

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
SHEILA EVANS,

Index #

Plaintiff,

VERIFIED COMPLAINT

-against-

PLANNED PARENTHOOD OF NASSAU COUNTY
and DR. ZUCKERMAN,

Defendants,

-----X

Plaintiff, **SHEILA EVANS**, by her attorney, **DANNY MONTANEZ**, complaining of
the defendants, **PLANNED PARENTHOOD OF NASSAU COUNTY** and **DR.**
ZUCKERMAN.

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times hereinafter mentioned, Plaintiff, **SHEILA EVANS**, was a resident of
the State of New York, County of Nassau.

2. At all times hereinafter mentioned, defendant, **PLANNED PARENTHOOD OF**
NASSAU COUNTY, was a domestic corporation duly organized and existing under and by
virtue of the laws of the State of New York.

3. At all times hereinafter mentioned, defendant, **PLANNED PARENTHOOD OF**
NASSAU COUNTY, was a foreign corporation transacting and/or doing and/or conducting
and/or soliciting business within the State of New York.

4. At all times hereinafter mentioned, defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**, was a business enterprise transacting and/or doing and/or conducting and/or soliciting business within the State of New York.

5. At all times hereinafter mentioned, defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**, operated, supervised and controlled a staff at its medical facility located in the County of Nassau, State of New York.

6. At all times hereinafter mentioned, defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**, used, employed, controlled and supervised physicians, physicians assistants, staff members, residents, interns, technicians, nurses and other staff at **PLANNED PARENTHOOD OF NASSAU COUNTY**, for the purpose of providing medical services on behalf of its patients.

7. On or about May 3, 2003 defendant **PLANNED PARENTHOOD OF NASSAU COUNTY**, undertook and did render medical care, treatment, services and advice to the plaintiff **SHEILA EVANS**.

8. At all times hereinafter mentioned, the medical care, treatment, services and advice rendered to plaintiff by defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**, its agents, servants and/or employees were negligently and carelessly performed, were rendered in a manner which departed from good and accepted medical practice then and there prevailing and constituted professional medical malpractice.

9. At all times hereinafter mentioned, defendant **PLANNED PARENTHOOD OF NASSAU COUNTY**, its agents, servants and/or employees, negligently, carelessly and recklessly failed properly to test, diagnose, monitor and treat plaintiff which adversely affected

the health, well-being of plaintiff **SHEILA EVANS**

10. At all times hereinafter mentioned, plaintiff was caused to sustain serious personal injury by reason of the negligence, carelessness, recklessness, malpractice and substandard care of the defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**.

11. By reason of the foregoing, plaintiff, **SHEILA EVANS**, sustained damages in a sum that exceeds the jurisdictional limits of all lower courts save the Supreme Court of the State of New York.

AS AND FOR A SECOND CAUSE OF ACTION

12. Plaintiff, **SHEILA EVANS**, repeats, reiterates and realleges each and every allegation contained in the preceding paragraphs as though fully set forth below.

13. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** was a resident of the State of New York.

14. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.**, was a physician duly licensed to practice medicine within the State of New York.

15. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** was an employee of defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**.

16. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** was a licensee of defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**.

17. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.**, was an agent of defendant, **PLANNED PARENTHOOD OF NASSAU COUNTY**.

18. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** was an independent contractor of defendant, **PLANNED PARENTHOOD OF NASSAU**

COUNTY.

19. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** was, or held himself out to be, a surgical and/or medical specialist offering professional services to the public in general and plaintiff in particular.

20. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.**, represented himself to be competent to perform and render all of the professional care, treatment, services and advice required by plaintiff, **PLANNED PARENTHOOD OF NASSAU COUNTY.**

21. On or about May 3, 2003 plaintiff, **SHEILA EVANS**, was a patient under the medical diagnosis, care and treatment of the defendant, **MICHAEL ZUCKERMAN, MD.**, his agents, servants and/or employees.

22. On or about May 3, 2003 and at all times herein mentioned, defendant, **MICHAEL ZUCKERMAN, MD.**, undertook to and did render medical/surgical care, treatment, service and advice to plaintiff

23. At all times hereinafter mentioned, the medical care, treatment, services and advice rendered to plaintiff, **SHEILA EVANS**, by defendant, **MICHAEL ZUCKERMAN, MD.**, were negligently and carelessly performed, were rendered in a manner which departed from good and accepted medical practice then and there prevailing and constituted professional medical malpractice.

24. At all times hereinafter mentioned, defendant, **MICHAEL ZUCKERMAN, MD.** negligently, carelessly and recklessly failed properly to test, diagnose, monitor and treat plaintiff, **SHEILA EVANS**, which adversely affected the health, well-being and future treatment of plaintiff, **SHEILA EVANS.**

25. At all times hereinafter mentioned, plaintiff, **SHEILA EVANS**, was caused to sustain serious personal injury by reason of the negligence, carelessness, recklessness, malpractice and substandard care of the defendant **MICHAEL ZUCKERMAN, M.D.**

26. At all times hereinafter mentioned, plaintiff, **SHEILA EVANS**, was caused to sustain personal injuries while under the medical care and treatment of defendant, **MICHAEL ZUCKERMAN, MD.**

27. By reason of the foregoing, plaintiff, **SHEILA EVANS**, has sustained damages in a sum that exceeds the jurisdictional limits of all lower courts save the Supreme Court of the State of New York

AS AND FOR A THIRD CAUSE OF ACTION

28. Plaintiff, **SHEILA EVANS**, repeats, reiterates and realleges each and every allegation contained in the preceding paragraphs as though fully set forth below.

29. At all times hereinafter mentioned, defendants, their agents, servants, employees and/or licensees, failed fully, properly and adequately to inform plaintiff, **SHEILA EVANS**, of the purpose and perils, risks and dangers, and complications of the treatment and care rendered.

30. At all times hereinafter mentioned, defendants, their agents, servants, employees and/or licensees, failed fully, properly and adequately to inform plaintiff, **SHEILA EVANS**, of the alternative care available.

31. By virtue of the foregoing, plaintiff, **SHEILA EVANS**, did not give an informed consent for the procedure performed and medical care, treatment and services rendered.

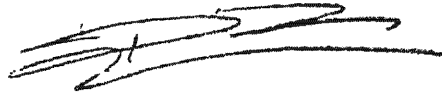
32. A reasonable person in plaintiff's **SHEILA EVANS**, position would not have undergone the procedure performed and would not have accepted medical care, treatment and

services rendered has she been fully informed.

33. The failure of defendants fully, properly and adequately to obtain an informed consent is a proximate cause of the injuries and conditions for which recovery is sought.

34. By reason of the foregoing, plaintiff, **SHEILA EVANS**, has sustained damages in a sum that exceeds the jurisdictional limits of all lower courts save the Supreme Court of the State of New York.

WHEREFORE, plaintiff demand judgment against defendants, as follows: in the First Cause of Action, in the sum which exceeds the jurisdictional limits of al lower courts save the Supreme Court of the State of New York; in the Second Cause of Action, in the sum which exceeds the jurisdictional limits of al lower courts save the Supreme Court of the State of New York, in the Third Cause of Action, in the sum which exceeds the jurisdictional limits of al lower courts save the Supreme Court of the State of New York, together with interest, costs and disbursements



Dated: Westbury, New York
October 11, 2005

DANNY MONTANEZ, ESQ.
Attorney for Plaintiff
Office and Post Office Address
229A Post Avenue
Westbury, New York 11590
(516) 248-4949

VERIFICATION

STATE OF NEW YORK)
)ss.:
COUNTY OF NASSAU)

SHEILA EVANS, being duly sworn, deposes and says:

I have read the foregoing **Verified Bill of Particulars** and know the contents thereof;
the same is true to my own knowledge except as to those matters therein alleged to be on information
and belief and, as to those matters, I believe them to be true.

Dated: October 11, 2005
Westbury, New York 11590



SHEILA EVANS

Sworn to before me this
11th day of October 2005



NOTARY PUBLIC

SUZANA M. JEVTOVIC
NOTARY PUBLIC STATE OF NEW YORK
NO. 02JE6126729
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES MAY 9, 2009

SUPREME COURT OF THE CITY OF NEW YORK

SUPREME COURT OF THE CITY OF NEW YORK
COUNTY OF NASSAU

-----X
SHEILA EVANS,

Plaintiff,

-against-

PLANNED PARENTHOOD OF NASSAU COUNTY, and
MICHAEL ZUCKERMAN, M.D.

Defendants,
-----X

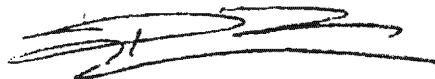
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**CERTIFICATE PURSUANT
TO CPLR 3012(a)**

DANNY MONTANEZ, an attorney duly admitted to practice law in the State of
New York affirms the following to be true under penalties of perjury:

I have reviewed the facts of the within action and consulted with a physician, who
is licensed to practice in New York State and who is knowledgeable in the relevant issues
involved in the action. Based on this review and consultation I have concluded there is a
reasonable basis for the commencement of this action.

Dated: October 11, 2005
Westbury, New York



DANNY MONTANEZ

I, the undersigned, an attorney admitted to practice in the courts of New York State,

Certification By Attorney certify that the within has been compared by me with the original and found to be a true and complete copy.
 Attorney's Affirmation state that I am the attorney(s) of record for

in the within action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: _____
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

I, _____ being duly sworn, depose and say: I am

in the within action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Individual Verification the _____ of _____ a _____ corporation and a party in the within action; I have read the foregoing and know the contents thereof; and the same is true to my own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on _____ 20 _____
The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.: (If more than one box is checked — indicate after names type of service used.)

I, _____ being sworn, say: I am not a party to the action, am over 18 years of age and reside at

On _____ 20 _____ I served the within
 Service By Mail by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:
 Personal Service on Individual by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein.
 Service By Electronic Means by transmitting the papers by electronic means to the telephone number listed below, which number was designated by the attorney for such purpose. I received a signal from the equipment of the attorney served indicating that the transmission was received. I also deposited a true copy of the papers, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the attorney at the address set forth after the name:
 Overnight Delivery Service by depositing a true copy thereof, enclosed in a wrapper addressed as shown below, into the custody of _____ for overnight delivery, prior to the latest time designated by that service for overnight delivery.

Sworn to before me on _____ 20 _____
The name signed must be printed beneath

SHEILA EVANS,

Plaintiff,

- against -

PLANNED PARENTHOOD OF NASSAU COUNTY
and DR. ZUCKERMAN,

Defendant

SUMMONS AND VERIFIED COMPLAINT

DANNY MONTANEZ, ESQ.

ATTORNEY AT LAW

Attorneys for

PLAINTIFF 229A Post Avenue
Westbury, New York 11590
Telephone: (516) 248-4949
Facsimile: (516) 248-9733

To

DEFENDANTS

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

.....
Attorney(s) for

PLEASE take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

NOTICE OF SETTLEMENT

that an order
settlement to the HON.
of the within named court, at
on

of which the within is a true copy will be presented for
one of the judges

20 at M.

Dated,

Yours, etc.
DANNY MONTANEZ, ESQ.

Attorneys for

ATTORNEY AT LAW

To

Attorney(s) for

229A Post Avenue
Westbury, New York 11590
Telephone: (516) 248-4949
Facsimile: (516) 248-9733

COMM. CLERK OF
NASSAU COUNTY
OCT 19 2005
FILED
NASSAU INDEX #
OS-C 16687



NASSAU COUNTY CLERK'S OFFICE
ENDORSEMENT COVER PAGE

Recorded Date: 10-19-2005
Recorded Time: 2:36:28 p

Record and Return To:

Liber Book:
Pages From:
To:

Control
Number: 2090
Ref #: 05--016684
Doc Type: C21 INDEX # W/ SUMMONS & COMPLAINT

Plnt: EVANS, SHEILA
Dfnd: PLANNED PARENTHOOD OF NASSAU COUNTY
Dfnd: DR ZUCKERMAN

	Taxes Total	.00
	Recording Totals	210.00
HEI001	Total Payment	210.00

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



2005101902090

orig

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X Index No.

SHEILA EVANS ,

Plaintiff,

SUMMONS

Plaintiffs' Address:
7 Charles Street
Glen Cove, New York

-against-

PLANNED PARENTHOOD OF NASSAU COUNTY
and DR. ZUCKERMAN,

The basis of the venue designated is:
Plaintiff's residence

Defendants,

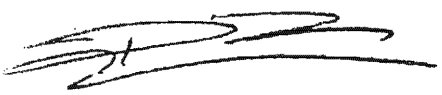
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THIS IS AN ACTION FOR MEDICAL MALPRACTICE:

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 the summons, to serve a notice of appearance, on the Plaintiff's 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 this complaint.

Dated: October 11, 2005
Westbury, New York 11590



DANNY MONTANEZ, ESQ
Attorneys for Plaintiff
229A Post Avenue
Westbury, New York 11590
(516) 248-4949

Defendants' maintain offices at
PLANNED PARENTHOOD OF NASSAU COUNTY
540 Fulton Avenue
Hempstead, New York 11550

MICHAEL ZUCKERMAN, MD.
PLANNED PARENTHOOD OF NASSAU COUNTY
540 Fulton Avenue
Hempstead, New York 11550