

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU Index No.

GENESE BANKS,

Plaintiff

-against-

PLANNED PARENTHOOD OF NASSAU COUNTY, INC.  
and "JOHN DOE", a fictitious name, but intended to be one  
of the defendants,

Defendants.

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SUMMONS AND VERIFIED COMPLAINT

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**Law Offices of John J. Guadagno, P.C.**  
*Attorneys for Plaintiff*  
136 East Main Street  
East Islip, New York 11736  
(631)224-2796

TO: Via Secretary of State Only  
PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

JOHN DOE

COUNTY CLERK OF  
NASSAU COUNTY

SEP 26 2003

NASSAU INDEX# 20  
FILED

03-01474

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
GENESE BANKS,

Plaintiff,

- against -

PLANNED PARENTHOOD OF NASSAU COUNTY, INC.  
and "JOHN DOE", a fictitious name, but intended to be one  
of the defendants,

Defendants.  
-----X

Index No.

Plaintiffs designate  
NASSAU  
County as the place of trial  
BASIS FOR VENUE:  
Plaintiff's Residence  
**SUMMONS**  
Plaintiff resides at:  
419 Coolidge Avenue  
Rockville Centre, NY 11570

To the above named Defendant(s):

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 the summons, to serve a notice of appearance, on the Plaintiffs' Attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this 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: East Islip, New York  
September 25, 2003

LAW OFFICES OF  
JOHN J. GUADAGNO, P.C.  
Attorneys for Plaintiff  
136 East Main Street  
East Islip, New York 11730  
(631)224-2796

TO:  
VIA SECRETARY OF STATE ONLY  
PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

JOHN DOE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
GENESE BANKS,

Plaintiff,

Index No.

-against-

**CERTIFICATE  
OF MERIT**

PLANNED PARENTHOOD OF NASSAU COUNTY, INC.  
and "JOHN DOE", a fictitious name, but intended to be one  
of the defendants.

Defendants.  
-----X

JOHN J. GUADAGNO, an attorney duly admitted to practice law before the Courts  
of the State of New York, hereby affirms, pursuant to Section 3012-a of the Civil Practice Law and  
Rules, under penalties of perjury and says:

1. I have reviewed the facts of this case and have consulted with at least one  
doctor who is licensed to practice in this State and with whom I reasonably believe is knowledgeable  
in the relevant issues involved in this particular action and have concluded on the basis of such  
review and consultation that there is a reasonable basis for the commencement of this action.

Dated: East Islip, New York  
September 25, 2003

  
\_\_\_\_\_  
JOHN J. GUADAGNO



NASSAU COUNTY CLERK'S OFFICE  
ENDORSEMENT COVER PAGE

Recorded Date: 09-26-2003      Record and Return To:  
Recorded Time: 2:14:09 p

Liber Book:  
Pages From:  
To:

Control  
Number: 1880  
Ref #: 03--014749  
Doc Type: C21 INDEX # W/ SUMMONS & COMPLAINT

Plnt: BANKS, GENESE  
Dfnd: PLANNED PARENTHOOD OF NASSAU COUNTY INC

	Taxes Total	.00
	Recording Totals	210.00
AXL001	Total Payment	210.00

THIS PAGE IS NOW PART OF THE INSTRUMENT AND SHOULD NOT BE REMOVED  
KAREN V. MURPHY  
COUNTY CLERK



2003092601880



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
GENESE BANKS,

Plaintiff,

- against -

Index No.

VERIFIED COMPLAINT

PLANNED PARENTHOOD OF NASSAU COUNTY, INC.  
and "JOHN DOE", a fictitious name, but intended to be one  
of the defendants,

Defendants.  
-----X

Plaintiff, by her attorneys, LAW OFFICES OF JOHN J. GUADAGNO, P.C.,  
complaining of the defendant herein, respectfully alleges, upon information and belief:

1. At all times hereinafter mentioned the plaintiff, GENESE BANKS, was a resident of the State of New York.
2. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is a domestic not-for-profit corporation having a regional office and medical center located at 540 Fulton Avenue, Hempstead, New York.
3. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is a domestic not-for-profit corporation licensed and/or authorized to do business within the State of New York, County of Nassau.
4. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was one of the 132 Planned Parenthood Federation of America (PPFA) affiliates in the United States.
5. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is an association organized and existing under and by virtue of the laws of the State of New York.

6. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is a joint venture organized and existing under and by virtue of the laws of the State of New York.

7. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is a group of individuals doing business under an assumed name and organized and existing under and by virtue of the laws of the State of New York.

8. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., was and still is a partnership organized and existing under and by virtue of the laws of the State of New York.

9. At all times hereinafter mentioned, the defendant, "JOHN DOE", was and still is a resident of the State of New York.

10. At all times hereinafter mentioned, the defendant, "JOHN DOE", was an officer of PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

11. At all times hereinafter mentioned, the defendant, "JOHN DOE", was an employee of PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

12. At all times hereinafter mentioned, the defendant, "JOHN DOE", was a member of PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

13. At all times hereinafter mentioned, the defendant, "JOHN DOE", was a partner of PLANNED PARENTHOOD OF NASSAU COUNTY, INC.

14. At all times hereinafter mentioned, the defendant, "JOHN DOE", was and still is duly licensed to practice medicine in the State of New York.

15. At all times hereinafter mentioned, the defendant, PLANNED PARENTHOOD OF NASSAU COUNTY, INC., held itself out as being duly qualified to render proper and adequate medical care to members of the general public, including the plaintiff, GENESE BANKS.

16. At all times hereinafter mentioned, the defendant, "JOHN DOE", held himself out as being duly qualified to render proper and adequate medical care to members of the general public, including the plaintiff, GENESE BANKS.

17. On or about March 22, 2003, the plaintiff, GENESE BANKS, received medical care and treatment from the defendants, their agents, servants and/or employees.

18. That the aforesaid medical care and treatment rendered by the defendants, their agents, servants and/or employees was rendered for compensation which the plaintiff agreed to and did pay the defendants therefor.

19. That the defendants, their agents, servants and/or employees were careless, negligent, unfaithful, unskillful and unprofessional in rendering the aforesaid medical care and treatment to the plaintiff, GENESE BANKS.

20. That the defendants, individually and by their agents, servants and/or employees were negligent, careless, reckless and grossly negligent and guilty of malpractice in rendering services for and on behalf of the plaintiff, GENESE BANKS; in failing and neglecting to use reasonable care in rendering medical services for and on behalf of said plaintiff; in failing and neglecting to heed plaintiff's condition; in departing from good and accepted medical practice; in performing contra-indicated procedures; in failing to perform indicated procedures; in failing to follow good medical practice; in negligently hiring, training, supervising and instructing their agents, servants and/or employees in the proper care and treatment of said plaintiff; in failing to refer said plaintiff to the appropriate specialists for requisite care and treatment; and in otherwise being careless, reckless, negligent and grossly negligent and guilty of malpractice under the circumstances then and there existing.

21. That solely by reason of the carelessness, negligence, unfaithfulness, unskillfulness, and professional malpractice of the defendants, their agents, servants and/or employees, the plaintiff, GENESE BANKS, has suffered serious medical complications and sustained serious and severe permanent personal injuries, all without any fault on her part contributing thereto.

22. That solely by reason of the careless, recklessness, negligence and medical malpractice of the defendants, their agents, servants and/or employees, the plaintiff, GENESE BANKS, has endured great and protracted pain and suffering; will continue to endure such pain and suffering for an indeterminate period; and, will be permanently disfigured and marred, all of which has caused her severe mental anguish and emotional shock.

23. That as a result of the foregoing, plaintiff, GENESE BANKS, has been rendered sick, sore, lame and disabled; has suffered severe and permanent internal and external injuries; was confined to her bed and home and incapacitated from attending her usual activities; and was caused and continues to be required to expend large sums of money for medical expenses on her behalf.

24. The amount of damages sought herein exceeds the monetary jurisdiction of all lower Courts which would otherwise have jurisdiction.

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

25. Plaintiff, repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "24" of this complaint as if more fully set forth at this point.

26. That the defendants, his agents, servants and/or employees failed to inform the plaintiff of the risks, hazards and alternatives connected with the medical, surgical and invasive procedures performed upon said plaintiff.

27. That a reasonable prudent person in plaintiff's position would not have undergone the medical, surgical and invasive procedures performed upon said plaintiff if she had been fully informed of the risks, hazards and alternatives.

28. That as a result of the foregoing, the plaintiff was prevented from making a knowledgeable evaluation with regard thereto, as a consequence of which there was not informed consent given to the medical treatment and multiple invasive procedures performed by the defendants.

29. That the amount of damages sought herein exceed the monetary jurisdiction of all lower Courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff, GENESE BANKS demands judgment against the defendants on all causes of action for a substantial amount of money in such sum as a jury determines at trial to be fair, adequate and just, together with the costs and disbursements of this action.

Dated: East Islip, New York  
September 25, 2003

Yours, etc.,

LAW OFFICES OF  
JOHN J. GUADAGNO, P.C.  
Attorneys for Plaintiff  
136 East Main Street  
East Islip, NY 11730  
(631)224-2796

## ATTORNEY'S VERIFICATION

The undersigned, an attorney admitted to practice in the State of New York, affirms:

That the undersigned is a member of the Law Offices of **JOHN J. GUADAGNO**, attorneys for the plaintiff, *Genese Banks*, in the within action; that the undersigned has read the foregoing *Summons and Complaint* and knows the contents thereof; that the same are true to affirmant's own knowledge, except as to the matters therein stated to be alleged on information and belief; and as to those matters affirmant believes them to be true.

The undersigned further states that the reason this verification is made by the undersigned and not by said plaintiff is that the plaintiff resides outside the county where the undersigned maintains his offices.

The grounds of affirmant's belief as to all matters not stated to be upon affirmant's knowledge are as follows: books, records, correspondence, investigation and other documentation in the possession of the undersigned.

The undersigned affirms that the foregoing statements are true, under penalties of perjury.

Dated: East Islip, New York  
September 25, 2003



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JOHN J. GUADAGNO