

ORIGINAL

SUPREME COURT-BRONX COUNTY

ANDREW MORALES as Administrator of the Estate of Plaintiff
CYNTHIA QUINTANA-MORALES

against

RONALD D. BLATT, M.D., et al

FILED

MAR 20 2003

Index# 13093/03

Defendant
BRONX COUNTY CLERK'S OFFICE

STATE OF NEW YORK, COUNTY OF NEW YORK, ss.:

RUDOLPH WRIGHT being duly sworn, deposes and says: I

am over 18 years of age, not a party to this action, and reside in the
State of New York. That on the 11th day of March, 2003

at 2:05 P.M., at 225 East 64th Street, New York, NY 10021

~~City of New York~~ City of New York, I served the SUMMONS AND VERIFIED COMPLAINT &
CERTIFICATE OF MERIT

annexed hereto, upon EASTSIDE GYNECLOGY, PC.

the defendant therein named, by delivering to, and leaving

personally with said RACHEL RODRIGUEZ, Officer Manager, authorized
to accept process

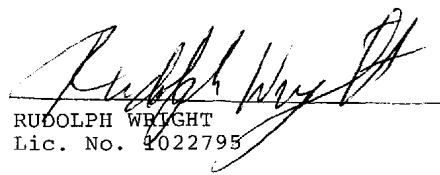
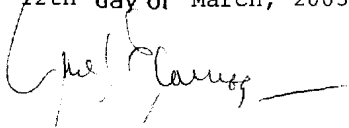
a true copy of each thereof.

Deponent describes person served as aforesaid to the best of deponents
ability at the time and circumstances of service as follows:

sex: female color: white hair: brown app. age: 33

app. ht: 5'6" app. wt: 135

Sworn to before me on this
12th day of March, 2003


RUDOLPH WRIGHT
Lic. No. 4022795

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANDREW MORALES as Administrator of the Estate
of CYNTHIA QUINTANA-MORALES,

Plaintiff,

-against-

RONALD D. BLATT, M.D., RONALD D. BLATT,
M.D., P.C, and EASTSIDE GYNECOLOGY, PC.,

Defendants.
-----X

Index No. 18093-03
Dated Filed
MAR - 3
S U M M O N S
CLERK
PH: 6
Plaintiff designates
Bronx County as the
place of trial

The basis of the venue is
residence of Plaintiff

Plaintiff resides at
537 Throgs Neck Expressway
Bronx, NY 10465

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 Plaintiff's Attorney within 20 days after 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: Bronx, New York
February 27, 2003

Yours, etc.,

WILLIAM A. GALLINA, ESQ.
Attorney for Plaintiffs
1180 Morris Park Avenue
Bronx, New York 10461
(718) 892-0400

TO: DEFENDANTS:
RONALD D. BLATT, M.D.
225 East 64th Street, New York, New York 10021

RONALD D. BLATT, M.D., PC
225 East 64th Street, New York, New York 10021

EASTSIDE GYNECOLOGY, PC
225 East 64th Street, New York, New York 10021

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
ANDREW MORALES as Administrator of the Estate
of CYNTHIA QUINTANA-MORALES

Plaintiff,

-against-

RONALD D. BLATT, M.D. RONALD D. BLATT,
M.D., P.C. and EASTSIDE GYNECOLOGY, P.C.;

Defendants.
-----X

VERIFIED COMPLAINT

Index No.

03 MAR 3 PM 1:06
COUNTY CLERK
BRONX COUNTY

RECEIVED

Plaintiff by his attorney, WILLIAM A. GALLINA, ESQ., complaining of the defendants,
RONALD D. BLATT, M.D. , RONALD D. BLATT, M.D., P.C. and EASTSIDE GYNECOLOGY,
P.C., alleges upon information and belief as follows:

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

1. That at all times hereinafter mentioned, the plaintiff, was and is a resident of Bronx County, State of New York.
2. That at all times hereinafter mentioned, the defendant, RONALD D. BLATT, M.D., was and is a resident of the County of New York, State of New York.
3. At all times hereinafter mentioned, the defendant, RONALD D. BLATT, M.D. was or represented himself to be a physician duly licensed by the State of New York for the practice of his profession.
4. At all times hereinafter mentioned, the defendant, RONALD D. BLATT, M.D., was an employee of the defendant, EASTSIDE GYNECOLOGY, P.C.
5. Upon information and belief, that at all times hereinafter mentioned, defendant, EASTSIDE GYNECOLOGY, P.C., was and is a domestic corporation, organized and existing under and

13. At all times hereinafter mentioned, the Defendants, their agents, servants and/or employees undertook and agreed to render medical care to the Plaintiff for a period of time prior to and including May 7, 2001.

14. The defendants, their agents, servants, partners, residents and/or employees were negligent in the care rendered for and on behalf of the plaintiff, in negligently failing and neglecting to use reasonable care in the services and care rendered for and on behalf of the injured plaintiff, in negligently and carelessly neglecting to heed plaintiff's condition, in negligently departing from accepted practices in the services rendered for and on behalf of the plaintiff, in failing to follow good practice, in performing contraindicated procedures on the plaintiff, in failing to perform indicated procedures in a proper manner, in performing indicated procedures negligently on the plaintiff and negligently performing procedures on the plaintiff. In addition to the foregoing, the plaintiff reserves the right to rely on the doctrine res ipsa loquitur.

15. As a result of the foregoing, the Plaintiff was rendered sick and disabled, suffered injuries, pain and mental anguish, was compelled to seek medical care, incurred expenses, was permanently injured and disabled and has died as a result of the negligence of the defendant herein.

16. That the limitations set forth in CPLR Section 1601 do not apply by reason of one or more of the exceptions of CPLR Section 1602.

17. That the plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

18. Plaintiff, repeats, reiterates and re-alleges each and every paragraph of the complaint numbered "1" through "17" with the same force and effect as if fully set forth at length herein.

19. The defendant by their agents, servants, employees, partners and/or others acting within their control failed to advise of the risks, hazards and danger inherent in the treatment rendered, failed to advise of the alternatives thereto and failed to obtain an informed consent.

20. The defendants failed to disclose to the plaintiff CYNTHIA QUINTANA-MORALES such alternatives to the treatment and the reasonably foreseeable risks and benefits involved as a reasonable medical provider under similar circumstances would have disclosed in a manner permitting the patient to make a knowledgeable evaluation.

21. A reasonably prudent person in plaintiff, CYNTHIA QUINTANA-MORALES'S position would not have undergone the treatment or diagnoses if plaintiff CYNTHIA QUINTANA -MORALES had been fully informed and the lack of informed consent is a proximate cause of the injury and/or condition for which relief is sought.

22. As a result of the foregoing, and as a result of the negligence of the defendants herein the Plaintiff expired.

23. That the plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

24. Plaintiff repeats, reiterates and re-alleges each and every paragraph of the complaint numbered "1" through "23" with the same force and effect as if fully set forth at length herein.

25. Defendant, EASTSIDE GYNECOLOGY P.C. prior to the granting and renewing of privileges of employment for its agents, employees, independent contractors, staff and others involved in plaintiff care, failed to investigate the qualifications, competence, capacity, abilities and capabilities of said defendant, its employees, including, but not limited to, obtaining the following information patient grievances, negative health care outcomes, incidents injurious to patients, negligent actions commenced against said persons, including the outcome thereof, any history of association, privilege and/or practice at other institutions, any

discontinuation of said association, employment, privilege and/or practice at said institution, and any pending professional misconduct proceedings in this state or another state, the substance of the allegations in such proceedings and any additional information concerning such proceedings and the findings of the proceedings and failed to make sufficient inquiry of the physicians and employees and institutions which should and did have information relevant to the capacity, capability, ability and competence of said persons rendering treatment.

26. Had the defendant EASTSIDE GYNECOLOGY P.C. made the above stated inquiry or in the alternative had said defendant reviewed and analyzed the information obtained in a proper manner, privileges and/or employment would not have been granted and/or renewed.

27. By reason of the defendant's failure to meet the aforementioned obligation plaintiff CYNTHIA QUINTANA-MORALES was treated by physicians, and other employees who were lacking the requisite skills, abilities, competence and capacity, as a result of which plaintiff CYNTHIA QUINTANA-MORALES sustained severe injuries and complications and died.

28. As a result of the foregoing, the Plaintiff was rendered sick and disabled, suffered injuries, pain and mental anguish, was compelled to seek medical care, incurred expenses and was permanently injured, disabled and died.

29. That the plaintiff has been damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF PLAINTIFF**

30. Plaintiff repeats, reiterates and re-alleges each and every paragraph of the complaint numbered "1" through "29" with the same force and effect as if fully set forth at length herein.

31. That at all times hereinafter mentioned, plaintiff ANDREW MORALES was the husband of plaintiff, CYNTHIA QUINTANA-MORALES and was entitled to and did receive the services and society of his said wife.

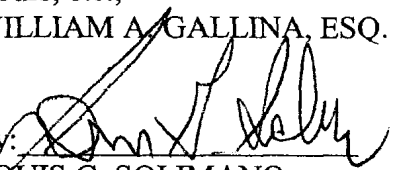
32. That by reason of the aforesaid plaintiff ANDREW MORALES, has been deprived of the support, services, love, companionship, affection and society of his wife and has been compelled to expend money and incur obligations for physicians services, medical expenses, funeral expenses, suffered pecuniary loss, hospital expenses and for the care and treatment for the injuries sustained by plaintiff , CYNTHIA QUINTANA-MORALES.

33. The plaintiff has been damaged in amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff demands judgment against defendants on the first cause of action, on the second cause of action, on the third cause of action, and on the fourth cause of action, together with the costs and disbursements of this action.

Dated: Bronx, New York
February 27, 2003

Yours, etc.,
WILLIAM A. GALLINA, ESQ.

By: 
LOUIS G. SOLIMANO
Attorney for Plaintiff
1180 Morris Park Avenue
Bronx, New York 10461
(718) 892-0400

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:
Date Filed:

-----X
ANDREW MORALES and Administrator of the Estate
of CYNTHIA QUINTANA-MORALES,

Plaintiff,

-against-

**CERTIFICATE OF
MERIT**

RONALD D. BLATT, M.D., RONALD D. BLATT,
MD, PC, and EASTSIDE GYNECOLOGY, PC.,

Defendants.
-----X

THE UNDERSIGNED ATTORNEY declares that:

I have reviewed the facts of the above matter and have consulted with a least one physician who is licensed to practice in the State of New York and whom the undersigned attorney reasonably believes is knowledgeable in the relevant issues involved in the above matter, and the undersigned attorney has concluded that on the basis of such review and consultation that there is a reasonable basis for the commencement of the instant action.

I was unable to obtain the consultation required by CPLR 3012-a(a)(1) because a limitation of time established by CPLR Art.2 would bar the action, and the certificate required by CPLR 3012-a(a)(1) could not reasonably be obtained before such time expired; the certificate shall be filed within 90 days after 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 non of those contacted would agree to such a consultation.

I intend to rely solely upon the doctrine of res ipsa loquitur and for that reason am not filing the certificate required by CPLR 3012-a(a)(1).

Dated: Bronx, New York
February 27, 2003



LOUIS G. SOLIMANO.

STATE OF NEW YORK)
COUNTY OF BRONX) ss:

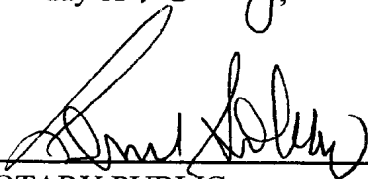
INDIVIDUAL VERIFICATION

The undersigned, being duly sworn, deposes and says that the deponent is the plaintiff in the within action; that deponent has read the foregoing and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.



Andrew Morales

Sworn to before me this
23rd day of February,



NOTARY PUBLIC

LOUIS G. SOLIMANO
Notary Public, State of New York
No. 60-4951632
Qualified in Westchester County
Commission Expires May 30, 199

2000