

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

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JOHANNA HERNANDEZ,

Index No.: 814294/2022E

**AMENDED VERIFIED**  
**COMPLAINT**

Plaintiff,

-against-

DOMINGO RIVERA LAKE and  
PLANNED PARENTHOOD,  
JOHN DOE #1 THROUGH JOHN DOE #10,  
being fictitious names of individuals who are  
agents and/or employees of Planned Parenthood,

Defendants.

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Plaintiff JOHANNA HERNANDEZ (“Plaintiff”), by and through her attorneys,  
Tsyngauz & Associates, P.C., bring this action against Defendants DOMINGO RIVERA LAKE  
and PLANNED PARENTHOOD (“Defendants”), and alleges as follows:

**INTRODUCTION**

1. Plaintiff brings this action as a result of severe and permanent physical injuries  
that she sustained as a result of Defendant's medical malpractice and professional negligence.

2. Beginning on June 7, 2021 and continuing through to and including June 21,  
2021, Plaintiff sought the care of Defendant Planned Parenthood (“Planned Parenthood”) and  
was treated by one of its physician assistants, Defendant Domingo Rivera Lake (“Rivera”)  
(Planned Parenthood and Rivera are collectively hereinafter referred to as “Defendants”), with  
respect to her recent pregnancy.

3. During her first visit to Planned Parenthood, Plaintiff complained of abnormal  
bleeding and pain as a result of her pregnancy.

4. Upon administering care, and performing an ultrasound, Defendants recognized that Plaintiff did not currently have a normal intra-uterine pregnancy; meaning the fertilized egg had not yet traveled through her fallopian tubes into her uterus. As Defendants even noted in their medical records, and told Plaintiff, there was a possibility that she was having an ectopic pregnancy; a condition where the fertilized egg becomes trapped in the fallopian tube through which it is traveling to the uterus. This condition is known as an “ectopic pregnancy” and is potentially fatal, as the fertilized egg continues to grow in the fallopian tube, which, if not treated, could cause the fallopian tube to rupture, resulting in internal bleeding. Once the fallopian tube ruptures, a woman is left with only one fallopian tube, making it less likely, and sometimes impossible, for her to have a successful pregnancy in the future, among many other possible serious and permanent issues.

5. Yet, while it was apparent that Plaintiff may indeed be having an ectopic pregnancy, Defendants did not perform any further testing to confirm in order to provide the proper treatment. Instead, Defendants simply sent Plaintiff home while not knowing her actual and potentially fatal condition. By failing to confirm that Plaintiff did not have an ectopic pregnancy, for which non-surgical treatment is available upon timely detection, Defendants deviated from the standard of care and customs of the medical profession and placed Plaintiff at risk of severe and permanent injury or death.

6. After Defendants failure to provide adequate medical care, Plaintiff began experiencing even more severe pain and bleeding, causing her to re-visit Defendants’ office within two days and multiple more times over the following two weeks. Each time, Plaintiff inquired with Lake about whether she should go to the hospital. And, each time, Lake told her “no, she did not need to at this time.”

7. Finally, after over two weeks of severe pain and multiple visits to Defendants' office, another one of Defendant's employees called Plaintiff and told her that she should go to the hospital.

8. Accordingly, Plaintiff immediately went to the hospital, Stony Brook University Medical Center ("Stony Brook"). After evaluating her, the doctors determined that one of Plaintiff's fallopian tubes had already ruptured and she was experiencing internal bleeding. Given the potential risks of fatality, Plaintiff was rushed into emergency surgery. Thankfully, the doctors at Stony Brook were able to save her life but she permanently lost one of her fallopian tubes. This places Plaintiff's plans of having more children in the future in jeopardy.

9. By failing to confirm that Plaintiff had a normal intra-uterine pregnancy, and by repeatedly telling Plaintiff not to get evaluated at the hospital or other radiologic facility, as Defendants lacked the equipment necessary to confirm if she had an ectopic pregnancy, Defendants deviated from the standard of care and customs in the medical profession. Defendants' delays and deviations actually and proximately caused Plaintiff to suffer permanent and severe physical injuries, future injuries, and emotional distress and damages based on the real and perpetual fear that she may never be able to have children again.

### **PARTIES**

10. Plaintiff Johanna Hernandez is a woman of Latin American origin who is and at all relevant times was an individual domiciled in East Setauket, New York.

11. Upon information and belief, Defendant Domingo Rivera Lake is and at all relevant times was an individual domiciled in Bronx, New York.

12. Upon information and belief, Defendant Planned Parenthood is and at all times was a not-for-profit corporation organized under the laws of the State of New York, having its principal place of business at 70 Maple Avenue, Smithtown, New York 11787.

13. Upon information and belief, Defendants John Doe #1 through John Doe #10 are the agents/employees of Defendant Planned Parenthood and is and at all relevant times were individuals domiciled in the State of New York.

**JURISDICTION AND VENUE**

14. This Court has personal jurisdiction over Defendants because this action arises out of wrongful acts which caused injuries within New York State, and because Defendant transacts business within New York State

15. Venue is proper in this Court pursuant to CPLR 503.

**FACTUAL BACKGROUND**

16. On June 7, 2021, Plaintiff sought the professional care of Planned Parenthood after learning that she was pregnant and was experiencing significant pain in her midsection as well as vaginal bleeding.

17. On June 7, 2021, Plaintiff was seen and treated by Lake.

18. During this visit, Lake confirmed that Plaintiff was pregnant and performed an ultrasound of her uterus.

19. Although there were no signs that Plaintiff had a normal intra-uterine pregnancy, Lake failed to engage in conduct concurrent with the professional standard of care required of those in the medical profession.

20. Lake advised Plaintiff that it was possible she had an ectopic pregnancy, but that he could not confirm whether she did because Planned Parenthood lacked the proper equipment

to see whether the fertilized egg was trapped in one of her fallopian tubes. Plaintiff thus inquired if she should go to the hospital, but Lake told her “no, she did not.” Lake categorically failed to adequately advise Plaintiff that she should have been sent to the emergency room and/or at least to the nearest radiologic facility.

21. After the visit, Plaintiff continued to experience vaginal bleeding and ever-increasing pain in her midsection.

22. Accordingly, on June 9, 2021, Plaintiff again sought medical treatment and an evaluation from Defendants.

23. Plaintiff explained that she was very concerned due to the pain and vaginal bleeding that she was experiencing. While being evaluated by Lake for a second time, Plaintiff again inquired if she should go to the hospital and was again told “no.” Again, Lake failed to adequately advise Plaintiff.

24. After the visit, Plaintiff’s bleeding and pain continued to increase exponentially.

25. Because Plaintiff’s bleeding and pain failed to subside, on June 14, 2021 and June 21, 2021, Plaintiff yet again sought much needed medical treatment and an evaluation from Defendants resulting in the same set of events as her June 9, 2021 visit.

26. Finally, on or about June 22, 2021, Plaintiff received a phone call from another medical professional agent or employee of Planned Parenthood, other than Lake, who told her that she must immediately go to the hospital.

27. Upon information and belief, after another medical professional employee of Planned Parenthood reviewed the records and test results of her appointments with Lake, this medical professional recognized that Lake, and vicariously Planned Parenthood, negligently failed to provide Plaintiff with the proper treatment and medical advice.

28. Upon information and belief, these same test results were also available to Defendant Lake, who failed to properly interpret the test results and failed to correctly diagnosis Plaintiff.

29. Accordingly, after receiving the phone call from the other medical professional employee of Planned Parenthood, Plaintiff immediately sought treatment at Stony Brook University Medical Center (“Stony Brook”). The medical professionals at Stony Brook confirmed that Plaintiff had an ectopic pregnancy and that one of her fallopian tubes had already ruptured, causing them to rush Plaintiff into emergency surgery.

30. Because Defendants had failed to properly diagnose and treat Plaintiff for an ectopic pregnancy over a period of several weeks, and consistently advised her not to go to the hospital, and/or another radiologic facility, until on or about June 22, 2021, Plaintiff’s ectopic pregnancy had already reached the stage of rupturing one of her fallopian tubes and she was suffering from internal bleeding. Defendants failed to properly advise/refer Plaintiff to the hospital and/or the nearest radiologic facility, where there is a chance that Plaintiff would have timely received the care she needed and her fallopian tube might have been saved.

31. This situation has cost Plaintiff immense emotional and physical damages, for which she continues to suffer. The gross negligence displayed by the Defendants has placed Plaintiff in an unimaginably painful emotional and physiological limbo of not knowing if she can ever have a child in the future.

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

**(Professional Negligence Against Defendants)**

32. Plaintiff repeats, reiterates and re-alleges each and every allegation enumerated in those paragraphs 1- 31 of the Verified Complaint as if fully set forth at length herein.

33. Beginning on June 7, 2021, Plaintiff sought the professional care of the Defendants for abnormal bleeding and pain as the result of her pregnancy.

34. On that same date, Defendants rendered medical care and a diagnosis to the Plaintiff that was contrary to the professional standard of care required of the medical profession.

35. On June 7, 2021, Plaintiff was seen by the attending Physician's Assistant, Lake. Plaintiff advised Lake that she had been experiencing vaginal bleeding and abnormal pain for at least one day.

36. Plaintiff underwent a series of tests, and Lake concluded that Plaintiff was pregnant. Upon taking an ultrasound of Plaintiff's uterus, however, there were no signs that the fertilized egg had passed through her fallopian tubes and into her uterus. Based on the medical records from this appointment, Defendant Lake noted giving ectopic pregnancy precautions, but failed to provide Plaintiff with a referral to the nearest hospital or radiologic facility. This was a deviation from the standard of care and customs in medical professional, which required Defendants to send Plaintiff to the nearest emergency room or radiological facility to confirm whether Plaintiff should be treated for an ectopic pregnancy.

37. On June 7, 2021, Defendants negligently failed to confirm that Plaintiff was experiencing a normal intra-uterine pregnancy. During her visit with Defendants on June 7, 2021, Lake advised Plaintiff that it was possible she was having an ectopic pregnancy, but that he could not confirm because Planned Parenthood lacked the proper equipment. In response Plaintiff inquired whether she should go to a hospital instead, but Lake told her "no, she did not."

38. On June 9, 2021 Plaintiff returned to Defendants after the pain she was experiencing worsened and the abnormal bleeding persisted. On June 9, 2021, Plaintiff was again seen by Lake and expressed her concerns over her worsening symptoms and Plaintiff again

inquired if she should go to the hospital, to which Lake again told Plaintiff “no.” Yet again, Defendant Lake deviated from the standard of care required of the medical profession by failing to provide Plaintiff was a proper referral to the nearest hospital and/or radiologic facility, a referral which could have potentially saved her ruptured fallopian tube.

39. For the following days Plaintiff’s symptoms continued to worsen. The pain she was suffering increased exponentially and the abnormal bleeding unabatedly continued.

40. On June 14, 2021, Plaintiff returned to Defendants to again seek medical care.

41. On June 14, 2021, the same course of events as that of June 9, 2021, occurred. Plaintiff was seen by Lake and again advised that she did not need to go to the hospital. With each subsequent visit, Lake deviated further from the standard of care required of medical professionals and, by failing to properly refer Plaintiff to a hospital and/or radiologic facility, put Plaintiff’s life at risk.

42. Between June 14, 2021 and June 21, 2021, Plaintiff’s symptoms got progressively worse.

43. On June 21, 2021, Plaintiff returned to Defendants desperately seeking much needed medical attention.

44. On June 21, 2021, the same course of events as that of June 7, 2021, June 9, 2021 and June 14, 2021. Plaintiff was seen by Lake, advised that she did not need to go to a hospital and sent home.

45. Over the course of Plaintiff’s four visits, Lake deviated further and further from the standard of care required of him. Lake failed to properly refer Plaintiff to the nearest hospital and/or radiologic facility, resulting in Plaintiff missing out on care that potentially could have saved her ruptured fallopian tube.

46. Finally, on June 22, 2021, Plaintiff received a phone call from another medical professional employee of Planned Parenthood, who advised Plaintiff that she need to immediately seek emergency services at a hospital.

47. Plaintiff immediately sought treatment with qualified medical professionals at Stony Brook Medical Center who quickly realized the immense pain and suffering Plaintiff was experiencing and the gravity of the situation.

48. Upon information and belief, this other medical professional reviewed Plaintiff's medical records and realized the gravity of the mistakes, negligence and mistreatment that Defendants had provided Plaintiff.

49. Upon information and belief, these same medical records were available to Lake and the other employees or agents of Planned Parenthood during Plaintiffs multiple visits.

50. The above medical care, diagnosis, treatment and services rendered to the Plaintiff were rendered carelessly, unskillfully, negligently, and not in accordance with accepted standards of medical care, diagnosis, treatment and services in the community; in failing to properly diagnose her true condition; in failing to read and understand the diagnostic reports, lab results and all other tests taken of the Plaintiff; and in depriving the Plaintiff of an early and correct diagnosis.

51. That the Defendants were negligent and departed from accepted standards of medical and surgical care and practice in the care and treatment of the Plaintiff each time she presented to Defendants; in failing to use accepted practices in the diagnosis, care, evaluation, management and treatment of the Plaintiff, in that after the Plaintiff presented herself for treatment, in negligently and carelessly misdiagnosing the Plaintiff's condition, in thereafter failing to diagnosis the ectopic pregnancy and in failing to refer the Plaintiff for proper treatment

and thereafter in failing to promptly diagnose Plaintiff's condition; in failing to have the Plaintiff admitted to the hospital; in permitting and allowing for a delay in medical treatment and/or surgery which caused injury to the Plaintiff; in failing to use accepted medical practices in the diagnosis. Evaluation, care, and treatment of the Plaintiff; in failing to diagnose the Plaintiff's true condition; in delaying the diagnosis of Plaintiff's condition; in delaying the treatment which was required; in failing to perform the necessary tests to obtain a true diagnosis as to the origin of Plaintiff's complaints and in delaying in the delivery of the accepted care for the Plaintiff.

52. That Plaintiff has sustained severe and permanent personal injuries; was caused to and did procure medical aid, attention, hospitalization and surgery in an effort to cure herself of her injuries and was caused to and did sustain permanent personal injuries, conscious pain and suffering, medical and hospital expenses and loss of income as a result of the actions of the Defendant.

53. By reason of negligence and medical malpractice of the Defendants, as set forth above, Plaintiff sustained great pain, agony, injury; suffering fear of death, disability, hospitalization, suffering fear of future infertility; as well as mental anguish and emotional distress.

54. At all relevant times, Lake was acting within the scope of his employment with Planned Parenthood. It was reasonably foreseeable to Lake that by negligently deviating from the professional standard of care of the medical profession, that Plaintiff might suffer, and/or continue to suffer. Furthermore, the injuries Plaintiff has suffered and will continue to suffer were the natural consequence of Lake's negligent deviation from the professional standard of care.

55. By reason of the above, Planned Parenthood is vicariously liable for the negligent conduct of Lake, and potentially John Doe's #1 through #10.

56. By reason of the above, Plaintiff bring this action for the personal injuries, conscious pain and suffering and for mental anguish, emotional distress and irreplaceable loss she has suffered and will forever suffer, and for 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**  
**(Professional Malpractice Against Defendants)**

57. Plaintiff repeats, reiterates and re-alleges each and every allegation enumerated in those paragraphs 1- 56 of the Verified Complaint as if fully set forth at length herein.

58. Defendants failed to inform the Plaintiff of the risks, benefits, hazards and alternatives associated with the treatment rendered and procedures performed, so that an informed consent could be given.

59. A reasonably prudent person in the Plaintiff's position would not have undergone the treatments rendered and procedures performed if she had been fully informed of the risks, benefits, hazards and alternatives connected with said treatment and procedures.

60. The failure to adequately and fully inform the Plaintiff of the risk, benefits, hazards and alternatives of the treatment rendered and procedures performed is a proximate cause of the injuries Plaintiff sustained.

61. As a consequence of the foregoing, Defendants did not provide informed consent to the Plaintiff regarding the treatment rendered and procedures performed.

62. By reason of the foregoing, Plaintiff is entitled to compensatory damages from Defendants in sums as a jury would find fair, just and adequate and Plaintiff is entitled to punitive and exemplary damages from Defendants, in a sum as a jury would find fair, just, and

appropriate to deter said Defendant and others from future similar misconduct, due to violating New York State Statutes which have a direct negative impact on the safety and well-being of Plaintiff, her family, friends and others in the community.

63. The damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(Professional Malpractice)**

64. Plaintiff repeats, reiterates and re-alleges each and every allegation enumerated in those paragraphs 1- 63 of the Verified Complaint as if fully set forth at length herein.

65. Beginning on or about June 7, 2021 and continuing thereafter through continuous course of treatment to and including on or about June 21, 2021, Plaintiff was under the medical care, diagnoses and treatment of Defendants, and their partners, agents, servants and/or employees; during the aforesaid care, Plaintiff and as a result of the Defendants' failure to timely and/or properly appreciate Plaintiff's complaints of vaginal bleeding; failure to timely and/or properly appreciate Plaintiff's complaints of pain and suffering; failure to timely and/or properly read/interpret the results of Plaintiff's trans-vaginal ultrasound; failure to timely and/or properly order a CAT scan to clarify findings of Plaintiff's ultrasound; failure to timely and properly order an ultrasound of Plaintiff's fallopian tubes; failure to timely and/or properly read radiographic imaging of said CAT scan; failure to timely and/or properly order an MRI; failure to timely and/or properly read MRI imaging; failure to timely and/or properly find the location of the pregnancy prior to providing negligent medical advice/treatment.

66. In failing to properly care for, diagnose, and treat Plaintiff, she has sustained severe, serious and permanent injuries including, but not limited to, the loss of a fallopian tube, emotional distress and other severe and significant injuries.

67. Said occurrence, mental and physical pain and suffering was due to the carelessness, negligence, and recklessness of the Defendants, and/or their agents, servants, and/or employees and the gross negligence, recklessness and intentional conduct of Defendant Planned Parenthood in failing to render good, accepted and proper obstetric, gynecologic, surgical and/or medical care to Plaintiff and without any fault or lack of care by the Plaintiff herein.

68. By reason of the foregoing carelessness, negligence, gross negligence, and recklessness of the Defendants, their agents, servant, an/or employees, Plaintiff sustained severe and serious personal injuries, emotional distress and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are a permanent and last nature; that Plaintiff was confined to her bed, home and medical institutions as a result thereof, and was incapacitated from performing activities of daily living, and was caused to expended sums of money for the medical and hospital care on her behalf.

69. By reason of the foregoing, Plaintiffs are entitled to damages from Defendants in sums as a jury would find fair, just, and adequate, and Plaintiffs are further entitled to punitive and exemplary damages from Defendant, Planned Parenthood, in a sum as a jury would find fair, just and appropriate to deter said Defendants and others from future similar misconduct, due to violating New York State Statutes which have a direct negative impact on the safety and well-being of Plaintiffs, her family, friends and others in the community.

70. The amount of damages exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff demands judgment on all causes of action against the Defendants as such sum a jury would deem fair, adequate and just but no less than \$1,000,000.00

together with interest and the costs and disbursements of this action and any such other relief as this honorable Court deems just and proper.

Dated: New York, New York  
September 28, 2022

/s/ Steven N. Gordon, Esq.  
Steven N. Gordon, Esq.  
Tsyngauz & Associates, P.C.  
*Attorneys for Plaintiff*  
114 Mulberry Street, Ground Floor  
New York, New York 10013  
sg@nytlaw.com  
(212) 337-9770

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

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JOHANNA HERNANDEZ,

Index No.: 814294/2022E

**VERIFICATION**

Plaintiff,

-against-

DOMINGO RIVERA LAKE and  
PLANNED PARENTHOOD  
JOHN DOE #1 THROUGH JOHN DOE #10,  
being fictitious names of individuals who are  
agents and/or employees of Planned Parenthood,

Defendants.

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Steven N. Gordon, Esq., an attorney duly admitted to practice law in the Courts of the State of New York, and not a party to this action, hereby affirms under the penalties of perjury pursuant to CPLR 2106 as follow:

1. That I am a member of the firm TSYNGAUZ & ASSOCIATES, P.C., the attorneys for the Plaintiff in this action.
2. That I have read the foregoing Amended Verified Complaint and know the contents thereof, and that the same is true to my knowledge except to those matters stated to be alleged upon information and belief, and to those matters I believe them to be true.
3. That the sources of my information are an investigation and review of the records in the file.
4. That the reason this is being verified by Your Affirmant is that the Plaintiff resides outside the county in which Plaintiffs counsel's office is located. I affirm the foregoing statements are true under penalties of perjury.

Dated: New York, New York

September 28, 2022

/s/ Steven N. Gordon, Esq.

Steven N. Gordon, Esq.

Tsyngauz & Associates, P.C.

*Attorneys for Plaintiff*

114 Mulberry Street, Ground Floor

New York, New York 10013

sg@nytlaw.com

(212) 337-9770

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

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JOHANNA HERNANDEZ,

Index No.: 814294/2022E

**CERTIFICATE OF  
MERIT**

Plaintiff,

-against-

DOMINGO RIVERA LAKE and  
PLANNED PARENTHOOD,  
JOHN DOE #1 THROUGH JOHN DOE #10,  
being fictitious names of individuals who are  
agents and/or employees of Planned Parenthood,

Defendants.

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STEVEN N. GORDON, an attorney duly admitted to practice in the Court of the New York State, and a member of the firm TSYNGAUZ & ASSOCIATES, P.C., attorneys for plaintiff in the within action, hereby affirms under penalty of perjury:

That prior to the institution of the instant lawsuit, I reviewed the facts of the case and consulted with at least one physician licensed to practice in this State. I reasonably believe that the expert is knowledgeable in the relevant issues involved and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this suit.

Dated: New York, New York  
September 28, 2022

*/s/ Steven N. Gordon, Esq.*  
Steven N. Gordon, Esq.  
Tsyngauz & Associates, P.C.  
*Attorneys for Plaintiff*  
114 Mulberry Street, Ground Floor  
New York, New York 10013  
sg@nytlaw.com  
(212) 337-9770