

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

STEPHON BUCHANAN, as Administrator of
the Estate of YARA BUSCHANAN, deceased

Plaintiff(s)

-against-

JINI TANENHAUS and PLANNED PARENTHOOD
OF NEW YORK CITY, INC.,

Defendant(s)

Index No.

Dated Filed:

Plaintiff designates
NEW YORK County as
the place of trial

The basis of venue is
Defendant's place of
business

SUMMONS

Plaintiff resides at
Louisville, KY 40211

To the above named Defendant(s)

YOU ARE HEREBY SUMMONED to answer the Verified
Complaint in this action and to serve a copy of your Answer, or,
if the Verified 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 the 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

August 16, 2021

Defendant's address:

26 Bleeker Street
New York, NY

558 10th Street
Brooklyn, NY 11215

Secretary of State

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PAUL B. WEITZ & ASSOCIATES, P.C.
Attorneys for Plaintiff(s)

By: 

STEVEN GOLD

55 Broadway

New York, New York 10006

(212) 346-0045

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

STEPHON BUCHANAN, as Administrator of the
Estate of YARA BUCHANAN, deceased

Decedent

-against-

VERIFIED COMPLAINT

JINI TANENHAUS and PLANNED PARENTHOOD OF
NEW YORK CITY, INC.

Defendant

Plaintiff, by their attorneys, PAUL B. WEITZ &
ASSOCIATES, P.C., as and for a Verified Complaint herein,
respectfully sets forth and alleges:

AS AND FOR A FIRST CAUSE OF ACTION:

1. That at all times herein mentioned, defendant JINI
TANENHAUS, was or represented herself to be a physician duly
licensed or authorized to practice medicine in the State of New
York.

2. That at all times herein mentioned, defendant JINI
TANENHAUS, was or represented herself to be a physician
assistant specializing in the field of gynecology duly licensed
or authorized to practice medicine in the State of New York.

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3. That at all times hereinafter mentioned, the defendant, JINI TANENHAUS, held herself out to be a physician assistant possessing the skill and ability of members of the medical profession, and represented that she was capable of diagnosing, treating, advising, referring, recommending and caring for such medical and surgical conditions for which she would undertake to treat.

4. That at all of the times herein mentioned, defendant JINI TANENHAUS, was an employee of a professional corporation.

5. That at all of the times herein mentioned, defendant JINI TANENHAUS, was a shareholder in a professional corporation.

6. That at all of the times herein mentioned, defendant JINI TANENHAUS, was an employee of a private group practice.

7. That at all of the times herein mentioned, defendant JINI TANENHAUS, was a partner in a private group practice.

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8. That at all times hereinafter mentioned, the defendant, JINI TANENHAUS, was an agent, servant and/or employee of and/or affiliated with the defendant PLANNED PARENTHOOD OF NEW YORK CITY.

9. That the defendant JINI TANENHAUS was responsible for the negligent acts and omissions of her agents, servants, affiliated physicians, medical personnel and/or employees under the theory of respondeat superior.

10. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., was and still is a corporation doing business in the State of New York.

11. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., owned a health care facility located at 26 Bleecker Street, in the County of New York, City and State of New York.

12. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents and/or employees operated said health care facility located at 26 Bleecker Street, in the County of New York, City and State of New York.

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13. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents and/or employees maintained said health care facility.

14. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents and/or employees managed said health care facility.

15. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents and/or employees controlled said health care facility.

16. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC. held itself out as a health care facility duly qualified and capable of rendering competent medical, gynecological and surgical care, treatment and surgery to the general public, including the decedent herein.

17. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., furnished and/or provided doctors, gynecologists, surgeons, physician assistant, nurses and other gynecological, surgical and

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reproductive health care personnel at said health care facility to afford medical, gynecological and surgical care, advice, referral, recommendations, management and treatment to the general public, including the decedent herein.

18. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., did agree to and did hold itself out as maintaining at the said health care facility, an adequate and competent staff, including doctors, physician assistant, nurses and other medical, gynecological, and surgical personnel, and further warranted that the members of its said staff were qualified and trained for the purpose of providing such medical, gynecological, surgical and health care advice, referral, recommendation, management, treatment and attention as they would be required to provide in accordance with the accepted standards of medical, gynecological, surgical and health care practice to persons seeking and requiring such medical and surgical care, attention and treatment of the decedent herein, and said defendant further held itself out as being equipped in sufficient manner to render such care, advice, referral, recommendation, management and treatment at its said health care facility.

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19. That at all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC., furnished, provided, used and employed at said health care facility physicians, gynecologists, residents, interns, physician assistant, nurses, aides, staff members, and others, who were authorized, retained, or permitted by defendant to order, recommend, request, advise, perform, render, or provide medical, gynecological, and/or surgical examinations, evaluations, care, diagnoses, treatments, procedures, tests, studies, services, or advice of, for and to patients at the said health care facility.

20. That at all times hereinafter mentioned, the said defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was and is fully accredited by the Joint Commission on Accreditation of Health Care Organizations and said defendant's manuals, rules, regulations, practices, procedures, techniques and functions were required to be in accordance with the standards and conditions of the said Joint Commission on Accreditation of Health Care Organizations.

21. That the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., was responsible for the negligent acts and omissions of its agents, servants, affiliated physicians and/or employees at the said health care facility under the theory of respondeat

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superior.

22. That at all of the times herein mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., represented that its servants, agents, affiliated physicians, gynecologists, surgeons, residents, interns, physician assistant, nurses, aides, employees and/or medical personnel at the said health care facility were capable, competent and qualified to properly and adequately order, recommend, request, advise, perform, render, or provide all of the professional examinations, evaluations, consultations, care, treatments, procedures, tests, studies, services and advice ordered, recommended, requested, required and advised for, performed upon, rendered and/or provided to the decedent YARA BUCHANAN.

23. That on/or about the 12th day of May, 2015, and/or prior thereto, the decedent YARA BUCHANAN came under the care of the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons, residents, interns, physician assistant, nurses, aides, employees and/or medical personnel at the said health care facility in connection with certain medical, gynecological, and surgical care, management and treatment to be rendered to the decedent YARA BUCHANAN, by the said defendant, its servants,

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agents and/or employees at the said health care facility.

24. That on/or about the 12th day of May, 2015, and/or prior/subsequent thereto, the decedent YARA BUCHANAN came under the care of the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons and/or employees at said health care facility in connection with certain medical treatment, gynecological and surgical care, management and treatment to be rendered to the said decedent by the said defendant at PLANNED PARENTHOOD OF NEW YORK CITY, INC.

25. That the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons, physician assistant and/or employees undertook to diagnose, treat, and manage the decedent at said defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

26. That on or about the 12th day of May 2015, and/or prior thereto, and continuing subsequently thereafter, the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons physician assistant and/or employees did undertake the treatment of the decedent YARA BUCHANAN, providing the decedent with medical, gynecological, and surgical care, management, referral,

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treatment and attention, and accepted the decedent as a patient.

27. That at all times herein mentioned, the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons, physician assistant and/or employees undertook to and/or did order, recommend, request, advise, perform, render, or provide medical, gynecological, surgical and/or nursing examinations, evaluations, consultations, care, treatments, procedures, tests, studies, services, or advice for and to the decedent YARA BUCHANAN.

28. That at all times herein mentioned, the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., its servants, agents, affiliated physicians, gynecologists, surgeons, physician assistant and/or employees performed, directed, participated and/or assisted in the performance of medical and surgical procedures upon the decedent YARA BUCHANAN at the defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

29. That the foregoing treatment and management of the decedent, YARA BUCHANAN, by the defendant, its servants, agents, affiliated physicians, gynecologists, surgeons, residents, interns, physician assistant, nurses, aides, employees and/or medical personnel at the said health care

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facility was performed in a careless, negligent, and improper manner, and not in accordance with the good and accepted standards of medical and surgical care and practice, including the failure to properly evaluate or to diagnose cervical bleeding and cancer thereby causing the decedent, YARA BUCHANAN, to sustain severe injuries and damages and death.

30. That the medical, surgical and post-surgical procedures, examinations, evaluations, care, treatments, tests, studies, services, or advice ordered, requested, recommended, advised, performed, rendered, or provided to decedent by the defendant herein, were ordered, requested, recommended, advised, performed, rendered, or provided by persons who were incompetent or unqualified to order, recommend, request, advise, perform, render or provide examinations, evaluations, care, treatments, procedures, tests, studies, services or advice to and/or for the decedent.

31. That the defendants, and those persons who ordered, requested, recommended, advised, performed, rendered, or provided examinations, evaluations, care, treatments, procedures, tests, studies, services, or advice to and/or for the decedent at said health care facility were incompetent and/or unqualified to order, recommend, request, advise,

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perform, render, or provide such professional examinations, evaluations, care, treatments, procedures, tests, studies, services, or advice of, for, and to decedent.

32. That the defendant failed to promulgate, enforce, abide by, or follow appropriate rules, regulations, guidelines, procedures, policies, or protocols with respect to the performing, rendering or providing of medical, surgical and/or nursing procedures, examinations, evaluations, care, treatments, tests, studies, services, or advice to and/or for the patients at said health care facility including the decedent herein.

33. That by reason of the foregoing, the decedent was caused to a wrongful death on February 24, 2018.

34. That the foregoing wrongful death of the decedent, YARA BUCHANAN, were caused solely by virtue of the carelessness, negligence and malpractice on the part of the defendant, its servants, agents, affiliated physicians, gynecologists, surgeons, interns, physician assistant, residents, aides, nurses and/or employees, and without any negligence on the part of the decedent contributing thereto.

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35. That by reason of the foregoing, the decedent, YARA BUCHANAN, was severely injured and damaged, rendered sick, sore, lame and disabled, sustained severe nervous shock and mental anguish, great physical pain and emotional upset, up to the moment of her death.

36. On or about August 12, 2021, STEPHON BUCHANAN, was issued Letters of Administration by the Honorable Rita Mella, Surrogate, New York County.

38. That as a result of the wrongful death of the decedent, the plaintiffs, next of kin and distributees of the decedent have been permanently and totally deprived of the usual, anticipated and potential services, support, aid, maintenance and contribution of the said decedent, and were obliged to incur pecuniary losses, funeral and other expenses, and were severely damaged.

39. That this action falls within one or more of the exceptions set forth in CPLR 1602.

40. Pursuant to CPLR Section 1602(2)(iv), defendant is jointly and severally liable for all of plaintiff's damages, including but not limited to plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that defendant owed the plaintiff a non-delegable

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duty of care.

41. Pursuant to CPLR Section 1602(2)(iv), defendant is jointly and severally liable for all of plaintiff's damages, including but not limited to plaintiff's non-economic loss, irrespective of the provisions of CPLR Section 1601, by reason of the fact that said defendant is vicariously liable for the negligent acts and omissions of those servants, agents and/or employees who acted at the direction of and/or conjunction with the defendant herein.

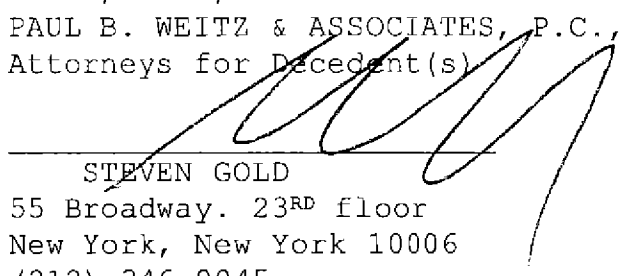
42. That by reason of the foregoing, the plaintiff, STEPHON BUCHANAN, as Administrator of the Estate of decedent YARA BUCHANAN, and on behalf of the distributees of the said decedent, has suffered severe damages in an amount which is in excess of the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction.

WHEREFORE, decedent demands judgment against the defendant, the amount sought on each Cause of Action exceeding the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction, in amounts to be determined upon the trial of this action, together with the costs and disbursements of this action, and with interest from the date of this occurrence.

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Dated: New York, New York
August 16, 2021

Yours, etc.,
PAUL B. WEITZ & ASSOCIATES, P.C.,
Attorneys for Decedent(s)



STEVEN GOLD
55 Broadway. 23RD floor
New York, New York 10006
(212) 346-0045

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ATTORNEY'S VERIFICATION

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

STEVEN GOLD, Esq., being duly sworn, deposes and says:

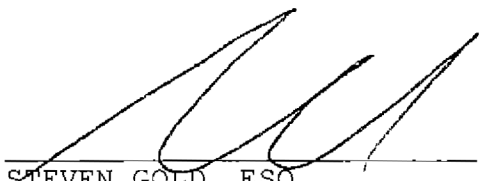
That I am an attorney admitted to practice in the Courts of the State of New York, and an associate with PAUL B. WEITZ & ASSOCIATES, P.C., attorneys for the plaintiff.

I have read the annexed Compliant and know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged upon 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 the following: investigation, interviews with client, records, reports, documents, correspondence, data, memoranda, etc., contained in the file.

The reason I make this verification instead of plaintiffs, is that the plaintiff is presently out of the County of New York, wherein I maintain my offices.

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

Dated: New York, New York
 August 16, 2021


STEVEN GOLD, ESQ.

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

STEPHON BUCHANAN, as Administrator of the
Estate of YARA BUCHANAN, deceased

Plaintiff

-against-

CERTIFICATE OF MERIT

JINI TANENHAUS and PLANNED PARENTHOOD OF
NEW YORK CITY, INC.,


Defendants

STEVEN GOLD, an attorney duly admitted to practice
before the Courts of the State of New York affirms the following
to be true under the penalties of perjury:

That I am an associate with the law firm of PAUL B.
WEITZ & ASSOCIATES, P.C., attorneys for the plaintiffs herein,
and as such I am fully familiar with the facts and circumstances
of the within action.

I have reviewed the facts of this case and have
consulted with at least one physician who is licensed in this
State, and who I reasonably believe is knowledgeable as to the
relevant issues involved herein. I have concluded upon the basis
of such review and consultation, that there is a reasonable
basis for the commencement of this action. The consultation with
the physician was verbal.

Dated: New York, New York
August 16, 2021


STEVEN GOLD