

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

11800059

Index No.:

Date Purchased:

Plaintiffs,

Plaintiffs designate
New York county as
the place of trial

-against-

SUMMONS

The basis for the venue
is the residence of the plaintiffs

EAST SIDE GYNECOLOGY SERVICES, P.C.,
and RONALD D. BLATT, M.D., GARY
MUCCIOLO, M.D., MEDICAL STAFFING NETWORK,
INC., and ALEXANDRA ROZHITSKY, C.R.N.A..

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 on the Plaintiffs' Attorney within 20 days after the service of this summons and complaint, exclusive of the day of service (or within 30 days after the service is complete if this summons and complaint are 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
February 28, 2011

Defendants' Addresses:
EAST SIDE GYNECOLOGY SERVICES P.C.
RONALD D. BLATT, M.D.
225 East 64th Street
New York, New York 10021

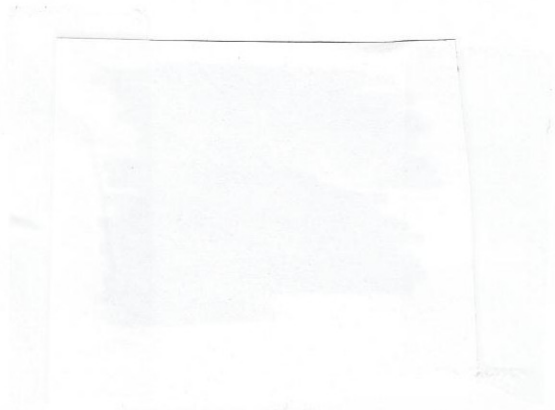
GARY MUCCIOLO, M.D.
338 East 30th Street
New York, New York 10016

FILED
MAR 02 2011
NEW YORK
COUNTY CLERK'S OFFICE

MEDICAL STAFFING NETWORK, INC
901 Yamato Road, Suite 110
Boca Raton, Florida 33431

ALEXANDRA ROZHITSKY, C.R.N.A.
655 Shrewsbury Ave
Shrewsbury, New Jersey 07702

PO Box 188
Little Silver, New Jersey 07739



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

X

Plaintiffs,

COMPLAINT

-against-

Index No.:

EAST SIDE GYNECOLOGY SERVICES, P.C.,
and RONALD D. BLATT, M.D., GARY
MUCCIOLO, M.D., MEDICAL STAFFING NETWORK,
INC., and ALEXANDRA ROZHITSKY, C.R.N.A..

Defendants.

X

Plaintiffs;

by their attorney,

complaining of the Defendants, respectfully allege, upon information and
belief, as follows:

FIRST CAUSE OF ACTION

1. That Plaintiff is a resident of County of New York, City and State of New York.
2. That Plaintiff is a resident of County of New York, City and State of New York.
3. At all times mentioned herein, Defendant EAST SIDE GYNECOLOGY SERVICES, P.C. is a domestic professional corporation duly organized and existing under, and by virtue of, the laws of the State of New York.
4. Defendant EAST SIDE GYNECOLOGY SERVICES, P.C. is a medical clinic pursuant to the laws of the State of New York for the care of women, which provided personnel, including doctors, nurses, attendants and others for the care and treatment of its women patients and which held itself out to the public as furnishing treatment facilities for

women patients, including Plaintiff

5. At all times mentioned herein, Defendant RONALD D. BLATT, M.D. was a physician duly licensed to practice medicine in the State of New York.
6. At all times mentioned herein, Defendant RONALD D. BLATT, M.D. held himself out to be a physician duly qualified to render proper and adequate medical service to the public in general, and to [REDACTED] in particular.
7. At all times mentioned herein, Defendant RONALD D. BLATT, M.D. was a chairman or a chief executive of Defendant EAST SIDE GYNECOLOGY SERVICES, P.C.
8. At all times mentioned herein, Defendant RONALD D. BLATT, M.D. was an agent of Defendant EAST SIDE GYNECOLOGY SERVICES, P.C.
9. At all times mentioned herein, Defendant GARY MUCCILO, M.D. was a physician duly licensed to practice medicine in the State of New York.
10. At all times mentioned herein, Defendant GARY MUCCILO, M.D. held himself out to be a physician duly qualified to render proper and adequate medical service to the public in general, and to [REDACTED] in particular.
11. At all times mentioned herein, Defendant GARY MUCCILO, M.D. was a an employee of Defendant EAST SIDE GYNECOLOGY SERVICES, P.C.
12. At all times mentioned herein, Defendant GARY MUCCILO, M.D. was an agent of Defendant EAST SIDE GYNECOLOGY SERVICES, P.C.
13. That Defendant MEDICAL STAFFING NETWORK, INC. is a foreign corporation duly organized and existing under, and by virtue of, the laws of the State of Florida.
14. That Defendant MEDICAL STAFFING NETWORK, INC. is a temporary health care staffing company which provides nurse staffing and other health care related modalities

- on a per diem basis to health care organizations nationwide.
15. That Defendant ALEXANDRA ROZHITSKY, C.R.N.A., was a certified nurse anesthetist.
16. That Defendant ALEXANDRA ROZHITSKY, C.R.N.A., was an employee of Defendant MEDICAL STAFFING NETWORK, INC.
17. That on or about September 6, 2008, and thereafter, Plaintiff [REDACTED] obtained an abortion procedure at Defendant EAST SIDE GYNECOLOGY SERVICES, P.C.
18. That on or about September 6, 2008, and thereafter, the defendants, their employees, agents, nurses, doctors, residents and in-house staff, rendered medical care, diagnosis, treatment and services to [REDACTED] and were responsible for her care in accordance with the standard of care and treatment generally accepted in the community; to use in their care and treatment of [REDACTED] approved methods in general; use reasonable care and skill; and to use their best judgments.
19. That defendants, their employees, agents, nurses, residents and in-house staff were negligent, careless, and reckless, and departed from good and accepted medical practice when they administered Diprivan during Plaintiff [REDACTED] general anesthesia in total disregard of her warnings that she was allergic to it.
20. Their negligence, carelessness, and recklessness, and the departure from good and accepted medical practice was a proximate cause of Plaintiff [REDACTED] pain, suffering, and apprehension of possible death.
21. By the reason of the above, Plaintiff [REDACTED] was damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise

have had jurisdiction.

SECOND CAUSE OF ACTION

22. Plaintiffs re-allege paragraphs 1 through 22 as if fully set herein.

23. That Defendant EAST SIDE GYNECOLOGY SERVICES, P.C. was negligent in hiring and supervising medical personnel who were careless, unskillful and negligent, and who did not possess the requisite knowledge and skill of medical professionals in the community.

24. That Defendant MEDICAL STAFFING NETWORK, INC. was negligent in hiring and supervising medical personnel who were careless, unskillful and negligent, and who did not possess the requisite knowledge and skill of medical professionals in the community.

25. As a result of the defendants' negligence, Plaintiff [REDACTED] suffered serious injuries, pain and suffering and loss of enjoyment of life and has incurred expenses.

26. By the reason of the above, Plaintiff [REDACTED] seeks damages in an amount that exceeds the jurisdictional limits of all other courts that would otherwise have had jurisdiction.

THIRD CAUSE OF ACTION

27. Plaintiffs re-allege paragraphs 1 through 26 as if fully set forth herein.

28. Plaintiff [REDACTED] is the spouse of Plaintiff [REDACTED]

29. As a result of injuries to Plaintiff [REDACTED], Plaintiff [REDACTED] as suffered loss of services and consortium.

30. As a result of the foregoing, Plaintiff [REDACTED] seeks damages in an amount that exceeds the jurisdiction of all other courts that would otherwise have jurisdiction.

WHEREFORE, Plaintiffs

demand

judgment against the defendants for the first, second, and third causes of action together
with interest and costs and disbursement of this action.

Dated: New York, New York
February 28, 2011

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

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Plaintiffs,

CERTIFICATE OF MERIT

-against-

Index No.:

EAST SIDE GYNECOLOGY SERVICES, P.C.,
and RONALD D. BLATT, M.D., GARY
MUCCILO, M.D., MEDICAL STAFFING NETWORK,
INC., and ALEXANDRA ROZHITSKY, C.R.N.A.

Defendants.

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_____ an attorney duly admitted to practice law in the Courts
of the State of New York, affirms the following to be true under the penalties provided
by law:

I have reviewed the facts of the case and have consulted with at least one
physician who is licensed to practice medicine in this State.

I reasonably believe said physician is knowledgeable in the relevant issues
involved in this particular action and reasonably concluded, based upon such review
and consultation that there is a reasonable basis for the commencement of this action.

This certification is being made pursuant to the provisions of CPLR 3012-a.

Dated: New York, New York
February 28, 2011

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MUCCIOLO, M.D., MEDICAL STAFFING NETWORK,
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SUMMONS AND COMPLAINT