

TORT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS
-----X
ANGELICA BRACERO,

Plaintiff,

-against-

PLANNED PARENTHOOD OF NEW YORK CITY, INC.
and SONDRÁ DANTZIC, M.D.,
Defendants.
-----X

Date Filed:
Index No.: 10046/13
PLAINTIFF
DESIGNATES KINGS
COUNTY AS THE
PLACE OF TRIAL

SUMMONS

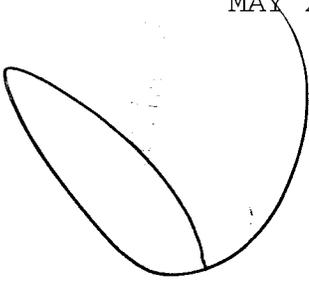
THE BASIS OF
VENUE IS
PLAINTIFF'S
RESIDENCE IN
KINGS COUNTY

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 on the plaintiff's attorney within 20 days after the service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the interest costs and/or disbursements of this action.

Dated: New York, New York
MAY 24, 2013



KUBICK & ASSOCIATES, P.C.
40 WORTH STREET
NY, NY 10013
212.684.7541

FILED

MAY 30 2013

TO:

KINGS COUNTY CLERK'S OFFICE

PLANNED PARENTHOOD OF NEW YORK CITY, INC., 26 BLEECKER ST., NY NY 10012

SONDRÁ DANTZIC, M.D., 26 BLEECKER ST., NY NY 10012,



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
ANGELICA BRACERO,

Plaintiff,

-against-

VERIFIED COMPLAINT

PLANNED PARENTHOOD OF NEW YORK CITY, INC.
and SONDRA DANTZIC, M.D.,

Defendant.
-----X

Plaintiff, by their attorney, as and for their Verified Complaint, complaining of the defendant, sets forth upon information and belief as follows:

1. At all times hereinafter mentioned, plaintiff was and still is a resident of Kings County, State of New York.
2. At all times hereinafter mentioned, defendant was a domestic not-for-profit corporation, organization, entity organized and existing pursuant to the laws of the City and State of New York.
3. At all times hereinafter mentioned, defendant operated a medical facility, including at 26 Bleecker Street, NY NY.
4. At all times hereinafter mentioned, the defendant owned said medical facility.
5. At all times hereinafter mentioned, the defendant operated said facility..
6. At all times hereinafter mentioned, the defendant controlled said facility.
7. At all times hereinafter mentioned, the defendant had in its employ physicians, nurses, technicians and other personnel for the care and treatment of patients at the defendant facility.
8. At all times hereinafter mentioned, the defendants maintained and operated said facility for the care and treatment of members of the public, and held itself out as being duly competent and qualified to render and provide prompt and proper medical care, attention, and treatment to the general public.
9. At all times hereinafter mentioned, defendant, SONDRA DANTZIC, M.D., (hereinafter "SD"), was and is a physician duly licensed by, and resident of, the State of New York.
10. At all times hereinafter mentioned, defendant, SD, was a physician employed by, and agent of, on the staff of each and/or all of the defendant facilities.

11. At all times hereinafter mentioned, defendant, SD, was a physician who had attending privileges at each and/or all of defendant's facilities.
12. At all times hereinafter mentioned, defendant, SD, was an employee of each and/or all of the defendant's facilities.
13. That at all times hereinafter mentioned, defendant, SD, acted in the capacity of an agent of and/or in furtherance and/or on behalf of each of the defendants regarding the care and treatment of plaintiff.
14. At all times hereinafter mentioned, defendant, SD, was a physician who held himself out as being duly competent and qualified in their specialty and qualified to render and provide prompt and proper medical care, attention, and treatment to the general public and, more particularly, to plaintiff.
15. That on or about April 2, 2011, thereafter, and continuing to present, the defendants rendered advice, care, medical treatment and surgical care to plaintiff, including performance of an abortion.
16. That on or about April 2, 2011, thereafter, and continuing to present, the plaintiff came under the care and treatment of the agents, servants, employees and/or associates of the defendants.
17. That at all times hereinafter mentioned, defendants held themselves out to the public as a competent and skillful physicians, surgeons, diagnosticians, nurses, therapists, rehabilitation and care providers capable of promptly and skillfully diagnosing, treating and caring for persons prior to, during and following treatment, surgery and hospitalization.
18. That while the plaintiff was a patient of defendants, they individually and by their servants, agents and/or employees rendered medical, hospital, surgical, pathological and/or radiologic care to said plaintiff.
19. That while the plaintiff was a patient of defendants, medical treatment, surgical procedures, care, treatment, and aftercare were performed upon plaintiff on or about April 2, 2011, and thereafter and to present.
20. That the medical care and treatment rendered and afforded to plaintiff by the defendants was careless and negligent and not in accordance with accepted standards of medical practice then and there prevailing.
21. That the defendants, their servants, agents, and/or employees undertook, in their care and treatment of the plaintiff to treat and care for him in accordance with the standards of such care and treatment rendered generally in the medical community and to use, in their care and treatment of this plaintiff approved

methods in general use and to use reasonable care, skill and their best judgment in the care and treatment' of said plaintiff.

22. That the defendants, their servants, agents, and/or employees were negligent, careless and guilty of medical malpractice in the medical, hospital, surgical, pathologic and radiologic and treatment care rendered to plaintiff, failed to properly supervise the care and treatment rendered to plaintiff by hospital personnel, failed and omitted to exercise reasonable, proper and necessary care and caution in the treatment rendered, performed improper procedures upon plaintiff, failed to discern and pursue appropriate follow-up treatment, failed to consider, recommend and utilize other methods of medical care and treatment, caused and/or allowed plaintiff to develop infections, failed to diagnose, treat, control, and properly care for same, and were negligent and guilty of medical malpractice in other respects, and failed to actually perform a proper and complete abortion.
23. Defendants are liable to plaintiff under the concept of *res ipsa loquitur*.
24. As a result of the carelessness and negligence and malpractice of the defendants, individually, jointly and severally, their servants, agents and/or employees as aforesaid, the plaintiff, sustained severe, significant and permanent personal injury and disfigurement accompanied by pain and anguish, was and will be required to undergo further medical and surgical treatment and care and will continue to incur expenses and obligations therefore, sustained injuries of a permanent nature all of which were avoidable with the exercise of due and reasonable care on the part of the defendants without any negligence on the part of the plaintiff contributing thereto.
25. That the aforesaid injuries were sustained, notwithstanding a continuing duty of care by the defendants and/or each of them, their servants agents and/or employees.
26. Prior to undertaking the treatment of plaintiff and rendering care thereto, the defendants, their servants, agents and/or employees were under a duty to make full and reasonable disclosure to plaintiff of the risks associated with the treatment, including surgical intervention rendered thereto and failed to inform of alternative methods of treatment.
27. Prior to the treatment rendered to plaintiff by defendants, plaintiff was not informed by the defendants of the complexity, risks, possible damages, need for further treatment, risks of treatment error, use of less invasive procedures, and therefore no valid informed consent to the aforesaid procedures was obtained by the defendants.
28. The defendants failed to wholly present to the plaintiff sufficient facts so she could give an intelligent and informed consent to the procedures and treatment.

29. The defendants, individually and jointly, owed to the plaintiff the duty and obligation of making known any and all risks of such procedures and treatment and their failure to do so interfered with the valid and informed consent to the procedures and treatment provided.
30. Had a reasonably prudent person been informed of the risks and perils attendant upon such procedures and treatment, such a person would not have consented thereto.
30. Plaintiffs were not informed that the procedures and treatment to be carried out by the defendants may be harmfully inappropriate and ineffective.
31. Any written consent given by plaintiffs to the treatment which was to be rendered by the defendants, individually or jointly, was invalid because the defendants, individually or jointly, wrongfully withheld information from plaintiffs as to the risks attendant upon such treatment and procedure.
32. By reason of the above, plaintiff has been substantially physically and emotionally damaged in a sum of money to be determined by a court and jury.
33. That the aforesaid injuries were sustained, notwithstanding a continuing duty of care by the defendants and/or each of them, their servants agents and/or employees.
34. The amount of damages sought herein exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the matter.
35. The limitations on liability set forth in CPLR Section 1601 do not apply.
36. The limitations on liability set forth in CPLR Section 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.
37. That the aforesaid injuries were sustained, notwithstanding a continuing duty of care by the defendants and/or each of them, their servants agents and/or employees.
38. By reason of the above, plaintiffs have been substantially damaged in a sum of money to be determined by a court and jury.
39. The amount of damages sought herein exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the matter.

WHEREFORE, based upon the foregoing, plaintiffs demand judgment against the defendants in an amount that would exceed the jurisdictional limits of all lower

courts that would otherwise have jurisdiction in the matter, together with the costs and disbursements of this action.

Dated: New York, New York
May 24, 2014

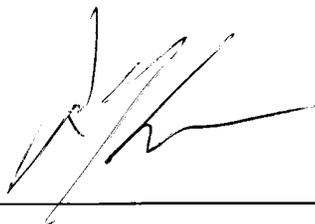
BY: 
KUBICK & ASSOCIATES, P.C.
ATTORNEY FOR PLAINTIFF
40 WORTH ST.
SUITE 820
NY, NY 10013
212.684.7541

ATTORNEY VERIFICATION

The undersigned, an attorney duly admitted to practice in the Courts of the State of New York affirms: that the undersigned is the attorney for the plaintiff in the within action; that the undersigned has read the foregoing **VERIFIED COMPLAINT** and knows the contents thereof; that the same is true to his knowledge, except as to those matters therein stated upon information and belief, and that as to those matters, he believes them to be true. The undersigned further says that the reason this affirmation is made by the undersigned, and not by the Plaintiff is that the undersigned's offices are located in a County other than where Plaintiff resides.

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

Dated: New York, New York
May 24, 2013

A handwritten signature in black ink, appearing to read 'Richard Kubick', is written over a horizontal line. The signature is stylized and somewhat cursive.

RICHARD KUBICK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
ANGELICA BRACERO,

Plaintiff,

-against-

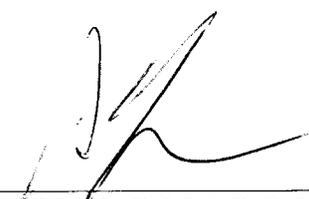
CERTIFICATE OF MERIT

PLANNED PARENTHOOD OF NEW YORK CITY, INC. INDEX#:
and SONDRÁ DANTZIC, M.D.,

Defendant.
-----X

I, *RICHARD KUBICK*, attorney for the plaintiff, *ANGELICA BRACERO*, do hereby certify that I have reviewed the facts of this case and have consulted with at least one PHYSICIAN who is licensed to practice in the State of *NEW YORK* and who I reasonably believe is knowledgeable in the relevant issues involved in this particular action and that I have concluded on the basis of that review and consultation that there is a reasonable basis for the commencement of this action.

Dated: New York, New York
May 24, 2014

BY: 

RICHARD KUBICK
KUBICK & ASSOCIATES, P.C.
ATTORNEY FOR PLAINTIFF
40 WORTH ST.
SUITE 820
NY, NY 10013
212.684.7541