

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.:  
Date Purchased:

-----X  
KRISTINA TANASKOVIC and MICHAEL NIKOLIC,

**SUMMONS**

Plaintiffs,

Plaintiffs designate Queens  
County as the place of trial.

- against -

VANITA KUMAR, M.D. and PLANNED PARENTHOOD  
OF NEW YORK CITY, INC.,

The basis of venue is:  
Plaintiffs' residence

Defendants,  
-----X

Plaintiffs reside at:  
6638 Forest Avenue  
Ridgewood, New York


County of QUEENS

**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 attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. 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: Garden City, New York

1-2-20

  
JOSEPH C. MUZIO  
DELL & DEAN, PLLC  
Attorneys for Plaintiffs  
KRISTINA TANASKOVIC and  
MICHAEL NIKOLIC  
1225 Franklin Avenue, Suite 450  
Garden City, New York 11530  
(516) 880-9700

TO: VANITA KUMAR, M.D.  
3448 Boston Road  
The Bronx, New York 10469

PLANNED PARENTHOOD OF NEW YORK CITY, INC. - *Via Secretary of State*  
26 Bleeker Street  
New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

Index No.:

-----X  
KRISTINA TANASKOVIC and MICHAEL NIKOLIC,

Date Purchased:

Plaintiffs,

**VERIFIED COMPLAINT**

- against -

VANITA KUMAR, M.D. and PLANNED PARENTHOOD OF  
NEW YORK CITY, INC.,

Defendants.  
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Plaintiffs, by their attorneys, **DELL & DEAN, PLLC**, complaining of the Defendants,  
respectfully alleges, upon information and belief, as follows:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. At the time of the commencement of this action, Plaintiff **KRISTINA TANASKOVIC** and **MICHAEL NIKOLIC** are husband and wife and residents of the County of Queens, State of New York.
2. This action falls within one or more of the exemptions set forth in CPLR §1602.
3. At all times mentioned herein, the principal place of business of Defendants **VANITA KUMAR, M.D. and PLANNED PARENTHOOD OF NEW YORK CITY, INC.** were located in the State of New York, County of Queens.
4. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** was a medical professional licensed as a physician or other medical professional and practicing as such in the State of New York.
5. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** held herself out to be a physician offering professional services to the public in general, and to Plaintiff **KRISTINA TANASKOVIC** in particular.
6. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** represented

that she was competent to perform and render all the medical care, treatment, services and advice required by the Plaintiff **KRISTINA TANASKOVIC**.

7. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** was an employee, agent, servant, assign or contractor of **PLANNED PARENTHOOD OF NEW YORK CITY, INC.**

8. At all times mentioned herein, Defendants **VANITA KUMAR, M.D. and PLANNED PARENTHOOD OF NEW YORK CITY, INC.** stood in such a relationship with each other in their care and treatment of Plaintiff **KRISTINA TANASKOVIC** as to make each liable for the acts and omissions of the other.

9. At all times mentioned herein Defendant **VANITA KUMAR, M.D.** was, and still is, the owner, operator, manager and supervisor of a health-care facility known as **PLANNED PARENTHOOD OF NEW YORK CITY, INC.**

10. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** owned, operated, controlled, and managed a health care facility pursuant to the laws of the State of New York for the care of the medical issues, located at 21-41 45<sup>th</sup> Road, Long Island City, New York which provided personnel, including doctors, nurses, attendants, physician's assistants and others for the care and treatment of its patients and which held itself out to the public as furnishing treatment facilities where patients, including Plaintiff **KRISTINA TANASKOVIC** could be treated.

11. At all times mentioned herein, Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** owned, operated, controlled, staffed and managed a health care facility pursuant to the laws of the State of New York for the care of the medical issues, located at 21-41 45<sup>th</sup> Road, Long Island City, New York which provided personnel, including doctors, nurses, attendants, physician's assistants and others for the care and treatment of its patients and

which held itself out to the public as furnishing treatment facilities where patients, including Plaintiff **KRISTINA TANASKOVIC** could be treated.

12. At all times mentioned herein, Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** was a medical professional corporation duly organized and existing under and, by virtue of, the laws of the State of New York.

13. At all times mentioned herein, Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** held themselves out to offer professional, medical and related services to the public in general, and to Plaintiff **KRISTINA TANASKOVIC** in particular.

14. At all times mentioned herein, Defendant **VANITA KUMAR, M.D.** represented that he was competent to perform and render all the medical care, treatment, services and advice required by the Plaintiff **KRISTINA TANASKOVIC**.

15. At all times mentioned herein, Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** represented that they and their staff, doctors, nurses and employees were competent to perform and render all the medical care, treatment, services and advice required by the Plaintiff **KRISTINA TANASKOVIC**.

16. That on or about April 8, 2019 and thereafter, Plaintiff **KRISTINA TANASKOVIC** sought the professional care of Defendant **VANITA KUMAR, M.D.** for certain health issues, from which she was suffering, and this Defendant, his agents, servants and employees rendered medical care, diagnosis, treatment and services to her.

17. That on or about April 8, 2019 and thereafter, Plaintiff **KRISTINA TANASKOVIC** sought the professional care of Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** for certain health issues, from which she was suffering, and this Defendant, their doctors, nurses, agents, servants and employees rendered medical care, diagnosis, treatment and services to her.

18. The above medical care, diagnosis, treatment and services rendered to Plaintiff KRISTINA TANASKOVIC were rendered negligently, carelessly, unskillfully, and not in accordance with accepted standards of medical care, diagnosis, treatment and services in the community; and that the occurrences described herein and the resulting consequences thereon were caused by the carelessness and negligence, negligent acts and/or omissions, medical malpractice and surgical malpractice of Defendants, their agents, servants and/or employees, in failing to properly perform surgery; in failing to properly perform dilatation and curettage; in performing a dilatation and curettage; in performing a dilatation and curettage despite no uterine pregnancy being seen on ultrasound; in failing to schedule and perform follow up testing; in failing to contact the plaintiff following the procedure of April 8, 2019; in failing to contact the plaintiff in any way to schedule follow-up testing; in failing to assure proper follow-up; in failing to assure proper follow-up knowing that there was questionable indication of intrauterine pregnancy; in failing to schedule and perform HCH level testing within 24-72 hours of the procedure; in failing to properly communicate; in failing to establish a differential diagnosis; in failing to establish a proper differential diagnosis; in failing to diagnose ectopic pregnancy; in failing to treat ectopic pregnancy; in failing to properly evaluate and treat her medical condition; in failing to document all treatment provided to Plaintiff; in failing to give proper care in allowing adequate time to observe the Plaintiff; in failing to properly diagnose and treat the Plaintiff's true medical condition; in failing to perform the necessary diagnostic tests and procedures; in failing to properly inform the Plaintiff's true medical condition; in failing to timely and properly treat the Plaintiff's underlying medical condition; in misdiagnosing the Plaintiff's condition; in failing to advise the Plaintiff of the risks, hazards and complications attendant to the medical and/or surgical procedures performed; in failing to use and employ the best medical and surgical judgment in the treatment of the Plaintiff herein; in failing to timely

refer the Plaintiff for a specialist's opinion and second opinion; in otherwise failing to act as reasonable and prudent under the circumstances then and there existing; and in causing the injuries complained of herein. In addition to the above, the Plaintiff will also rely upon the doctrine of res ipsa loquitur for resolution.

19. By reason of the above, Plaintiff **KRISTINA TANASKOVIC** has sustained severe injuries, pain, agony, suffering, disability, hospitalization, pain and suffering, surgery, as well as severe conscious pain and suffering.

20. By reason of the above, Plaintiffs have sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**

21. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

22. Defendant **VANITA KUMAR, M.D.**, her agents, servants, employees and/or others acting within his control, failed to advise of the risks, hazards and dangers inherent in the treatment rendered.

23. Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.**, their servants, employees and/or others acting within their control, failed to advise of the risks, hazards and dangers inherent in the treatment rendered.

24. Defendant **VANITA KUMAR, M.D.**, her agents, servants, employees and/or others acting within his control, failed to advise of the risks, hazards and dangers inherent in the treatment rendered, alternatives to the treatment rendered and failed to obtain an informed consent from Plaintiff **KRISTINA TANASKOVIC** or any other authorized person.

25. Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.**, their agents, servants, employees and/or others acting within their control, failed to advise of the risks, hazards and dangers inherent in the treatment rendered, alternatives to the treatment rendered and failed to obtain an informed consent from Plaintiff **KRISTINA TANASKOVIC** or any other authorized person.

26. Defendant **VANITA KUMAR, M.D.** failed to disclose to Plaintiff **KRISTINA TANASKOVIC** such alternatives to the treatment and the reasonably foreseeable risks and benefits involved that a reasonable medical practitioner under similar circumstances would have disclosed in a manner permitting Plaintiff to make a knowledgeable evaluation.

27. Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** failed to disclose to Plaintiff **KRISTINA TANASKOVIC** such alternatives to the treatment and the reasonably foreseeable risks and benefits involved that a reasonable medical practitioner under similar circumstances would have disclosed in a manner permitting Plaintiff to make a knowledgeable evaluation.

28. A reasonably prudent person in Plaintiff **KRISTINA TANASKOVIC'S** position would not have undergone the treatment and/or procedure employed and utilized by Defendant **VANITA KUMAR, M.D.** if she had been fully informed and the lack of informed consent is the proximate cause of the injury and condition for which recovery is sought.

29. A reasonably prudent person in Plaintiff **KRISTINA TANASKOVIC'S** position would not have undergone the treatment and/or procedure employed and utilized by Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** if she had been fully informed and the lack of informed consent is the proximate cause of the injury and condition for which recovery is sought.

30. By reason of the above, Plaintiff **KRISTINA TANASKOVIC** has sustained

severe injuries, pain, agony, suffering, disability, hospitalization, pain and suffering, surgery, as well as severe conscious pain and suffering.

31. By reason of the above, Plaintiffs have sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**

32. Plaintiff repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

33. Defendant **VANITA KUMAR, M.D.** was negligent in hiring and supervising medical personnel who were careless, unskillful, negligent, and who did not possess the requisite knowledge and skill of medical professionals in the community.

34. Defendant **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** was negligent in hiring and supervising medical personnel who were careless, unskillful, negligent, and who did not possess the requisite knowledge and skill of medical professionals in the community.

35. By reason of the above, Plaintiff **KRISTINA TANASKOVIC** has sustained severe injuries, pain, agony, suffering, disability, hospitalization, pain and suffering, surgery, as well as severe conscious pain and suffering.

36. By reason of the above, Plaintiffs have sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION**



37. Plaintiffs repeat and reallege each and every allegation set forth above with the same force and effect as though set forth herein at length.

38. That at all times hereinafter mentioned, Plaintiff **MICHAEL NIKOLIC** was the spouse of the Plaintiff **KRISTINA TANASKOVIC** and as such was entitled to the society, services and consortium of his spouse **KRISTINA TANASKOVIC**.

39. That by reason of the foregoing, Plaintiff **MICHAEL NIKOLIC** was deprived of the society, services and consortium of the Plaintiff **KRISTINA TANASKOVIC** and shall forever be deprived of said society, services and consortium.

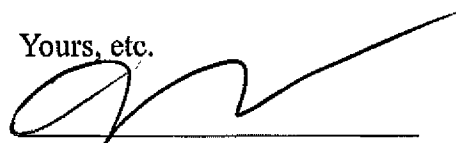
40. That by reason of the foregoing, Plaintiff **MICHAEL NIKOLIC** was damaged in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction herein.

**WHEREFORE**, Plaintiffs **KRISTINA TANASKOVIC** and **MICHAEL NIKOLIC** demand judgment against the Defendants **VANITA KUMAR, M.D.** and **PLANNED PARENTHOOD OF NEW YORK CITY, INC.** herein on all causes of action, in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: Garden City, New York

1-2-20

Yours, etc.



JOSEPH C. MUZIO  
DELL & DEAN, PLLC  
Attorneys for Plaintiff  
KRISTINA TANASKOVIC  
1325 Franklin Avenue, Suite 100  
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(516) 880-9700

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS-----X  
KRISTINA TANASKOVIC and MICHAEL NIKOLIC,

Plaintiffs,

CERTIFICATE  
PURSUANT TO  
CPLR 3012 (a)

- against -

VANITA KUMAR, M.D. and PLANNED PARENTHOOD OF  
NEW YORK CITY, INC.,Index No.:  
Date Purchased:Defendants.  
-----X

JOSEPH C. MUZIO, an attorney duly admitted to practice law before the courts of this State, and an Associate of **DELL & DEAN, PLLC**, attorneys for Plaintiff(s), affirm(s) the following to be true under penalties of perjury:

I certify that I have reviewed the facts of this case and have consulted with a physician licensed to practice in this State who I reasonably believe is knowledgeable in the relevant issues involved in this action, and that I have concluded, on the basis of such review and consultation, that there is a reasonable basis for the commencement of this action.

Dated: Garden City, New York

1-2-20  
\_\_\_\_\_  
JOSEPH C. MUZIO

## VERIFICATION

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

I, *Kristina Tanas Kovic* being duly sworn, deposes and says:

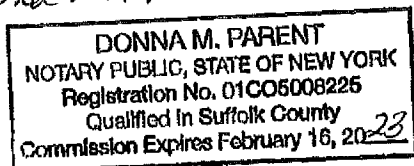
I am the plaintiff in the within action;

I have read the following SUMMONS AND VERIFIED COMPLAINT and believe the same is to be true to my knowledge; the same is true to my 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.

*Kristina Tanas Kovic*

Sworn to before me this *20th*  
Day of *Jan.*, 20*20*

*Donna M. Parent*



Index No:

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

**KRISTINA TANASKOVIC and MICHAEL NIKOLIC,**

*Plaintiffs,*

*-against-*

**VANITA KUMAR, M.D. and PLANNED PARENTHOOD OF NEW YORK CITY,  
INC.,**

*Defendants.*

**SUMMONS AND VERIFIED COMPLAINT**

**DELL & DEAN, PLLC  
Attorneys for Plaintiff  
1225 Franklin Avenue, Suite 450  
Garden City, New York 11530  
(516) 880-9700**

*Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-A.*

Dated:

*1/2/20*

Signature  
Print :

JOSEPH MUZIO

**PLEASE TAKE NOTICE**

**NOTICE OF Entry** That the within is a (certified) true copy of an  
Entered in the office of the clerk of the within-named Court on

**NOTICE OF SETTLEMENT** That an Order of which is a true copy will be presented for settlement to the  
Hon. , one of the judges of the  
within-named Court,  
at  
on 20 , at

M.

Dated:

**DELL & DEAN, PLLC  
Attorneys for Plaintiff  
1225 Franklin Avenue, Suite 450  
Garden City, New York 11530  
(516) 880-9700**