

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
MARY MCARTHUR and BRYAN JENSEN HALE,

Plaintiffs,

-against-

JOSHUA S. JAFFE, M.D., JOYCE N. BARLIN, M.D., PLANNED
PARENTHOOD OF GREATER NEW YORK, INC. and
WOMEN'S CANCER CARE ASSOCIATES

Defendants.
-----X

Index No.:

Plaintiffs designate ULSTER
County as the place of trial.

SUMMONS


The basis of venue is:
Plaintiffs' Address:
Plaintiffs reside at:
119 Hunter Street, Floor 1
Kingston, NY
COUNTY OF ULSTER

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 plaintiffs' 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 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: New York, New York
April 3, 2025

Very truly yours,

LAW OFFICE OF VICTORIA WICKMAN


Victoria Wickman, Esq.

Attorney for Plaintiffs
MARY MCARTHUR and
BRYAN JENSEN HALE
40 Exchange Place, Suite 500
New York, New York 10005
Tele. (212) 374-9161
Facs. (212) 374-9178
Email: vwickman@wickmanmedlaw.com

Defendants addresses:

JOSHUA JAFFE, M.D.
21 Grand Street
Kingston, NY 12401

Joyce N. Barlin, M.D.
319 S. Manning Blvd., Suite 301
Albany, NY 12208

PLANNED PARENTHOOD OF GREATER
NEW YORK, INC.
21 Grand Street
Kingston, NY 12401

WOMEN'S CANCER CARE ASSOCIATES
319 S. Manning Blvd., Suite 301
Albany, NY 12208

FILED WITH THE CLERK OF THE COURT ON _____

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
MARY MCARTHUR and BRYAN JENSEN HALE,

Plaintiff,

**VERIFIED
COMPLAINT**

-against-

Index No.:

JOSHUA S. JAFFE, M.D., JOYCE N. BARLIN, M.D.,
PLANNED PARENTHOOD OF GREATER NEW YORK,
INC. and WOMEN'S CANCER CARE ASSOCIATES,

Defendants.

-----X

Plaintiffs, by their attorneys, LAW OFFICE OF VICTORIA WICKMAN, allege the following upon information and belief and at all times hereinafter mentioned:

1. Plaintiffs reside and continue to reside in the County of Ulster, State of New York.
2. Plaintiff was diagnosed with stage IV ovarian cancer in November 2023.
3. Defendant JOSHUA S. JAFFE, M.D. ("JAFFE") was and represented himself to be a physician duly licensed to practice medicine in the State of New York and maintained offices for the practice of medicine in the State of New York.
4. Defendant, JAFFE, held himself out to the public, and specifically to the plaintiff, MARY MCARTHUR, as possessing the proper degree of learning and skill necessary to render medical services in accordance with good and accepted standards of medical practice in that he undertook to use reasonable care and diligence in the treatment of the plaintiff, MARY MCARTHUR.
5. Defendant, JAFFE, practices medicine in the State of New York.
6. Defendant, JAFFE, is licensed to practice medicine in the State of New York.

7. Defendant, JAFFE, provides medical care services to patients in the State of New York.

8. Defendant, JAFFE, provided medical care and services to the plaintiff MARY MCARTHUR within the State of New York.

9. Defendant, JAFFE, regularly does business in the State of New York by providing medical care and services within the State of New York.

10. Defendant, JAFFE, derives substantial revenue from medical care and services provided within the State of New York.

11. Defendant, JAFFE, himself, and through his agents, partners and/or employees, undertook, agreed and did render medical care and services to the plaintiff, MARY MCARTHUR, from on or about September 2019 up through and including May 2023.

12. Defendant, PLANNED PARENTHOOD OF GREATER NEW YORK, INC. (“PLANNED PARENTHOOD”) was, and is, a professional corporation, duly organized and existing under and by the virtue of the laws of the State of New York.

13. Defendant, PLANNED PARENTHOOD, owned a medical facility located at 21 Grand Street, Kingston, NY.

14. Defendant, PLANNED PARENTHOOD, operated a medical facility located at 21 Grand Street, Kingston, NY.

15. Defendant, PLANNED PARENTHOOD, managed a medical facility located at 21 Grand Street, Kingston, NY.

16. Defendant, PLANNED PARENTHOOD, maintained a medical facility located at 21 Grand Street, Kingston, NY.

17. Defendant, PLANNED PARENTHOOD, controlled a medical facility located at 21 Grand Street, Kingston, NY.

18. Defendant, PLANNED PARENTHOOD, itself and through its agents, servants, and/or employees held itself out to the general public and more particularly to the plaintiff, MARY MCARTHUR, as utilizing and employing medical personnel possessing the proper degree of learning and skill necessary to render medical services in accordance with good and accepted standards of medical practice in that it undertook to use reasonable care and diligence in the treatment of the plaintiff, MARY MCARTHUR.

19. Defendant, PLANNED PARENTHOOD, itself and through its agents, servants and/or employees, undertook, agreed and did render medical care and services to the plaintiff, MARY MCARTHUR, from on or about September 2019 up through and including May 2023.

20. Defendant, JAFFE, was an agent of defendant, PLANNED PARENTHOOD from on or about September 2019 up through and including May 2023.

21. Defendant, JAFFE, was a partner of defendant, PLANNED PARENTHOOD from on or about September 2019 up through and including May 2023.

22. Defendant, JAFFE, was a servant of defendant, PLANNED PARENTHOOD from on or about September 2019 up through and including May 2023.

23. Defendant, JAFFE, was a shareholder of defendant, PLANNED PARENTHOOD from on or about September 2019 up through and including May 2023.

24. Defendant, JAFFE, was an employee of defendant, PLANNED PARENTHOOD from on or about September 2019 up through and including May 2023.

25. Defendant, JAFFE, was acting within the scope of his duties as an agent, partner, servant, and/or employee of defendant, PLANNED PARENTHOOD, when rendering services to

the plaintiff, MARY MCARTHUR, from on or about September 2019 up through and including May 2023.

26. Defendant JOYCE N. BARLIN, M.D. (“BARLIN”) was and represented herself to be a physician duly licensed to practice medicine in the State of New York and maintained offices for the practice of medicine in the State of New York.

27. Defendant, BARLIN, held herself out to the public, and specifically to the plaintiff, MARY MCARTHUR, as possessing the proper degree of learning and skill necessary to render medical services in accordance with good and accepted standards of medical practice in that she undertook to use reasonable care and diligence in the treatment of the plaintiff, MARY MCARTHUR.

28. Defendant, BARLIN, herself, and through her agents, partners and/or employees, undertook, agreed and did render medical care and services to the plaintiff, MARY MCARTHUR, from on or about December 2022 up through and including November 2023.

29. Defendant, WOMENS CANCER CARE ASSOCIATES (“WCCA”) was, and is, a professional corporation, duly organized and existing under and by the virtue of the laws of the State of New York.

30. Defendant, WCCA, was, and is, a limited liability partnership duly organized and existing under and by the virtue of the laws of the State of New York.

31. Defendant, WCCA, was, and is, a partnership duly organized and existing under and by the virtue of the laws of the State of New York.

32. Defendant, WCCA, was, and is, a limited liability corporation duly organized and existing under and by the virtue of the laws of the State of New York.

33. Defendant, WCCA, owned a medical facility located at 319 S. Manning Boulevard, Suite 310, Albany, NY 12208.

34. Defendant, WCCA, operated a medical facility located at 319 S. Manning Boulevard, Suite 310, Albany, NY 12208.

35. Defendant, WCCA, managed a medical facility located at 319 S. Manning Boulevard, Suite 310, Albany, NY 12208.

36. Defendant, WCCA, maintained a medical facility located at 319 S. Manning Boulevard, Suite 310, Albany, NY 12208.

37. Defendant, WCCA, controlled a medical facility located at 319 S. Manning Boulevard, Suite 310, Albany, NY 12208.

38. Defendant, WCCA, itself and through its agents, servants, and/or employees held itself out to the general public and more particularly to the plaintiff, MARY MCARTHUR, as utilizing and employing medical personnel possessing the proper degree of learning and skill necessary to render medical services in accordance with good and accepted standards of medical practice in that it undertook to use reasonable care and diligence in the treatment of the plaintiff, MARY MCARTHUR.

39. Defendant, WCCA, itself and through its agents, servants and/or employees, undertook, agreed and did render medical care and services to the plaintiff, MARY MCARTHUR, from on or about December 2022 up through and including November 2023.

40. Defendant, BARLIN, was an agent of defendant, WCCA from on or about December 2022 up through and including November 2023.

41. Defendant, BARLIN, was a partner of defendant, WCCA from on or about December 2022 up through and including November 2023.

42. Defendant, BARLIN, was a servant of defendant, WCCA from on or about September 2019 up through and including November 2023.

43. Defendant, BARLIN, was a shareholder of defendant, WCCA from on or about September 2019 up through and including November 2023.

44. Defendant, BARON, was an employee of defendant, WCCA from on or about September 2019 up through and including November 2023.

45. Defendant, BARLIN, was acting within the scope of his duties as an agent, partner, servant, and/or employee of defendant, WCCA, when rendering services to the plaintiff, MARY MCARTHUR, from on or about September 2019 up through and including November 2023.

46. The defendants themselves and through their agents, servants, partners and/or employees undertook, agreed and did render medical care and services to the plaintiff, MARY MCARTHUR, from on or about September 2019 up through and including November 2023 .

47. The defendants themselves and through their agents, servants, partners and/or employees were negligent, careless, unskillful, departed from good and accepted standards of medical practices and procedures and committed medical malpractice in connection with the medical care and treatment rendered to the plaintiff, MARY MCARTHUR.

48. As a result of the foregoing the plaintiff, MARY MCARTHUR, was seriously injured.

49. As a result of the foregoing, the plaintiff, MARY MCARTHUR, was injured.

50. The aforesaid injuries were caused wholly and solely by the carelessness, negligence and medical malpractice of the defendants, their agents, servants, partners and/or employees without any negligence on the part of the plaintiff contributing thereto.

51. The limitations on liability set forth in the CPLR § 1601 do not apply to this action by reason of one or more of the exemptions set forth in CPLR §1602.

52. The amount of damages sought herein exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction in this matter.

AS AND A SECOND CAUSE OF ACTION

53. Plaintiffs repeat, reiterate and reiterate each and every allegation contained in the First Cause of Action of the within Complaint with the same force and effect as though each were more fully set forth at length herein.

54. Plaintiff, Bryan Jensen Hale, was and still is the husband of the plaintiff, MARY MCARTHUR, and as such was and is entitled to the love, services, society and consortium of his/her husband/wife.

55. As a result of the negligence and medical malpractice committed herein, plaintiff, Bryan Jensen Hale, has been deprived of the love, services, society and consortium of his/her husband/wife, MARY MCARTHUR, and has been caused and will continue to be caused to spend sums of money for medical care, services, advice, and treatment of plaintiff, MARY MCARTHUR, and has suffered other indemnifiable economic losses.


56. The amount of damages sought herein exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction in this matter.

WHEREFORE, plaintiffs demand judgment against the defendants in the First and Second Causes of action together with the costs and disbursements of this action.

Dated: New York, New York
April 4, 2025

Very truly yours,

LAW OFFICE OF VICTORIA WICKMAN



Victoria Wickman, Esq.

Attorney for Plaintiffs

MARY MCARTHUR and

BRYAN JENSEN HALE

40 Exchange Place, Suite 500

New York, New York 10005

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Email: vwickman@wickmanmedlaw.com

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ULSTER

-----X
MARY MCARTHUR and BRYAN JENSEN HALE,

Plaintiffs,

-against-

JOSHUA JAFFE, M.D., JOYCE N. BARLIN, M.D.,
PLANNED PARENTHOOD OF GREATER NEW YORK,
INC. and WOMEN'S CANCER CARE ASSOCIATES

Defendants.

-----X

VICTORIA WICKMAN, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms, pursuant to CPLR Section 2106:

1. I am the attorney for the plaintiffs.
2. I have reviewed the facts of this case and have consulted with at least one physician who is licensed to practice in this State or any other State, and I reasonably believe that said physician(s) is knowledgeable as to the relevant issues involved in this particular action, and I have concluded on the basis of such review and consultation that there is a reasonable basis for the commencement of this action.

Dated: New York, New York
April 4, 2025



VICTORIA WICKMAN, ESQ.

CERTIFICATE OF MERIT

Index No.:

ATTORNEY VERIFICATION

VICTORIA WICKMAN, an attorney duly admitted to practice in the State of New York affirms the following under the penalties of perjury:

I am the attorney for the plaintiffs in the above-entitled action. I have read the foregoing

COMPLAINT

And know the contents thereof, and upon information and belief Affirmant believes the matters alleged therein to be true.

The reason this Verification is made by the Affirmant and not by the plaintiffs is that the plaintiffs are not presently within the county in which the plaintiffs' attorney maintains her office.

The source of the Affirmant's information and the grounds of her belief are the communications, papers, reports and investigations contained in the file.

Dated: New York, New York
April 4, 2025


VICTORIA WICKMAN



NYSCEF Confirmation Notice

Ulster County Supreme Court



The NYSCEF website has received an electronic filing on 04/07/2025 02:29 PM. Please keep this notice as a confirmation of this filing.

EF2025-1194

mary mcarthur et al v. joshua S. jaffe m.d. et al

Assigned Judge: None Recorded

Documents Received on 04/07/2025 02:29 PM

Doc #	Document Type
1	SUMMONS + COMPLAINT

Filing User

VICTORIA WICKMAN | vwickman@wickmanmedlaw.com | 212-374-9161
40 Exchange Place Suite 500, New York, NY 10005

E-mail Service Notifications

An email regarding this filing has been sent to the following on 04/07/2025 02:29 PM:

VICTORIA WICKMAN - vwickman@wickmanmedlaw.com

Taylor Bruck, Acting Ulster County Clerk - tbru@co.ulster.ny.us

Phone: Phone: 845.340.3288 Fax: Fax: 845.340.3299 Website: <https://ulstercountyny.gov/countyclerk/index.html>

NYSCEF Resource Center, nyscef@nycourts.gov

Phone: (646) 386-3033 | Fax: (212) 401-9146 | Website: www.nycourts.gov/efile



NYSCEF Confirmation Notice

Ulster County Supreme Court



EF2025-1194

mary mcarthur et al v. joshua S. jaffe m.d. et al
Assigned Judge: None Recorded

Email Notifications NOT Sent

Role	Party	Attorney
Defendant / Respondent	joshua S. jaffe	No consent on record.
Defendant / Respondent	joyce n. barlin	No consent on record.
Defendant / Respondent	planned parenthood of greater new york, inc.	No consent on record.
Defendant / Respondent	women's cancer care associates	No consent on record.

* Court rules require hard copy service upon non-participating parties and attorneys who have opted-out or declined consent.

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