

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Date of Filing with
Clerk of the Court:

AFI TURNER,

Plaintiff,

SUMMONS

Index No.:

-against-

Plaintiff designates
Bronx County as the
place of trial

TIMOTHY RYNTZ, M.D., and THE PHYSICIANS
AND SURGEONS OF COLUMBIA UNIVERSITY,

The basis of the venue
is plaintiff's residence.

Defendants.

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 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: Kew Gardens, New York
November 13, 2015


WISELL & MCGEE, L.L.P.
Attorneys for Plaintiff
80-02 Kew Gardens Road, Suite 307
Kew Gardens, New York 11415
(718)544-0041

Defendant's addresses:
TIMOTHY RYNTZ, M.D., 161 Fort Washington Avenue, New York, NY 10032
THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, 638 West 168th
Street, New York, NY 10032

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

AFI TURNER,

Plaintiff,

-against-

**VERIFIED
COMPLAINT**

Index No.:

TIMOTHY RYNTZ, M.D., and THE PHYSICIANS
AND SURGEONS OF COLUMBIA UNIVERSITY,

Defendants.

Plaintiff, by her attorneys, WISELL & McGEE, L.L.P., complaining of the above-named defendants, sets forth and alleges as follows upon information and belief:

FIRST: That at all times herein mentioned, plaintiff, AFI TURNER, was a resident of the County of Bronx, State of New York.

SECOND: That at all times hereinafter mentioned, defendant, TIMOTHY RYNTZ, M.D., was and is a physician duly licensed to practice medicine in the State of New York.

THIRD: That at all times hereinafter mentioned, defendant THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY was and is a domestic professional service limited liability company/professional corporation, licensed to conduct business in the State of New York.

FOURTH: That at all times hereinafter mentioned, the defendant, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, held itself out to the general public as providing medical, nursing and health care treatment to patients in accordance with the good and accepted standards and practices of medicine and public health, and in providing a medical staff that was skillful, careful and competent to perform medical services thereat.

FIFTH: That at all times hereinafter mentioned, the defendant, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, was privately owned and

maintained.

SIXTH: That at all times hereinafter mentioned, defendant, TIMOTHY RYNTZ, M.D. was a physician in the employ of THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY.

SEVENTH: That at all times hereinafter mentioned, the defendant, TIMOTHY RYNTZ, M.D., was a physician practicing medicine at THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY.

EIGHTH: That at all times hereinafter mentioned, the defendant, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, by its agents, servants and/or employees, owned, operated, maintained, supervised and controlled the aforesaid medical facility.

NINTH: That on July 30, 2014, defendants, TIMOTHY RYNTZ, M.D. and THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, accepted plaintiff, AFI TURNER, as a patient for the purpose of providing medical care and treatment to her.

TENTH: That on July 30, 2014 plaintiff presented to defendants for medical care and treatment.

ELEVENTH: That on July 30, 2014 defendants accepted plaintiff as a patient and provided medical care and treatment to her.

TWELFTH: That on July 30, 2014 and thereafter, the defendants, TIMOTHY RYNTZ, M.D. and THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, provided medical care and treatment to the plaintiff, AFI TURNER.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST
TIMOTHY RYNTZ, M.D. AND THE PHYSICIANS AND SURGEONS OF COLUMBIA
UNIVERSITY ON BEHALF OF PLAINTIFF, AFI TURNER**

THIRTEENTH: That this defendant failed to render proper medical care and treatment to the plaintiff, AFI TURNER.

FOURTEENTH: That defendant TIMOTHY RYNTZ, M.D. failed to render proper medical care and treatment to plaintiff, AFI TURNER, in that he was negligent, careless, reckless and departed from proper medical practices in that his actions constituted malpractice.

FIFTEENTH: That defendant TIMOTHY RYNTZ, M.D. was negligent in that he failed to properly examine, diagnose and appropriately treat plaintiff.

SIXTEENTH: That defendant TIMOTHY RYNTZ, M.D. failed to provide proper medical treatment to plaintiff in that he negligently performed the July 30, 2014 surgery.

SEVENTEENTH: That defendant THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY are vicariously liable to the plaintiff in that the acts of medical negligence by TIMOTHY RYNTZ, M.D. occurred while he was in the course and scope of his employment with THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY.

EIGHTEENTH: That the medical negligence by defendant, TIMOTHY RYNTZ, M.D., and through vicarious liability that of his employer, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, occurred without any negligence on the part of the plaintiff contributing thereto.

NINETEENTH: That solely by reason of the medical negligence of defendant TIMOTHY RYNTZ, M.D., and through vicarious liability that of his employer, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY, plaintiff was caused to suffer serious and severe permanent personal injuries, loss of enjoyment of life, and was otherwise injured and damaged.

TWENTIETH: That as a result of the foregoing, plaintiff demands Judgment against defendants TIMOTHY RYNTZ, M.D. and THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY in an amount that exceeds the jurisdictional sum of all lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY ON BEHALF OF
PLAINTIFF, AFI TURNER**

TWENTY-FIRST: Plaintiff repeats, realleges and reiterates each and every allegation contained in all previous paragraphs with the same force and effect as if fully set forth at length herein.

TWENTY-SECOND: That defendant THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY was negligent in that they failed to supervise their employee, TIMOTHY RYNTZ, M.D.

TWENTY-THIRD: That defendant THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY was negligent in that they failed to have a program to identify medical practices by their employee, TIMOTHY RYNTZ, M.D., that were not in conformity with good and accepted medical practice.

TWENTY-FOURTH: That all of the aforesaid acts of negligence by defendant THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY occurred without any negligence on the part of the plaintiff contributing thereto.

TWENTY-FIFTH: That solely by reason of the negligence of defendant, THE PHYSICIANS AND SURGEONS OF COLUMBIA UNIVERSITY plaintiff suffered serious and severe permanent personal injuries, loss of enjoyment of life, and was otherwise injured and damaged.

TWENTY-SIXTH: That as a result of the foregoing, plaintiff demands Judgment against the defendants in an amount that exceeds the jurisdictional sum of all lower courts.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST TIMOTHY RYNTZ, M.D.
FOR LACK OF INFORMED CONSENT ON BEHALF OF PLAINTIFF, AFI TURNER**

TWENTY-SEVENTH: Plaintiff repeats, realleges and reiterates each and every allegation contained in all previous paragraphs with the same force and effect as if fully set forth and at length herein.

TWENTY-EIGHTH: Upon information and belief, that at all times hereinbefore mentioned, defendant, TIMOTHY RYNTZ, M.D., his agents, servants, and/or employees, failed

to disclose to plaintiff, AFI TURNER, the alternatives to and the reasonably foreseeable risks and benefits of the surgery to her uterus as reasonable medical practitioners under similar circumstances would have disclosed. This disclosure would have permitted the plaintiff to make a knowledgeable evaluation.

TWENTY-NINTH: That the defendant failed to disclose the risks and hazards of the surgery to her uterus in a manner that would have permitted plaintiff to make a knowledgeable decision regarding that medical treatment. Had the defendant disclosed the alternatives to and the risks and benefits of said medical treatment, plaintiff, as a reasonable person, would not have undergone the previously described surgery to her uterus.

THIRTIETH: The failure of the defendant, his agents, servants, and/or employees, to obtain an informed consent was a proximate cause of the injuries sustained by plaintiff, AFI TURNER, and that in failing to obtain plaintiff's informed consent in the manner set forth above, defendant and his agents, servants, and/or employees, violated the provisions of Public Health Law, Section 2805-d (1) and (3).

THIRTY-FIRST: By reason of the foregoing, plaintiff, AFI TURNER, has been caused to suffer and sustain serious and severe personal injuries and has been damaged in a sum of money exceeding the monetary jurisdictional limits of all lower courts.

THIRTY-SECOND: That as a result of the negligence of the defendants, plaintiff was caused to suffer serious and severe personal injuries, loss of enjoyment of life and was in other ways injured and damaged.

THIRTY-THIRD: Plaintiff demands Judgment against this defendant in a sum of money that exceeds the jurisdictional limits of all lower courts.

WHEREFORE, plaintiff demands Judgment against all the defendants on all causes of action for a sum of money that exceeds the jurisdictional limits of the lower courts, together with interest, costs and disbursements of this action.

Dated: Kew Gardens, New York
November 13, 2015

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Wisell". The signature is written in a cursive style with a large initial "J" and "W".

WISSELL & MCGEE, L.L.P.
Attorneys for Plaintiff
80-02 Kew Gardens Road, Suite 307
Kew Gardens, New York 11415
(718) 544-0041

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

AFI TURNER,

Plaintiff,

**ATTORNEY'S
VERIFICATION**

-against-

TIMOTHY RYNTZ, M.D., and THE PHYSICIANS
AND SURGEONS OF COLUMBIA UNIVERSITY,

Defendants.

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

I, the undersigned, an attorney admitted to practice law in the courts of New York State, state that I am, the attorney of record for the plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to those 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 me and not by plaintiffs is that plaintiffs are not in the county in which your affirmant maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Information contained in file.

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

Dated: Kew Gardens, New York
November 13, 2015



JOHN T. WISELL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

AFI TURNER,

Plaintiff,

**CERTIFICATE OF
MERIT**

-against-

TIMOTHY RYNTZ, M.D., and THE PHYSICIANS
AND SURGEONS OF COLUMBIA UNIVERSITY,

Defendants.

I, JOHN T. WISELL, an attorney duly licensed to practice law in the State of New York, certify the following to be true, pursuant to Section 3012-a of New York Civil Practice Law and Rules:

1. That I am the attorney for the plaintiff herein, and am fully familiar with all the facts and circumstances giving rise to the above entitled action.
2. That I have reviewed the facts and circumstances of this case with a physician duly licensed to practice medicine in the State of New York. That I verily believe that the aforesaid physician is knowledgeable in the relevant issues involved in this particular action.
3. That I have concluded on the basis of the aforesaid review and consultation, there is a reasonable basis for the commencement of this action.

Dated: Kew Gardens, New York
November 13, 2015


JOHN T. WISELL

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

Index No.:

AFI TURNER,

Plaintiff,

-against-

**TIMOTHY RYNTZ, M.D., and THE PHYSICIANS
AND SURGEONS OF COLUMBIA UNIVERSITY,**

Defendants.

SUMMONS AND VERIFIED COMPLAINT

WISELL & MCGEE, L.L.P.
Attorneys for Plaintiff
80-02 Kew Gardens Road, Suite 307
Kew Gardens, New York 11415
718-544-0041

TO:

Service of a copy of the within is hereby admitted.

Dated:

**PLEASE TAKE NOTICE that pursuant to CPLR 2103(b)(5),
WISELL & MCGEE, L.L.P. does not consent to service of any
papers upon it by electronic means (facsimile).
WISELL & MCGEE, L.L.P.
80-02 Kew Gardens Road, Suite 307, Kew Gardens, New York 11415**