

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

Filing Date:

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Index No.

PASCALE AUSTIN AND TIMOTHY AUSTIN,

Plaintiffs designate  
Bronx County  
as the place for trial

Plaintiffs,

-against-

The basis of venue  
is Plaintiffs'  
residence

PLANNED PARENTHOOD HUDSON PECONIC, INC.  
d/b/a PLANNED PARENTHOOD AT WHITE PLAINS  
AND ELIZABETH N. YEBOAH, FNP,

SUMMONS

Defendants.

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Plaintiffs reside at  
181 Buttrick Ave.  
Bronx, NY

County of Bronx

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 Plaintiffs' Attorney within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if the summons is not personally delivered to you within the State of New York); and 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: White Plains, NY  
July 6, 2020

FIEDLER DEUTSCH, LLP  
BY: ADAM E. DEUTSCH  
Attorneys for Plaintiffs  
81 Main Street-Suite 304  
White Plains, NY 10601  
914-993-0393

Defendants' address:

175 Tarrytown Road  
White Plains, NY 10607

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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PASCALE AUSTIN AND TIMOTHY AUSTIN,

Plaintiffs,

VERIFIED COMPLAINT

-against-

Index No.

PLANNED PARENTHOOD HUDSON PECONIC, INC.  
d/b/a PLANNED PARENTHOOD AT WHITE PLAINS  
AND ELIZABETH N. YEBOAH, FNP,

Defendants.

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Plaintiffs, complaining of the defendants, by their attorneys, FIEDLER  
DEUTSCH, LLP, upon information and belief, respectfully allege that:

FIRST CAUSE OF ACTION

FIRST: At all times herein mentioned, defendant, PLANNED PARENTHOOD  
HUDSON PECONIC, INC. d/b/a PLANNED PARENTHOOD AT WHITE PLAINS,  
was and is a domestic corporation organized and existing under and by virtue of New  
York State law.

SECOND: At all times herein mentioned, defendant, PLANNED  
PARENTHOOD HUDSON PECONIC, INC. d/b/a PLANNED PARENTHOOD AT  
WHITE PLAINS, owned, operated, managed, controlled, staffed and maintained a  
medical facility located at 175 Tarrytown Road, White Plains, New York 10607.

THIRD: At all times herein mentioned, defendant, ELIZABETH N. YEBOAH, FNP was and is a family nurse practitioner licensed to practice family nursing in New York State.

FOURTH: At all times herein mentioned, defendant, ELIZABETH N. YEBOAH, FNP, was an agent, servant and/or employee of defendant, PLANNED PARENTHOOD HUDSON PECONIC, INC. d/b/a PLANNED PARENTHOOD AT WHITE PLAINS.

FIFTH: Plaintiff, PASCALE AUSTIN, was a patient of defendants at various times from on or about March 3, 2020 to on or about March 8, 2020.

SIXTH: At all times herein mentioned, defendants, their agents, servants and/or employees rendered medical and surgical care and treatment to plaintiff, PASCALE AUSTIN.

SEVENTH: At all times herein mentioned, defendants, their agents, servants and/or employees owed a duty to care for and treat plaintiff, PASCALE AUSTIN in accordance with good and accepted community standards.

EIGHTH: Defendants, their agents, servants and/or employees were negligent and careless in the medical and surgical care and treatment of plaintiff, PASCALE AUSTIN.

NINTH: As a result of the aforementioned, plaintiff, PASCALE AUSTIN sustained severe and serious personal injury, conscious pain and suffering, mental anguish, emotional distress, psychological trauma and loss of enjoyment of life, all of a permanent nature.

TENTH: The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

#### SECOND CAUSE OF ACTION

ELEVENTH: Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of this complaint numbered "1" through "10" inclusive.

TWELFTH: Defendants failed to inform plaintiff of the risks, hazards and alternatives connected with the treatment rendered, so that an informed consent could be given.

THIRTEENTH: Reasonably prudent persons in plaintiff's position would not have undergone the treatment utilized if fully informed of the risk, hazards and alternatives connected with the treatment.

FOURTEENTH: The failure to adequately and fully inform plaintiff of the risks, hazards and alternatives of the treatment utilized was a proximate cause of plaintiff's injuries.

FIFTEENTH: As a consequence of the foregoing, there was no informed consent to the treatment utilized.

SIXTEENTH: The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

### THIRD CAUSE OF ACTION

SEVENTEENTH: Plaintiffs repeat, reiterate and reallege each and every allegation of this complaint contained in those paragraphs numbered "1" through "16" inclusive.

EIGHTEENTH: At all times herein mentioned, plaintiffs, TIMOTHY AUSTIN and PASCALE AUSTIN were and are husband and wife.

NINETEENTH: That by reason of the foregoing, plaintiff, TIMOTHY AUTSIN was and continues to be deprived of the support, services and consortium of his wife, PASCALE AUSTIN.

TWENTY: The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs demand judgment against the defendants in such sums as the jury finds fair, adequate and just.

Yours etc.

FIEDLER DEUTSCH, LLP  
BY: ADAME E. DEUTSCH



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Attorney for Plaintiffs  
81 Main Street, Suite 304  
White Plains, NY 10601  
914-993-0393

VERIFICATION

ADAM E. DEUTSCH, an attorney duly admitted to practice in the Courts of this state, affirms the following under the penalty of perjury.

I represent plaintiff.

I have read the foregoing amended complaint and know the contents thereof, and upon information and belief, believe the matters alleged therein to be true.

The reason this verification is made by counsel and not by plaintiff is that plaintiff resides in a County other than the one in which counsel maintains his office.

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

Dated: White Plains, NY  
July 6, 2020

  
ADAM E. DEUTSCH