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**SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF KINGS**

-----X
**JAMES SLOVEN as Administrator of the Goods, Chattels
and Credits of the Estate of LISA MARIE FUSCO,**

Plaintiff(s),

-against-

**GEORGE MC MILLAN M.D., GEORGE MCMILLAN,
M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN
AMBULATORY PHYSICIAN ASSOCIATES, P.C.,
BROOKLYN AMBULATORY MANAGEMENT
SERVICES, LLC AND AMBULATORY SURGERY
CENTER OF BROOKLYN, LLC,**

Defendant(s).
-----X

Index No.: /2012E

Dated Purchased: 09/ /12

Plaintiff(s) designate(s)
KINGS COUNTY
as the place of trial.

The basis of venue is
Defendants' place of business

SUMMONS


Plaintiff resides at:
**224 Cuba Street
Staten Island, New York**

County of RICHMOND**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 plaintiff's attorney(s) within twenty days after the service of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. 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: White Plains, New York
September 25, 2012

Yours, Etc.

WORBY GRONER EDELMAN LLP

Sam Rosmarin, Esq.
Attorneys for Plaintiff
11 Martine Avenue – PH
White Plains, New York 10606

(914) 686-3700 Dial
(914) 686-0567 Fax
sam@rosmarinlaw.com

To:

GEORGE MC MILLAN M.D.
1426 Bay Boulevard
Atlantic Beach, New York 11509-1603

313 43RD Street
Brooklyn, New York 11232-3609

614 Eastern Parkway
Brooklyn, New York 11225-1604

GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C.
313 43RD Street
Brooklyn, New York 11232-3609

c/o NYS Division of Corporations
Albany, New York

BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C.
313 43RD Street
Brooklyn, New York 11232-3609

c/o Terry Lazar
34 Kristi Drive
Jericho, New York 11753

c/o NYS Division of Corporations
Albany, New York

BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC
313 43RD Street
Brooklyn, New York 11232-3609

c/o NYS Division of Corporations
Albany, New York

AMBULATORY SURGERY CENTER OF BROOKLYN, LLC
313 43RD Street
Brooklyn, New York 11232-3609

c/o Terry Lazar
34 Kristi Drive
Jericho, New York 11753

c/o NYS Division of Corporations
Albany, New York

On the Date Written Below LETTERS are Granted by the Surrogate's Court, State of New York as follows:

File #: 2012-537

**Name of Decedent: Lisa Marie Fusco
AKA Lisa Fusco**

Date of Death: November 2, 2010

Domicile of Decedent: Richmond County

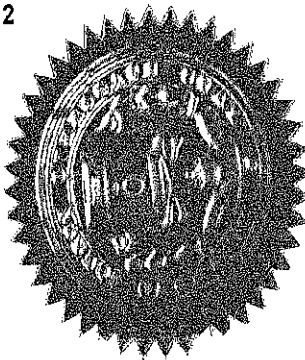
**Fiduciary Appointed: James Sloven
Mailing Address: 224 Cuba Street
Staten Island NY 10306**

Letters Issued: LETTERS OF LIMITED ADMINISTRATION

Limitations: Said Letters are Limited to the prosecution of a cause of action, and the Administrator is hereby restrained from a compromise of such action or any other action and/or the enforcement of any judgment recovered therein until the further Order of this Court upon the filing of satisfactory security, or the order of any court of competent jurisdiction (EPTL 5-4.6).

THESE LETTERS, granted pursuant to a decree entered by the court, authorize and empower the above-named fiduciary or fiduciaries to perform all acts requisite to the proper administration and disposition of the estate/trust of the Decedent in accordance with the decree and the laws of New York State, subject to the limitations and restrictions, if any, as set forth above.

Dated: August 7, 2012



IN TESTIMONY WHEREOF, the seal of the Richmond County Surrogate's Court has been affixed.

WITNESS, Hon Robert J. Gigante, Judge of the Richmond County Surrogate's Court.

Ronald M Cerrachio, Chief Clerk

These Letters are Not Valid Without the Raised Seal of the Richmond County Surrogate's Court

On the Date Written Below LETTERS OF GUARDIANSHIP were granted by the Surrogate's Court of Richmond County, New York as follows:

Name of Ward: **Jaylinn Marie Sloven** File #: 2012-70
Type of Letters Issued: **LETTERS OF GUARDIANSHIP 17 WITH LIMITATIONS PROPERTY ONLY**
Residence of Ward: **Richmond County** Date of Birth: **03-11-2005**
Guardian Appointed: **James Sloven**
Mailing Address: **224 Cuba Avenue**
Staten Island NY 10306

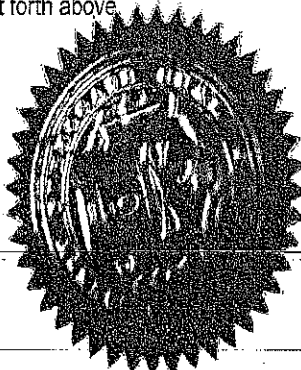
LIMITATIONS:

Letters shall be limit the authority of the guardian to the commencement and continuance to completion of a proceeding to be appointed as limited administrator of the Estate of Lisa Marie Fusco, deceased, mother of the ward.

Property of the Ward is subject to joint control with the Chief Clerk of Richmond County Surrogate Court; no withdrawals, transfers or investments are legal without Court Order; the Guardian may not receive any funds or property of the Ward except jointly with the Chief Clerk of Richmond County Surrogate Court.

THESE LETTERS, granted pursuant to a decree entered herein on this date, authorize and empower the guardian(s) above named to perform all acts requisite to the proper administration and disposition of the person, property, or person & property, (as stated above) of the ward in accordance with the decree and the laws of New York State, subject to the limitations, if any, as set forth above.

Dated: June 7, 2012



IN TESTIMONY WHEREOF, the seal of the Richmond County Surrogate's Court has been affixed.

WITNESS, Hon Robert J. Gigante, Judge of the Richmond County Surrogate's Court

Ronald M Cerrachio, Chief Clerk

These Letters are Not Valid Without the Raised Seal of the Richmond County Surrogate's Court

SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF KINGS

Index No.: _____ 2012E

Dated Purchased: 09/ /12

JAMES SLOVEN as Administrator of the Goods, Chattels and
Credits of the Estate of LISA MARIE FUSCO,

PLAINTIFF VERIFIED COMPLAINT

-AGAINST-

GEORGE MC MILLAN M.D., GEORGE MCMILLAN, M.D.
AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY
PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY
MANAGEMENT SERVICES, LLC AND AMBULATORY
SURGERY CENTER OF BROOKLYN, LLC,

DEFENDANTS.

Plaintiff, through his attorneys at WORBY GRONER EDELMAN LLP, as and
for his complaint against the Defendant(s) herein, allege and show to the Court, as follows:

JURISDICTION AND PARTIES

1. That at all times hereinafter-mentioned LISA MARIE FUSCO was a
resident of the County of Richmond, State of New York having resided at 1930 North Railroad
Avenue until the time of her death on November 2, 2010 (hereinafter referred to as "Plaintiff's
Decedent").

2. That at all times mentioned herein, the Plaintiff JAMES SLOVEN resided
and currently resides at 224 Cuba Avenue, Staten Island, County of Richmond, State of New
York and is the father of the Plaintiff's Decedent's infant child.

3. That Plaintiff JAMES SLOVEN was duly issued Letters of Limited
Administration for the Estate of LISA MARIE FUSCO by the Richmond County Surrogate's
Court of the State of New York on August 7, 2011 and is duly qualified to institute this action.

4. That at all times mentioned herein, Defendant GEORGE MC MILLAN, M.D. (hereinafter referred to as "Defendant MC MILLAN") resided and/or resides within the State of New York.

5. Defendant MC MILLAN resides at 1426 Bay Boulevard, Atlantic Beach, County of Nassau, State of New York.

6. That at all times mentioned herein, Defendant MC MILLAN was a physician licensed to practice within the State of New York.

7. That at all times mentioned herein, Defendant MC MILLAN was a physician with a specialty in obstetrical medicine.

8. That at all times mentioned herein, Defendant MC MILLAN was a physician with a specialty in general surgery.

9. That at all times mentioned herein, Defendant MC MILLAN was a physician with a specialty in internal medicine.

10. That at all times mentioned herein, Defendant MC MILLAN was a physician with a specialty in maternal fetal medicine.

11. That at all times mentioned herein, Defendant MC MILLAN had offices located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

12. That at all times mentioned herein, Defendant MC MILLAN had offices located at 614 Eastern Parkway, Brooklyn, County of Kings, State of New York.

13. That at all times mentioned herein, and specifically October 26, 2010 through October 28, 2010 (hereinafter referred to as "**subject treatment dates**"), Defendant MC MILLAN was an employee of Defendant(s) GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC and/or AMBULATORY SURGERY CENTER OF BROOKLYN, LLC.

14. That at all times mentioned herein, Plaintiff's decedent was under the medical care of Defendant MC MILLAN at Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC during certain times of the "subject treatment dates".

15. That at all times mentioned herein, Defendant MC MILLAN, individually and/or as an agent, servant and/or employee of Defendant(s) provided medical services to

Plaintiff's Decedent during her "subject treatment dates" at Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC and a doctor/patient relationship existed between the Plaintiff's Decedent and the Defendant MC MILLAN.

16. That at all times mentioned herein, Defendant MC MILLAN performed his services in the capacity of an agent, servant or employee of Defendant(s) GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC AND AMBULATORY SURGERY CENTER OF BROOKLYN, LLC.

17. That at all times mentioned herein, Defendant MC MILLAN, individually and/or as an agent, servant and/or employee of Defendant(s) GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC AND AMBULATORY SURGERY CENTER OF BROOKLYN, LLC provided medical services to Plaintiff's Decedent during her "subject treatment dates" at Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC and a doctor/patient relationship existed between the Plaintiff's Decedent and the Defendant MC MILLAN.

18. That at all times mentioned herein, Defendant(s) GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC and BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC were corporations organized and existing under and by virtue of the laws of the State of New York.

19. That at all times hereinafter mentioned, Defendant GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C. was a domestic professional service limited liability corporation organized and existing under and by virtue of the laws of the State of New York.

20. That at all times hereinafter mentioned, Defendant BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C. was a domestic professional corporation organized and existing under and by virtue of the laws of the State of New York.

21. That at all times mentioned, Defendant BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC was a domestic limited liability corporation organized and existing under and by virtue of the laws of the State of New York.

22. That at all times mentioned, Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC was a domestic limited liability corporation organized and existing under and by virtue of the laws of the State of New York.

23. That at all times mentioned herein, Defendant(s) had principal offices located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

24. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, owned an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

25. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, operated an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

26. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, maintained an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

27. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, controlled an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

28. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, staffed an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

29. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, supervised the services rendered to patients, including Plaintiff's Decedent, at an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

30. That at all times mentioned herein, Defendant(s) through his/its/their owner(s), agent(s), servant(s), employee(s), independent contractor(s) and/or third party designee(s), on October 26, 2010 and through October 28, 2010, supervised the activities of the staff, physicians, specialists, obstetricians, gynecologists, sonographers, technicians, surgeons, internists, physician assistants, nursing personnel, anesthesiologists and radiologists rendering services at the abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

31. That at all times mentioned, contractual agreements were in effect between the Defendant(s) on October 26, 2010 and through October 28, 2010 to provide services to patients of the abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York, including Plaintiff's Decedent.

32. That at all times mentioned herein, there was a duty on the part of Defendant(s) individually and/or through their agents, servants, employees and/or any independent contractors providing services within its facilities, including co-defendants, its staff physicians, specialists, obstetricians, gynecologists, sonographers, technicians, surgeons, internists, physician assistants, nursing personnel, anesthesiologists, radiologists and others, to exercise that degree of care and skill exercised by like providers in the community.

33. That on October 26, 2010, October 27, 2010 and October 28, 2010, a doctor/patient relationship existed between the Plaintiff's Decedent and Defendant(s) GEORGE MCMILLAN, M.D., GEORGE MCMILLAN, M.D. AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES, LLC AND AMBULATORY SURGERY CENTER OF BROOKLYN, LLC

AS AND FOR THE FIRST CAUSE OF ACTION

34. Plaintiff repeats, reiterates and realleges each and every paragraph heretofore alleged as though specifically set forth herein.

35. That from October 26, 2010 through October 28, 2010, Plaintiff's Decedent was a patient at the Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

36. That from October 26, 2010 through October 28, 2010, Plaintiff's Decedent received services at the Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

37. That at all times mentioned herein, certain agents, servants, third party designees and/or employees of Defendant(s) examined, assessed, diagnosed and advised Plaintiff's Decedent on October 26, 2010, performed an ultrasound and took blood tests at the Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC.

38. That at all times mentioned herein, certain agents, servants, third party designees and/or employees of Defendant(s) examined, assessed, diagnosed and advised Plaintiff's Decedent on October 27, 2010 and performed a pre-abortion procedure in the nature of the insertion of Laminaria® sticks, tests or rods along with gauze packing into the Plaintiff's Decedent vaginal cavity and cervical area at the Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC.

39. That at all times mentioned herein, certain agents, servants, third party designees and/or employees of Defendant(s) examined, assessed, diagnosed and advised Plaintiff's Decedent on October 28, 2010 and performed an abortion procedure in the nature of a dilatation and evacuation upon the Plaintiff's Decedent at the Defendant AMBULATORY SURGERY CENTER OF BROOKLYN, LLC.

40. That at all times mentioned herein, Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians,

anesthesiologists and/or staff physicians was/were charged with the responsibility of performing and/or providing medical, surgical and nursing services in accordance with acceptable standards of medical and professional practice.

41. That at all times mentioned herein, the medical assessment, monitoring, management, diagnostic procedure(s), testing, care, treatment and/or medical, surgical and nursing services rendered by the Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians, anesthesiologists and/or staff physicians individually, jointly and/or severally was performed in a careless and negligent manner and was contrary to standard accepted practices and procedures in that Defendant(s) failed to properly, carefully and timely care for, assess, and/or perform and/or provide proper and timely triage, nursing, surgical and/or medical services, testing, diagnostics and/or procedures; failed to properly perform the procedure upon the Plaintiff's Decedent; failed to timely recognize medical decompensation of the Plaintiff's Decedent; failed to ascertain the surgical qualifications of the Defendant MC MILLAN, allowed and permitted the performance of a contraindicated procedure upon the Plaintiff's Decedent; administered drugs and performed a procedure with intent to cause a miscarriage in a non-hospital setting; failed to utilize proper surgical technique; failed to inform and/or treat Plaintiff's Decedent in an accepted and competent manner thereby causing and/or contributing to the permanent injuries and irreparable medical conditions sustained and suffered by Plaintiff's Decedent and Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians, anesthesiologists, and/or staff physicians jointly and/or severally and was/were otherwise careless and negligent in the care and treatment of Plaintiff's Decedent. Plaintiff also relies upon the theories of vicarious liability, *Res Ipsa Loquitur* and *Respondeat Superior*.

42. As a result of the Defendant('s)(s') negligence individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians and/or staff physicians as aforementioned, Plaintiff's Decedent sustained serious, permanent personal

injuries, progressive and irreparable medical conditions and endured prolonged conscious pain and suffering.

43. That the limited liability provisions of the C.P.L.R. § 1601 do not apply pursuant to one or more of the exceptions of the C.P.L.R. § 1602.

44. One or more exceptions in CPLR §1602 are applicable to all causes of action and defendants are jointly and severally liable with any other tortfeasors, whether parties to this action or not.

45. That by reason of the foregoing, the Plaintiff's Estate sustained damages sought herein which are in an amount in excess of the jurisdictional limits of all lower Courts.

AS AND FOR A SECOND CAUSE OF ACTION

46. Plaintiff repeats, reiterates and realleges each and every paragraph heretofore alleged as though specifically set forth herein.

47. That on October 26, 2010, October 27, 2010 and October 28, 2010, Plaintiff's Decedent was under the care of the defendant(s).

48. That at all times mentioned herein, Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians and/or staff physicians was/were charged with the responsibility of performing his/their/its respective medical services in accordance with acceptable standards of medical, nursing and professional practice.

49. That at all times mentioned herein, the medical assessment, monitoring, management, nursing, care, treatment and/or services rendered by the Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians and/or staff physicians jointly and/or severally was performed in a careless and negligent manner, and was contrary to the standard accepted practices and procedures thereby causing and/or contributing to the permanent injuries and irreparable medical conditions

sustained and suffered by Plaintiff's decedent and Defendant(s) jointly and/or severally were otherwise careless and negligent in the care and treatment of Plaintiff's Decedent. Plaintiff relies upon the theories of vicarious liability, *Res Ipsa Loquitur* and *Respondeat Superior*.

50. As a result of the Defendant(s)' failure to render proper medical assessment, diagnosis, monitoring, management and nursing care as well as Defendant(s)' substandard, negligent and untimely medical, surgical and nursing intervention, Plaintiff's Decedent died on November 2, 2010.

51. That by virtue of the wrongful death of Plaintiff's Decedent, her surviving distributees, including an infant child, have sustained economic and non-economic losses.

52. That by reason of the foregoing, the Defendant(s) is/are liable for the wrongful death of the Plaintiff's Decedent in amounts commensurate with the losses sustained including, but not limited to, all expenses and losses to the Plaintiff as Administrator of the Plaintiff's Decedent's Estate, as directed by Section 5-4.1 et seq. of the *Estate Powers & Trust Laws of the State of New York*

53. That the limited liability provisions of the C.P.L.R. § 1601 do not apply pursuant to one or more of the exceptions of the C.P.L.R. § 1602.

54. One or more exceptions in CPLR §1602 are applicable to all causes of action and defendants are jointly and severally liable with any other tortfeasors, whether parties to this action or not.

55. That by reason of the foregoing, the Plaintiff's Estate sustained damages sought herein which are in an amount in excess of the jurisdictional limits of all lower Courts.

AS AND FOR A THIRD CAUSE OF ACTION

56. Plaintiff repeats, reiterates and realleges each and every allegation contained in the paragraphs hereinabove all inclusive with the same force and effect as if more fully set forth at length herein.

57. That prior to October 28, 2010, the Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians and/or staff physicians examined and advised the Plaintiff's Decedent, performed tests upon and administered drugs to the Plaintiff's Decedent with the intent to cause her to suffer a miscarriage.

58. That on October 28, 2010, the Defendant(s) individually and/or through his/their/its agents, servants, employees, staff physicians, obstetricians, gynecologists, surgeons, physician assistants, nursing personnel, specialists, radiologists, technicians and/or staff physicians administered drugs and performed an abortion procedure with intent to cause a miscarriage upon the Plaintiff's Decedent at an abortion clinic located at 313 43rd Street, Brooklyn, County of Kings, State of New York.

59. As a result of the gross negligence and medical malpractice of the Defendant(s) herein, Plaintiff's Decedent, LISA MARIE FUSCO, suffered irreparable injuries, prolonged conscious pain and suffering and, as a direct result of injuries sustained on October 28, 2010, died on November 2, 2010.

60. That by reason of the foregoing, the Defendant(s) is/are liable to the Plaintiff's Decedent's Estate for punitive damages in an amount in excess of the jurisdictional limits of all lower Courts.

W H E R E F O R E , Plaintiff demands judgment against the Defendant(s) in an amount for each cause of action which exceeds the jurisdictional limits of all lower Courts and remains within the jurisdictional limits of this Court, together with the reasonable costs and disbursements and attorneys' fees incurred in the prosecution of this action.


CERTIFICATION PURSUANT TO PART 130

Pursuant to 22 NYCRR § 130-1.1-a: the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry (1) the contentions contained within the annexed document(s) is/are not frivolous, and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR.41-a).

Dated: White Plains, New York
 September 25, 2012

Yours, Etc.

WORBY GRONER EDELMAN LLP

By: 
Sam Rosmarin, Esq.
Attorneys for Plaintiff
11 Martine Avenue – PH
White Plains, New York 10606

(914) 686 3700 Dial
(914) 686-0567 Fax
sam@rosmarinlaw.com

SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF KINGS

Index No.: _____ 2012E

Dated Purchased: 09/ /12

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**JAMES SLOVEN as Administrator of the Goods, Chattels and
Credits of the Estate of LISA MARIE FUSCO,**

PLAINTIFF

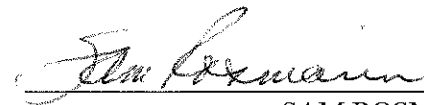
-AGAINST-

**GEORGE MC MILLAN M.D., GEORGE MCMILLAN, M.D.
AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY
PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY
MANAGEMENT SERVICES, LLC AND AMBULATORY
SURGERY CENTER OF BROOKLYN, LLC,**

DEFENDANTS.

-----X
The undersigned is an attorney admitted to practice in the Courts of New York and say that: I have read the annexed Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge is based upon conversations with the Plaintiff, a review of the medical records and file materials. The reason I make this affirmation instead of the Plaintiff is Plaintiff's counsel maintains their offices outside the county in which Plaintiff resides. I affirm that the foregoing statements are true under penalties of perjury.

Dated: White Plains, New York
September 25, 2012



SAM ROSMARIN

SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF KINGS

Index No.: _____ 2012E

Dated Purchased: 09/ /12

JAMES SLOVEN as Administrator of the Goods, Chattels and
Credits of the Estate of LISA MARIE FUSCO,

PLAINTIFF

-AGAINST-

CERTIFICATE OF
MERIT

GEORGE MC MILLAN M.D., GEORGE MCMILLAN, M.D.
AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY
PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY
MANAGEMENT SERVICES, LLC AND AMBULATORY
SURGERY CENTER OF BROOKLYN, LLC,

DEFENDANTS.

The undersigned, attorney for Plaintiff, declares that:

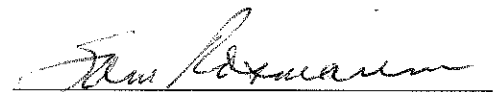
☒ I have reviewed the facts of the case and have consulted with at least one physician who is licensed to practice in this state or any other state and who I reasonably believe is knowledgeable in the relevant issues involved in this action, and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

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

☐ I was unable to obtain the consultation required by CPLR 3012-a(a)(1) because I have made three separate good faith attempts with three separate physicians or dentists to obtain such consultation and none of those contacted would agree to such a consultation.

☐ I intend to rely solely on the doctrine of "res ipsa loquitur" and for that reason am not filing the certificate required by CPLR Section 3012-a(a).

Dated: White Plains, New York
September 25, 2012


Sam Rosmarin, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
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**JAMES SLOVEN as Administrator of the Goods, Chattels and
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PLAINTIFF

-AGAINST-

**GEORGE MC MILLAN M.D., GEORGE MCMILLAN, M.D.
AND ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY
PHYSICIAN ASSOCIATES, P.C., BROOKLYN AMBULATORY
MANAGEMENT SERVICES, LLC AND AMBULATORY
SURGERY CENTER OF BROOKLYN, LLC,**

DEFENDANTS.

-----X
**COURT NOTICE REGARDING AVAILABILITY OF ELECTRONIC FILING
SUPREME COURT CASES**

PLEASE TAKE NOTICE that Plaintiff in the case captioned above intends that this matter proceed as an electronically-filed case in the New York State Courts Electronic Filing System ("NYSCEF") in accordance with the procedures therefor, set forth in Uniform Rule 202.5-b and described below. Under that Rule, filing and service of papers by electronic means cannot be made by a party nor can electronic service be made upon a party unless that party has consented to use of the System for the case in question. Within ten days after service of this Notice, each party served should indicate whether or not it consents to electronic filing and service through NYSCEF for this case. (See Instruction # 2 below.)

General Information

Electronic filing offers significant benefits for attorneys and litigants, permitting documents to be filed with the County Clerk and the court and served, between or among consenting parties, by posting the documents on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. There is no fee to use the NYSCEF System, whether for filing, service, or consultation of the electronic docket, nor is there a charge to print

documents from the docket. Normal filing fees must be paid, but this can be done by credit or debit card on-line. For additional procedures and information, see Uniform Rule 202.5-b, any e-filing protocol that may have been promulgated by the court in question, and the NYSCEF Website at www.nycourts.gov/efile.

Instructions

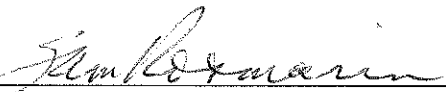
1. Service of this Notice constitutes consent to e-filing and a statement of intent by the undersigned to use the NYSCEF System in this case. When an action or proceeding is being commenced through the NYSCEF System, this Notice must accompany service of the initiating papers.
2. **Within ten days after service of this Notice**, the party served should consent to e-filing either: (i) by filing with the court and serving on all parties of record a consent to e-filing, or (ii) if the party or attorney of record is an authorized e-filing user, by filing the consent electronically in the manner provided at the NYSCEF site. If one party or some but fewer than all parties consent, NYSCEF may be used by and between or among consenting parties.
3. Each participating attorney, unless already registered, or self-represented party must **PROMPTLY** complete a Filing User Registration form (see the "Forms" section of the Website) and submit it to the NYSCEF Resource Center (efile@courts.state.ny.us) in order to obtain the confidential Filing User Identification Number and Password necessary to use the system.

4. For additional information about NYSCEF, see the *User's Manual and Frequently Asked Questions* on the Website, or contact the court in question or the NYSCEF Resource Center (at 646-386-3033 or efile@courts.state.ny.us)

Dated: White Plains, New York
September 25, 2012

Yours, Etc.

WORBY GRONER EDELMAN LLP

By: 
Sam Rosmarin, Esq.

Attorneys for Plaintiff
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Albany, New York

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c/o NYS Division of Corporations
Albany, New York

Index No. NYSCEF

Year 20 2012E

SUPREME COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF KINGS

JAMES SLOVEN as Administrator of the Goods, Chattels and Credits of the Estate
of LISA MARIE FUSCO

PLAINTIFF

-AGAINST-

GEORGE MC MILLAN M.D., GEORGE MCMILLAN, M.D. AND
ASSOCIATES, P.L.L.C., BROOKLYN AMBULATORY PHYSICIAN
ASSOCIATES, P.C., BROOKLYN AMBULATORY MANAGEMENT SERVICES,
LLC AND AMBULATORY SURGERY CENTER OF BROOKLYN, LLC,

DEFENDANTS

**SUMMONS, VERIFIED COMPLAINT, CERTIFICATE OF MERIT
NYSCEF FILING NOTICE**

WORBY GRONER EDELMAN LLP

COUNSELLORS AT LAW

Attorneys for

Plaintiff

11 MARTINE AVENUE

WHITE PLAINS, NEW YORK 10606

(914) 686-3700

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated:

Signature

Print Signer's Name.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

☐
NOTICE OF
ENTRY

that the within is a (certified) true copy of a
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. , one of the judges of the within-named Court,
at
on 20 , at M.

Dated:

WORBY GRONER EDELMAN LLP

COUNSELLORS AT LAW

Attorneys for

To:

11 MARTINE AVENUE

WHITE PLAINS, NEW YORK 10606

Attorney(s) for