

Supreme Court of the State of New York
County of BRONX

Index No.
Date purchased 11/2/15
Plaintiff(s) designate(s) BRONX
County as the place of trial.
The basis of the venue is
Plaintiff's Residence

MONICA M. ELLISON,

Plaintiff(s)

against

THE NEW YORK AND PRESBYTERIAN HOSPITAL,
TIMOTHY E. RYNTZ, M.D. and SHERELLE
LEA LAIFER-NARIN, M.D.,

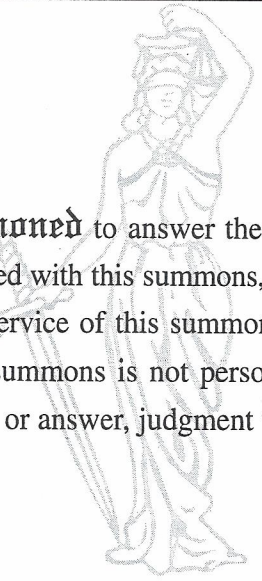
Defendant(s)

Summons

Plaintiff(s) reside(s) at
1535 University Avenue
Bronx, New York 10453
County of BRONX

To the above named Defendant(s)

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 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.



Dated, New York, New York
November 2, 2015

A. PAUL BOGATY, ESQ.
Attorney(s) for Plaintiff

Office and Post Office Address

Defendant's address:

THE NEW YORK AND PRESBYTERIAN HOSPITAL
622 West 168th Street
New York, New York 10022

355 Lexington Avenue Fl4
New York, New York 10017
212-481-7797
apb@bogatyllaw.com

TIMOTHY E. RYNTZ, M.D.
161 Fort Washington Avenue
Room 447
New York, New York 10032

SHERELLE LEA LAIFER-NARIN, M.D.
622 West 168th Street
New York, New York 10022

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----x

MONICA M. ELLISON,

Plaintiff,

- against -

THE NEW YORK AND PRESBYTERIAN HOSPITAL,
TIMOTHY E. RYNTZ, M.D. and SHERELLE LEA
LAIFER-NARIN, M.D.,

Defendants.

**VERIFIED
COMPLAINT**

Index #:

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Plaintiff, by her attorney, A. PAUL BOGATY, alleges upon information and belief:

1. The limitations on liability set forth in CPLR Section 1601 do not apply to this action by reason of one or more of the exceptions set forth in CPLR Section 1602.

AS AND FOR A FIRST CAUSE OF ACTION

2. The plaintiff, MONICA M. ELLISON, resides at 1535 University Avenue, Bronx, New York 10453.

3. At all times hereinafter mentioned, defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, was and still is a domestic not for profit corporation duly organized and existing under and by virtue of the laws of the State of New York, having its principal place of business at 622 West 168th Street, New York, New York 10032.

4. At all times hereinafter mentioned defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, was also known and did business as NEW YORK-PRESBYTERIAN HOSPITAL.

5. At all times hereinafter mentioned, defendant, THE NEW

YORK AND PRESBYTERIAN HOSPITAL, owned a hospital located at 622 West 168th Street, New York, New York 10032.

6. At all times hereinafter mentioned, defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, operated, conducted, managed, controlled and maintained a hospital located at 622 West 168th Street, New York, New York 10032.

7. At all times hereinafter mentioned, defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, owned, operated, conducted, managed, controlled and maintained a wholly owned community hospital, known as The Allen Hospital, located at 5141 Broadway, New York, New York 10034.

8. At all times hereinafter mentioned, defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, used and employed physicians, staff members, residents, interns, physician assistants, nurses and others who were employed, authorized, retained and permitted by defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, to render medical care, treatment and services and perform all necessary and proper functions pertaining to any preoperative, operative and post-operative procedures to persons cared for and treated at the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

9. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was or represented himself to be a physician duly licensed to practice medicine in the State of New York.

10. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was or represented himself to be a physician specializing in the field of obstetrics and gynecology.

11. At all times herein mentioned, defendant, TIMOTHY E.

RYNTZ, M.D., held himself out to the public, and more particularly, to the plaintiff as possessing the proper degree of learning and skill, and that he undertook to use reasonable care and diligence in the treatment of the plaintiff, MONICA E. ELLISON.

12. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was associated with the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

13. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was on the staff of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

14. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was acting as an agent of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

15. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was an employee of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

16. At all times hereinafter mentioned, defendant, TIMOTHY E. RYNTZ, M.D., was acting within the course and scope of his employment with the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

17. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was or represented herself to be a physician duly licensed to practice medicine in the State of New York.

18. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was or represented herself to be a physician specializing in the field of diagnostic radiology.

19. At all times hereinafter mentioned, defendant, SHER-

ELLE LEA LAIFER-NARIN, M.D., held herself out to the public, and more particularly, to the plaintiff as possessing the proper degree of learning and skill, and that she undertook to use reasonable care and diligence in the treatment of the plaintiff, MONICA M. ELLISON.

20. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was associated with the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

21. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was on the staff of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

22. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was an agent of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

23. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was an employee of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

24. At all times hereinafter mentioned, defendant, SHERELLE LEA LAIFER-NARIN, M.D., was acting within the course and scope of her employment with the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

25. On February 10, 2014, plaintiff, MONICA M. ELLISON, underwent a laparoscopic hysterectomy at the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

26. The aforesaid operative procedure was performed by defendant, TIMOTHY E. RYNTZ, M.D., his agents, servants and/or employees.

27. Plaintiff, MONICA M. ELLISON, was discharged from the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, on February 13, 2014.

28. On March 11, 2014, plaintiff, MONICA M. ELLISON, presented in the emergency room of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, with complaints of abdominal pain, and more particularly left upper quadrant pain.

29. During the course of the aforesaid emergency room visit a CT scan of the abdomen and pelvis with intravenous contrast was performed and thereafter interpreted by defendant, SHERELLE LEA LAIFER-NARIN, M.D., as "Status post hysterectomy with a small amount of free pelvic fluid. No abscess".

30. Plaintiff, MONICA ELLISON, was discharged from the emergency room of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, on March 12, 2014.

31. Plaintiff, MONICA M. ELLISON, was thereafter followed in the clinics of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

32. On November 19, 2014, the aforesaid CT scan of the abdomen and pelvis was reviewed by other radiologists at the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, and found to reveal a foreign body in the left upper quadrant.

33. Said finding was confirmed on a CT scan of the abdomen and pelvis without contrast performed on December 5, 2014, at the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

34. On December 19, 2014, plaintiff, MONICA M. ELLISON, was

admitted to The Allen Hospital, a wholly owned community hospital of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, for a diagnostic laparoscopy and removal of multiple pieces of a foreign body from her abdomen.

35. The plaintiff, MONICA M. ELLISON, was discharged from the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, on December 20, 2014.

36. On April 24, 2015, plaintiff, MONICA M. ELLISON, presented in the emergency room of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, with continuing complaints of abdominal pain, and more particularly left upper quadrant pain. A CT of the abdomen and pelvis with contrast confirmed a foreign body.

37. On May 18, 2015, plaintiff, MONICA M. ELLISON, was admitted to the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, for a wire localized laparoscopic foreign body removal.

38. The plaintiff, MONICA M. ELLISON, was discharged from the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL, on May 19, 2015.

39. That in the course of rendering the aforesaid medical and surgical care, treatment and services to the plaintiff, MONICA M. ELLISON, defendants, TIMOTHY E. RYNTZ, M.D. and SHERELLE LEA LAIFER-NARIN, M.D., were aided and assisted by the agents, servants and employees of the defendant, THE NEW YORK AND PRESBYTERIAN HOSPITAL.

40. Defendants, TIMOTHY E. RYNTZ, M.D., SHERELLE LEA LAIFER-NARIN, M.D. and THE NEW YORK AND PRESBYTERIAN HOSPITAL, and each of them, their agents, servants and/or employees, were

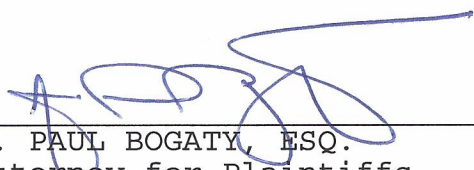
negligent and careless in the medical and surgical care, treatment and services rendered to the plaintiff, MONICA M. ELLISON.

41. Plaintiff, MONICA M. ELLISON, will also rely upon the doctrine of Res Ipsa Loquitor.

42. That by reason of the negligent and careless treatment rendered by the defendants, TIMOTHY E. RYNTZ, M.D., SHERELLE LEA LAIFER-NARIN, M.D. and THE NEW YORK AND PRESBYTERIAN HOSPITAL, and each of them, their agents, servants and/or employees, the plaintiff, MONICA M. ELLISON, suffered severe and serious injuries, incurred medical expenses and sustained other consequential damages.

43. The amount of damages sought herein exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

WHEREFORE, plaintiff demands judgment against the defendants on the FIRST Cause of Action together with interest and the costs and disbursements of this action.


A. PAUL BOGATY, ESQ.
Attorney for Plaintiffs
Office & P.O. Address
355 Lexington Avenue, 4th Fl
New York, New York 10017
212-481-7797
apb@bogatylaw.com

VERIFICATION

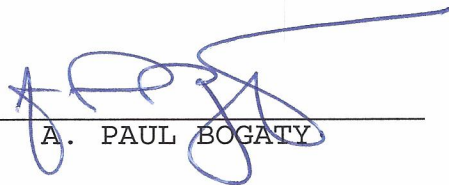
A. PAUL BOGATY, an attorney duly admitted to practice in the Courts of this State, affirms under the penalties of perjury that:

I am the attorney for the plaintiff(s) in the instant action. That I have read the foregoing COMPLAINT and know the contents thereof; the same are true to my own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

The reason this verification is made by deponent and not by plaintiff(s) is that the plaintiff(s) are in a County other than the one in which plaintiff(s) attorney maintains his office.

The source of deponent's information and the grounds of my belief are communications, papers, reports and investigations contained in my file.

Dated: New York, New York
November 2, 2015



A. PAUL BOGATY

MONICA M. ELLISON,

Plaintiff,

- against -

THE NEW YORK AND PRESBYTERIAN HOSPITAL, TIMOTHY E. RYNTZ, M.D.
and SHERELLE LEA LAIFER-NARIN, M.D.,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

A. PAUL BOGATY

Attorney(s) for Plaintiff

**355 Lexington Avenue
4th Floor
New York, New York 10017-6603
(212) 481-7797
apb@bogaty.com**

To

Signature (Rule 130-1.1-a)


Print name beneath A. Paul Bogaty

Service of a copy of the within is hereby admitted.

Dated: _____

Attorney(s) for

PLEASE TAKE NOTICE:

NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
will be presented for settlement to the HON.
within named Court, at
on _____ at _____ M.

of which the within is a true copy
one of the judges of the

Dated,

Yours, etc.

A. PAUL BOGATY