

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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JAVANA CALDER,

Plaintiff,

-against-

PLANNED PARENTHOOD OF GREATER NEW YORK  
HEMPSTEAD; PLANNED PARENTHOOD OF  
GREATER NEW YORK, INC.; LAURA DESIMONE, NP;  
NASSAU HEALTH CARE CORPORATION; NASSAU  
COUNTY; NASSAU UNIVERSITY MEDICAL CENTER;  
"JOHN DOE, M.D." #1-5; "JANE DOE, M.D." #1-5;  
"JOHN DOE" #1-5; and "JANE DOE" #1-5;

Defendants.

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SUMMONS

Index No.:

Date Filed:

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 their attorney 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 thirty 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.

This basis of venue is the principal place of business of Defendant Nassau Health Care Corporation.

The principal place of business of Defendant Nassau Health Care Corporation is located at 2201 Hempstead Turnpike, East Meadow, NY 11554.

Dated: New York, New York  
July 17, 2023



Nicholas W. Dell'Anno, Esq.

**DELL'ANNO LAW PLLC**

*Attorneys for Plaintiff*

*Javana Calder*

11 Broadway, Suite 615

New York, NY 10004

(646) 849-1700

Defendants' Addresses:

Planned Parenthood of Greater New York Hempstead

*Pro Se*

540 Fulton Avenue

Hempstead, NY 11550

Planned Parenthood of Greater New York, Inc.

*Pro Se*

300 Park Avenue South

New York, NY 10010

Laura Desimone, NP

*Pro Se*

c/o Planned Parenthood of Greater New York Hempstead

540 Fulton Avenue

Hempstead, NY 11550

Laura Desimone, NP

*Pro Se*

c/o Planned Parenthood of Greater New York, Inc.

*Pro Se*

300 Park Avenue South

New York, NY 10010

Laura Desimone, NP

*Pro Se*

90 Peninsula Drive

Babylon, NY 11702

Nassau Health Care Corporation

*Pro Se*

2201 Hempstead Turnpike, Box 6

East Meadow, NY 11554

Nassau County

c/o Nassau County Attorney  
1 West Street  
Mineola, NY 11501

Nassau University Medical Center  
*Pro Se*  
2201 Hempstead Turnpike, Box 6  
East Meadow, NY 11554

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"JOHN DOE, M.D." #1-5; "JANE DOE, M.D." #1-5;  
"JOHN DOE" #1-5; and "JANE DOE" #1-5;

Defendants.

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COMPLAINT

Index No.:

Date Filed:

**JURY TRIAL DEMANDED**

Plaintiff Javana Calder, by her attorneys Dell'Anno LLP, complaining of the Defendants herein, respectfully show to the Court, and allege as follows:

NATURE OF THE ACTION

1. This is an action to recover money damages arising out of medical malpractice in connection with care and treatment rendered to Plaintiff Javana Calder.

JURISDICTION AND VENUE

2. The principal place of business of Defendant Nassau Health Care Corporation is located at 2201 Hempstead Turnpike, East Meadow, NY 11554.

3. This action falls within one or more of the exemptions set forth in N.Y. Civ. Proc. L. & R. § 1602.

JURY DEMAND

4. Plaintiff demands a trial by jury in this action.

PARTIES

5. Plaintiff Javana Calder is a resident of the County of Nassau, State of New York.
6. Plaintiff Javana Calder was a patient at Planned Parenthood of Greater New York Hempstead (“Defendant Planned Parenthood Hempstead”) located at 540 Fulton Avenue, Hempstead, New York on or about April 9, 2022.
7. Defendant Planned Parenthood Hempstead is a domestic business corporation authorized to do business in the State of New York.
8. Defendant Planned Parenthood Hempstead is a corporation organized under the laws of the State of New York.
9. Defendant Planned Parenthood Hempstead is a duly authorized corporation, duly organized and existing under and by virtue of the laws of the State of New York.
10. Defendant Planned Parenthood Hempstead is a duly authorized domestic corporation doing business in the State of New York.
11. Defendant Planned Parenthood Hempstead is a duly organized foreign corporation authorized to do business in the State of New York.
12. Defendant Planned Parenthood Hempstead is a duly organized foreign corporation transacting business in the State of New York.
13. Defendant Planned Parenthood Hempstead does and/or solicits business within the State of New York.
14. Defendant Planned Parenthood Hempstead derives substantial revenues from goods used or consumed or services rendered in the State of New York.

15. Defendant Planned Parenthood Hempstead is a duly organized partnership existing and doing business under the laws of the State of New York.

16. Defendant Planned Parenthood Hempstead is a duly organized proprietorship existing and doing business under the laws of the State of New York.

17. Defendant Planned Parenthood Hempstead operates the medical facility located at 540 Fulton Avenue, Hempstead, New York.

18. Defendant Planned Parenthood Hempstead is responsible for the appointment, hiring, training, supervision, promotion, and discipline of doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 540 Fulton Avenue, Hempstead, New York.

19. At all times relevant herein, Defendant Planned Parenthood Hempstead owned the medical facility located at 540 Fulton Avenue, Hempstead, New York.

20. At all times relevant herein, Defendant Planned Parenthood Hempstead operated the medical facility located at 540 Fulton Avenue, Hempstead, New York.

21. At all times relevant herein, Defendant Planned Parenthood Hempstead maintained the medical facility located at 540 Fulton Avenue, Hempstead, New York.

22. At all times relevant herein, Defendant Planned Parenthood Hempstead controlled the medical facility located at 540 Fulton Avenue, Hempstead, New York.

23. At all times relevant herein, Defendant Planned Parenthood Hempstead managed the medical facility located at 540 Fulton Avenue, Hempstead, New York.

24. At all times relevant herein, it was the duty of Defendant Planned Parenthood Hempstead and/or its agents, servants, and/or employees to supervise its agents, servants, employees, and/or co-employees at the medical facility located at 540 Fulton Avenue, Hempstead, New York.

25. Plaintiff Javana Calder was a patient at Planned Parenthood of Greater New York, Inc. (“Defendant Planned Parenthood Inc.”) located at 540 Fulton Avenue, Hempstead, New York on or about April 9, 2022.

26. Plaintiff Javana Calder was a patient at Defendant Planned Parenthood Inc. with a principal place of business located at 300 Park Avenue South, New York, New York 10010 on or about April 9, 2022.

27. Defendant Planned Parenthood Inc. is a domestic not-for-profit corporation organized under the laws of the State of New York.

28. Defendant Planned Parenthood Inc. operates the medical facility located at 540 Fulton Avenue, Hempstead, New York.

29. Defendant Planned Parenthood Inc. is responsible for the appointment, hiring, training, supervision, promotion, and discipline of doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other

staff necessary to provide patients with medical care and attention at the medical facility located at 540 Fulton Avenue, Hempstead, New York.

30. At all times relevant herein, Defendant Planned Parenthood Inc. owned the medical facility located at 540 Fulton Avenue, Hempstead, New York.

31. At all times relevant herein, Defendant Planned Parenthood Inc. operated the medical facility located at 540 Fulton Avenue, Hempstead, New York.

32. At all times relevant herein, Defendant Planned Parenthood Inc. maintained the medical facility located at 540 Fulton Avenue, Hempstead, New York.

33. At all times relevant herein, Defendant Planned Parenthood Inc. controlled the medical facility located at 540 Fulton Avenue, Hempstead, New York.

34. At all times relevant herein, Defendant Planned Parenthood Inc. managed the medical facility located at 540 Fulton Avenue, Hempstead, New York.

35. At all times relevant herein, it was the duty of Defendant Planned Parenthood Inc. and/or its agents, servants, and/or employees to supervise its agents, servants, employees, and/or co-employees at the medical facility located at 540 Fulton Avenue, Hempstead, New York.

36. Plaintiff Javana Calder was a patient at Nassau University Medical Center (“Defendant NUMC”) located at 2201 Hempstead Turnpike, East Meadow, New York on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

37. Defendant NUMC is a municipal organization organized under the laws of the State of New York.

38. Defendant NUMC is a domestic not-for-profit corporation organized under the laws of the State of New York.

39. Defendant NUMC is a domestic business corporation authorized to do business in the State of New York.

40. Defendant NUMC is a corporation organized under the laws of the State of New York.

41. Defendant NUMC is a duly authorized corporation, duly organized and existing under and by virtue of the laws of the State of New York.

42. Defendant NUMC is a duly authorized domestic corporation doing business in the State of New York.

43. Defendant NUMC is a duly organized foreign corporation authorized to do business in the State of New York.

44. Defendant NUMC is a duly organized foreign corporation transacting business in the State of New York.

45. Defendant NUMC does and/or solicits business within the State of New York.

46. Defendant NUMC derives substantial revenues from goods used or consumed or services rendered in the State of New York.

47. Defendant NUMC is a duly organized partnership existing and doing business under the laws of the State of New York.

48. Defendant NUMC is a duly organized proprietorship existing and doing business under the laws of the State of New York.

49. Defendant NUMC operates the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

50. Defendant NUMC is responsible for the appointment, hiring, training, supervision, promotion, and discipline of doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

51. At all times relevant herein, Defendant NUMC owned the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

52. At all times relevant herein, Defendant NUMC operated the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

53. At all times relevant herein, Defendant NUMC maintained the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

54. At all times relevant herein, Defendant NUMC controlled the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

55. At all times relevant herein, Defendant NUMC managed the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

56. At all times relevant herein, it was the duty of Defendant NUMC and/or its agents, servants, and/or employees to supervise its agents, servants, employees, and/or co-employees at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

57. Plaintiff Javana Calder was a patient at a Nassau Health Care Corporation (“Defendant NHCC”) located at 2201 Hempstead Turnpike, East Meadow, New York on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

58. Plaintiff Javana Calder was a patient at Defendant NHCC with a principal place of business located at 2201 Hempstead Turnpike, East Meadow, New York on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

59. Defendant NHCC is a municipal organization organized under the laws of the State of New York.

60. Defendant NHCC is a domestic not-for-profit corporation organized under the laws of the State of New York.

61. Defendant NHCC is a domestic business corporation authorized to do business in the State of New York.

62. Defendant NHCC is a corporation organized under the laws of the State of New York.

63. Defendant NHCC is a duly authorized corporation, duly organized and existing under and by virtue of the laws of the State of New York.

64. Defendant NHCC is a duly authorized domestic corporation doing business in the State of New York.

65. Defendant NHCC is a duly organized foreign corporation authorized to do business in the State of New York.

66. Defendant NHCC is a duly organized foreign corporation transacting business in the State of New York.

67. Defendant NHCC does and/or solicits business within the State of New York.
68. Defendant NHCC derives substantial revenues from goods used or consumed or services rendered in the State of New York.
69. Defendant NHCC is a duly organized partnership existing and doing business under the laws of the State of New York.
70. Defendant NHCC is a duly organized proprietorship existing and doing business under the laws of the State of New York.
71. Defendant NHCC operates the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York;
72. Defendant NHCC is responsible for the appointment, hiring, training, supervision, promotion, and discipline of doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.
73. At all times relevant herein, Defendant NHCC owned the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.
74. At all times relevant herein, Defendant NHCC operated the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.
75. At all times relevant herein, Defendant NHCC maintained the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

76. At all times relevant herein, Defendant NHCC controlled the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

77. At all times relevant herein, Defendant NHCC managed the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

78. At all times relevant herein, it was the duty of Defendant NHCC and/or its agents, servants, and/or employees to supervise its agents, servants, employees, and/or co-employees at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

79. Defendant Nassau County is a municipal organization organized under the laws of the State of New York.

80. Defendant Nassau County operates the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

81. Defendant Nassau County is responsible for the appointment, hiring, training, supervision, promotion, and discipline of doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

82. At all times relevant herein, Defendant Nassau County owned the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

83. At all times relevant herein, Defendant Nassau County operated the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

84. At all times relevant herein, Defendant Nassau County maintained the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

85. At all times relevant herein, Defendant Nassau County controlled the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

86. At all times relevant herein, Defendant Nassau County managed the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

87. At all times relevant herein, it was the duty of Defendant Nassau County and/or its agents, servants, and/or employees to supervise its agents, servants, employees, and/or co-employees at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

88. Defendant Laura Desimone, NP (“Defendant Desimone”) is a resident of the County of Nassau, State of New York.

89. At all times relevant herein, Defendant Desimone was acting within the scope of her employment for Defendant Planned Parenthood Hempstead.

90. At all times relevant herein, Defendant Desimone was acting within the scope of her employment for Defendant Planned Parenthood Inc.

91. Defendant Desimone was and is a nurse practitioner duly licensed to practice medicine in the State of New York.

92. Defendant Desimone was, on or about April 9, 2022, a licensed nurse practitioner located at 540 Fulton Avenue, Hempstead, New York.

93. Defendant Desimone did, and at all times hereinafter mentioned does, maintain her practice at 540 Fulton Avenue, Hempstead, New York, amongst other locations.

94. Defendant Desimone was and is a nurse practitioner with admitting privileges at Defendant Planned Parenthood Hempstead, amongst other locations.

95. Defendant Desimone was and is a nurse practitioner with admitting privileges at Defendant Planned Parenthood Inc., amongst other locations.

96. At all times relevant herein, Defendant “John Doe, M.D.” #1, Defendant “John Doe, M.D.” #2, Defendant “John Doe, M.D.” #3, Defendant “John Doe, M.D.” #4, and Defendant “John Doe, M.D.” #5 (hereinafter collectively “Defendants John Doe, M.D.’ #1-5”) were acting within the scope of their individual and respective employment for Defendant NUMC.

97. At all times relevant herein, Defendants “John Doe, M.D.” #1-5 were acting within the scope of their individual and respective employment for Defendant NHCC.

98. At all times relevant herein, Defendant “Jane Doe, M.D.” #1, Defendant “Jane Doe, M.D.” #2, Defendant “Jane Doe, M.D.” #3, Defendant “Jane Doe, M.D.” #4, and Defendant “Jane Doe, M.D.” #5 (hereinafter collectively “Defendants Jane Doe, M.D.’ #1-5”) were acting within the scope of their individual and respective employment for Defendant NUMC.

99. At all times relevant herein, Defendant “Jane Doe, M.D.” #1-5 were acting within the scope of their individual and respective employment for Defendant NHCC.

100. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 were and are doctors of medicine duly licensed to practice medicine in the State of New York.

101. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 were, on or about April 18, 2022 and continuing through to and including on or about April 20, 2022, individually and respectively licensed practicing internists, obstetricians, gynecologists, maternal

fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, and/or pathologists located at 2201 Hempstead Turnpike, East Meadow, New York.

102. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 did and at all times hereinafter mentioned do, maintain their individual and respective practices at 2201 Hempstead Turnpike, East Meadow, New York, amongst other locations.

103. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 were and are, individually and respectively, attending physicians with admitting privileges at NUMC, amongst other locations.

104. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 were and are, individually and respectively, attending physicians with admitting privileges at NHCC, amongst other locations.

105. At all times relevant herein, Defendant “John Doe” #1, Defendant “John Doe” #2, Defendant “John Doe” #3, Defendant “John Doe” #4, and Defendant “John Doe” #5 (hereinafter collectively “‘Defendants John Doe’ #1-5”) were acting within the scope of their individual and respective employment for Defendant NUMC.

106. At all times relevant herein, Defendants “John Doe” #1-5 were acting within the scope of their individual and respective employment for Defendant NHCC.

107. At all times relevant herein, Defendant “Jane Doe” #1, Defendant “Jane Doe” #2, Defendant “Jane Doe” #3, Defendant “Jane Doe” #4, and Defendant “Jane Doe” #5 (hereinafter collectively “‘Defendants Jane Doe’ #1-5”) were acting within the scope of their individual and respective employment for Defendant NUMC.

108. At all times relevant herein, Defendants “Jane Doe” #1-5 were acting within the scope of their individual and respective employment for Defendant NHCC.

109. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 were and are midwives, nurses, lab technicians, radiation technicians, x-ray technicians, and other staff necessary to provide patients with medical care and attention, who were and are duly licensed and/or certified to practice medicine in the State of New York.

110. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 were, on or about April 18, 2022 and continuing through to and including on or about April 20, 2022, individually and respectively licensed and/or certified practicing midwives, nurses, lab technicians, radiation technicians, x-ray technicians, and other staff necessary to provide patients with medical care and attention located at 2201 Hempstead Turnpike, East Meadow, New York.

111. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 did and at all times hereinafter mentioned do, maintain their individual and respective practices at 2201 Hempstead Turnpike, East Meadow, New York, amongst other locations.

112. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 were and are, individually and respectively, attending clinicians and/or medical providers with admitting privileges at NUMC, amongst other locations.

113. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 were and are, individually and respectively, attending clinicians and/or medical providers with admitting privileges at NHCC, amongst other locations.

STATEMENT OF FACTS

114. On or about April 9, 2022, Plaintiff Javana Calder was admitted to Defendant Planned Parenthood Hempstead and/or Defendant Planned Parenthood Inc. for, *inter alia*, signs and symptoms that were consistent with ectopic pregnancy.

115. On or about April 9, 2022 and at all times thereafter, Defendant Planned Parenthood Hempstead and/or Defendant Planned Parenthood Inc. failed to properly and timely diagnose and treat Plaintiff Javana Calder's ectopic pregnancy.

116. On or about April 9, 2022 and at all times thereafter, Defendant Desimone failed to properly and timely diagnose and treat Plaintiff Javana Calder's ectopic pregnancy.

117. On or about April 18, 2022 and continuing through to and including on or about April 20, 2022, Plaintiff Javana Calder was admitted to Defendant NUMC and/or Defendant NHCC for, *inter alia*, signs and symptoms that were consistent with ectopic pregnancy.

118. On or about April 18, 2022 and continuing through to and including on or about April 20, 2022 and at all times thereafter, Defendant NUMC and/or Defendant NHCC failed to properly and timely diagnose and treat Plaintiff Javana Calder's ectopic pregnancy.

119. On or about April 18, 2022 and continuing through to and including on or about April 20, 2022 and at all times thereafter, Defendants "John Doe, M.D." #1-5 and Defendants "Jane Doe, M.D." #1-5 failed to properly and timely diagnose and treat Plaintiff Javana Calder's ectopic pregnancy.

120. On or about April 18, 2022 and continuing through to and including on or about April 20, 2022 and at all times thereafter, Defendants "John Doe" #1-5 and/or Defendants "Jane

Doe” #1-5 failed to properly and timely diagnose and treat Plaintiff Javana Calder’s ectopic pregnancy.

121. On or about April 21, 2022 and/or April 22, 2022, Plaintiff Javana Calder’s ectopic pregnancy resulted in the rupture of and/or loss of utility of her fallopian tube in which the ectopic pregnancy was located.

122. As a result of the foregoing, Plaintiff Javana Calder was damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter.

FIRST CAUSE OF ACTION

*Medical Malpractice as to Planned Parenthood Hempstead and Planned Parenthood Inc.*

123. Plaintiff repeats, reiterates and re-alleges each and every allegation contained previously herein with the same force and effect as though more fully set forth herein at length.

124. That on or about April 9, 2022, Defendant Planned Parenthood Hempstead was and still is accredited by the Joint Commission, and was and still is located at 540 Fulton Avenue, Hempstead, New York.

125. That on or about April 9, 2022, Defendant Planned Parenthood Inc. was and still is accredited by the Joint Commission, and was and still is located at 540 Fulton Avenue, Hempstead, New York.

126. That on or about April 9, 2022, Defendant Planned Parenthood Hempstead was and still is accredited by the Community Health Accreditation Program, and was and still is located at 540 Fulton Avenue, Hempstead, New York.

127. That on or about April 9, 2022, Defendant Planned Parenthood Inc. was and still is accredited by the Community Health Accreditation Program, and was and still is located at 540 Fulton Avenue, Hempstead, New York.

128. Defendant Planned Parenthood Hempstead was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York.

129. Defendant Planned Parenthood Inc. was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York.

130. Defendant Planned Parenthood Hempstead was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for hospitals as set forth by the Joint Commission.

131. Defendant Planned Parenthood Inc. was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for hospitals as set forth by the Joint Commission.

132. Defendant Planned Parenthood Hempstead was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for fertility and obstetrical and gynecological centers as set forth by the Joint Commission.

133. Defendant Planned Parenthood Inc. was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for fertility and obstetrical and gynecological centers as set forth by the Joint Commission.

134. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc. owned, operated, managed, maintained and controlled a medical facility which provided hospital

and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, nursing care, medical, surgical care and treatment as well as provided for the care of sick and ailing persons in New York.

135. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc. had in their employ, and/or under their control doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 540 Fulton Avenue, Hempstead, New York.

136. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc., their agents, servants and/or employees held themselves out as qualified and competent to render requisite prescription of medicine, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, nursing care, medical, surgical care and treatment, and hospital and palliative care and treatment to the public at large and, more particularly to the Plaintiff named herein.

137. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc. undertook and agreed to render nursing care, medical and surgical care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, and hospital and palliative care and treatment to Plaintiff Javana Calder on or about April 9, 2022.

138. The treatment rendered by Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc., their agents, servants and/or employees was not in accord with good and acceptable standards of nursing care, medical, surgical care, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care.

139. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc., their agents, servants and/or employees were negligent, careless and reckless in supervising the prescription of medicine, nursing care, medical, surgical care and treatment, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

140. Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc., their agents, servants and/or employees were negligent, careless and reckless in the prescription of medicine, and the rendering of nursing care, medical, surgical care and treatment, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

141. As a result of the negligence, recklessness and carelessness of Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc., their agents, servants and/or employees, and without any want of care on the part of the Plaintiff, Plaintiff Javana Calder suffered grave bodily injury, complications related thereto, need for additional surgery and treatment, and mental anguish.

142. As a result of the forgoing, Plaintiff Javana Calder is entitled to recover punitive damages to be imposed on Defendant Planned Parenthood Hempstead and Defendant Planned Parenthood Inc.

143. This action falls within one or more of the exemptions set forth in CPLR § 1602.

144. As a result of the foregoing, Plaintiff Javana Calder has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

#### SECOND CAUSE OF ACTION

##### *Medical Malpractice as to Defendant Desimone*

145. Plaintiff repeats, reiterates and re-alleges each and every allegation contained previously herein with the same force and effect as though more fully set forth herein at length.

146. Defendant Desimone held herself out to be a nurse practitioner duly qualified and competent to render requisite medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to the public at large and, more particularly, to the Plaintiff named herein.

147. Defendant Desimone undertook and agreed to render medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to Plaintiff Javana Calder.

148. Defendant Desimone negligently, recklessly and carelessly rendered medical care and treatment to Plaintiff Javana Calder on or about April 9, 2022.

149. At all times herein mentioned, Plaintiff Javana Calder was a patient under the professional care and treatment of Defendant Desimone.

150. Defendant Desimone was negligent, careless and reckless in prescribing medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

151. Defendant Desimone was negligent, careless and reckless in supervising the prescription of medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

152. The treatment rendered by Defendant Desimone was not in accord with good and acceptable standards of medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care.

153. As a result of the negligence, recklessness and carelessness of Defendant Desimone and without any want of care on the part of the Plaintiff, Plaintiff Javana Calder suffered grave bodily injury, complications related thereto, need for additional surgery and treatment, and mental anguish.

154. This action falls within one or more of the exemptions set forth in CPLR § 1602.

155. As a result of the foregoing, Plaintiff has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

THIRD CAUSE OF ACTION

*Medical Malpractice as to Defendant NUMC, Defendant NHCC, and Defendant Nassau County*

156. Plaintiff repeats, reiterates and re-alleges each and every allegation contained previously herein with the same force and effect as though more fully set forth herein at length.

157. That on or about April 18, 2022 and continuing through to and including on or about April 20, 2022, Defendant NUMC was and still is accredited by the Joint Commission, and was and still is located at 2201 Hempstead Turnpike, East Meadow, New York.

158. That on or about April 9, 2022, Defendant NHCC was and still is accredited by the Joint Commission, and was and still is located at 2201 Hempstead Turnpike, East Meadow, New York.

159. That on or about April 9, 2022, Defendant NUMC was and still is accredited by the Community Health Accreditation Program, and was and still is located at 2201 Hempstead Turnpike, East Meadow, New York.

160. That on or about April 9, 2022, Defendant NHCC was and still is accredited by the Community Health Accreditation Program, and was and still is located at 2201 Hempstead Turnpike, East Meadow, New York.

161. Defendant NUMC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York.

162. Defendant NHCC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York.

163. Defendant NUMC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for hospitals as set forth by the Joint Commission.

164. Defendant NHCC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for hospitals as set forth by the Joint Commission.

165. Defendant NUMC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for fertility and obstetrical and gynecological centers as set forth by the Joint Commission.

166. Defendant NHCC was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for fertility and obstetrical and gynecological centers as set forth by the Joint Commission.

167. Defendant NUMC, Defendant NHCC, and Defendant Nassau County owned, operated, managed, maintained and controlled a medical facility which provided hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, nursing care, medical, surgical care and treatment as well as provided for the care of sick and ailing persons in New York.

168. Defendant NUMC, Defendant NHCC, and Defendant Nassau County had in their employ, and/or under their control doctors, emergency room physicians, internists, hospital and palliative care specialists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, pathologists, midwives, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff necessary to provide patients with medical care and attention at the medical facility located at 2201 Hempstead Turnpike, East Meadow, New York.

169. Defendant NUMC, Defendant NHCC, and Defendant Nassau County, their agents, servants and/or employees held themselves out as qualified and competent to render requisite prescription of medicine, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, nursing care, medical, surgical care and treatment, and hospital and palliative care and treatment to the public at large and, more particularly to the Plaintiff named herein.

170. Defendant NUMC, Defendant NHCC, and Defendant Nassau County undertook and agreed to render nursing care, medical and surgical care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, midwife care, and hospital and palliative care and treatment to Plaintiff Javana Calder on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

171. The treatment rendered by Defendant NUMC, Defendant NHCC, and Defendant Nassau County, their agents, servants and/or employees was not in accord with good and acceptable standards of nursing care, medical, surgical care, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care.

172. Defendant NUMC, Defendant NHCC, and Defendant Nassau County, their agents, servants and/or employees were negligent, careless and reckless in supervising the prescription of medicine, nursing care, medical, surgical care and treatment, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

173. Defendant NUMC, Defendant NHCC, and Defendant Nassau County, their agents, servants and/or employees were negligent, careless and reckless in the prescription of medicine, and the rendering of nursing care, medical, surgical care and treatment, hospital and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

174. As a result of the negligence, recklessness and carelessness of Defendant NUMC, Defendant NHCC, and Defendant Nassau County, their agents, servants and/or employees, and without any want of care on the part of the Plaintiff, Plaintiff Javana Calder suffered grave bodily injury, complications related thereto, need for additional surgery and treatment, and mental anguish.

175. This action falls within one or more of the exemptions set forth in CPLR § 1602.

176. As a result of the foregoing, Plaintiff Javana Calder has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

#### FOURTH CAUSE OF ACTION

*Medical Malpractice as to "John Doe, M.D." #1-5 and "Jane Doe, M.D." #1-5*

177. Plaintiff repeats, reiterates and re-alleges each and every allegation contained previously herein with the same force and effect as though more fully set forth herein at length.

178. Defendants "John Doe, M.D." #1-5 and Defendants "Jane Doe, M.D." #1-5, individually and respectively, held themselves out to be licensed practicing internists, obstetricians, gynecologists, maternal fetal medicine specialists, fertility specialists, reproductive specialists, hematologists, and/or pathologists to provide patients with medical care and attention,

who were individually and respectively duly qualified and competent to render requisite medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to the public at large and, more particularly, to the Plaintiff named herein.

179. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5, individually and respectively, undertook and agreed to render medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to Plaintiff Javana Calder.

180. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5, individually and respectively, negligently, recklessly and carelessly rendered medical care and treatment to Plaintiff Javana Calder on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

181. At all times herein mentioned, Plaintiff Javana Calder was a patient under the professional care and treatment of Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5.

182. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5, individually and respectively, were negligent, careless and reckless in prescribing medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

183. Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5, individually and respectively, were negligent, careless and reckless in supervising the prescription

of medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

184. The treatment rendered individually and respectively by Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5 were not in accord with good and acceptable standards of medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care.

185. As a result of the individual and respective negligence, recklessness and carelessness of Defendants “John Doe, M.D.” #1-5 and Defendants “Jane Doe, M.D.” #1-5, and without any want of care on the part of the Plaintiff, Plaintiff Javana Calder suffered grave bodily injury, complications related thereto, need for additional surgery and treatment, and mental anguish.

186. This action falls within one or more of the exemptions set forth in CPLR § 1602.

187. As a result of the foregoing, Plaintiff has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

#### FIFTH CAUSE OF ACTION

*Medical Malpractice as to “John Doe” #1-5 and “Jane Doe” #1-5*

188. Plaintiff repeats, reiterates and re-alleges each and every allegation contained previously herein with the same force and effect as though more fully set forth herein at length.

189. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, individually and respectively, held themselves out to be fertility specialists, reproductive specialists, midwives, nurses, lab technicians, radiation technicians, x-ray technicians, and other staff necessary to provide patients with medical care and attention, who were individually and respectively duly qualified and competent to render requisite medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to the public at large and, more particularly, to the Plaintiff named herein.

190. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, individually and respectively, undertook and agreed to render medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care to Plaintiff Javana Calder.

191. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, individually and respectively, negligently, recklessly and carelessly rendered medical care and treatment to Plaintiff Javana Calder on or about April 18, 2022 and continuing through to and including on or about April 20, 2022.

192. At all times herein mentioned, Plaintiff Javana Calder was a patient under the professional care and treatment of Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5.

193. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, individually and respectively, were negligent, careless and reckless in prescribing medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and

reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

194. Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, individually and respectively, were negligent, careless and reckless in supervising the prescription of medicine, medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care rendered to Plaintiff Javana Calder.

195. The treatment rendered individually and respectively by Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5 were not in accord with good and acceptable standards of medical, surgical care and treatment, hospice and palliative care, obstetrical care, gynecological care, fertility and reproductive care, hematological care, pathological care, and/or midwife care.

196. As a result of the individual and respective negligence, recklessness and carelessness of Defendants “John Doe” #1-5 and Defendants “Jane Doe” #1-5, and without any want of care on the part of the Plaintiff, Plaintiff Javana Calder suffered grave bodily injury, complications related thereto, need for additional surgery and treatment, and mental anguish.

197. This action falls within one or more of the exemptions set forth in CPLR § 1602.

198. As a result of the foregoing, Plaintiff has been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs Javana Calder and Alexandra Hershberger demand judgment against each of the Defendants on each of the causes of action alleged herein, each separately in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter; the costs and disbursements of this action; and such other and further relief as this Court deems just and proper.

Dated: New York, New York  
July 17, 2023



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Nicholas W. Dell'Anno, Esq.  
**DELL'ANNO LAW PLLC**  
*Attorneys for Plaintiff*  
*Javana Calder*  
11 Broadway, Suite 615  
New York, NY 10004  
(646) 849-1700

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X

JAVANA CALDER,

Plaintiff,

CERTIFICATE OF MERIT

Index No.:

-against-

PLANNED PARENTHOOD OF GREATER NEW YORK  
HEMPSTEAD; PLANNED PARENTHOOD OF  
GREATER NEW YORK, INC.; LAURA DESIMONE, NP;  
NASSAU HEALTH CARE CORPORATION; NASSAU  
COUNTY; NASSAU UNIVERSITY MEDICAL CENTER;  
"JOHN DOE, M.D." #1-5; "JANE DOE, M.D." #1-5;  
"JOHN DOE" #1-5; and "JANE DOE" #1-5;

Defendants.

-----X

Nicholas Dell'Anno, Esq., being duly sworn deposes and states the following to be true  
under the penalties of perjury:

I am an attorney duly admitted to practice law in the State of New York. I am counsel for  
the Plaintiffs in this matter.

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

Dated: New York, New York  
July 17, 2023



Nicholas W. Dell'Anno, Esq.  
**DELL'ANNO LAW PLLC**  
*Attorneys for Plaintiff*

*Javana Calder*  
11 Broadway, Suite 615  
New York, NY 10004  
(646) 849-1700

ATTORNEY VERIFICATION

NICHOLAS W. DELL'ANNO, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under the penalties of perjury that:

He is the attorney for the plaintiff(s) in the above entitled action. That he has read the foregoing COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) herein reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

DATED: New York, New York  
July 17, 2023



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Nicholas W. Dell'Anno, Esq.

Index No.

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

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JAVANA CALDER,

Plaintiff,

-against-

PLANNED PARENTHOOD OF GREATER NEW YORK HEMPSTEAD; PLANNED  
PARENTHOOD OF GREATER NEW YORK, INC.; LAURA DESIMONE, NP; NASSAU  
HEALTH CARE CORPORATION; NASSAU COUNTY; NASSAU UNIVERSITY MEDICAL  
CENTER; "JOHN DOE, M.D." #1-5; "JANE DOE, M.D." #1-5; "JOHN DOE" #1-5; and  
"JANE DOE" #1-5;

Defendants.

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SUMMONS & VERIFIED COMPLAINT

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