from adducing evidence at trial in support of plaintiff’s claims herein or a charge of spoliation to the jury.

PLEASE TAKE NOTICE that, all authorizations for release of medical records must be in proper format and be in full compliance with the Health Insurance Portability and Accountability Act (HIPAA), and should indicate that the authorizations will not expire until after resolution of this matter.

PLEASE TAKE NOTICE that, this demand does not call for the production of privileged materials, materials prepared in anticipation of this litigation with plaintiff's attorney, or communications between plaintiff's attorney

PLEASE TAKE NOTICE that, defendant IRWIN GOLDSTEIN, M.D. is entitled to this material as a matter of law and it must be produced at plaintiff's expense. Any materials that require extensive copying or production costs will be apportioned proportionally according to judicial determination.

Dated: Garden City, New York  
February 6, 2018

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP  
Attorneys for Defendant  
IRWIN GOLDSTEIN, M.D.  
Office & P.O. Address  
1050 Franklin Avenue  
Garden City, New York 11530  
(516) 408-1600

TO: Thomas P. Valet, Esq.  
Rappaport, Glass, Levine & Zullo, LLP  
Attorneys for Plaintiff  
1355 Motor Parkway  
Islandia, New York 11749  
(631) 293-2300