

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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SOPHIA HANNA a/k/a SOPHIA HABIB a/k/a
SOPHIA MOORE,

Plaintiffs,

-against-

VERIFIED COMPLAINT

PLANNED PARENTHOOD OF NEW YORK CITY, INC.,
M. GARCIA-MASON, RDMS, M. MONTANEZ,
LOUYS THOMAS, M.D., and C. MORDELLE, RN,

Defendants.

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Plaintiff, complaining of the defendants by her attorneys
BAUMAN & KUNKIS, P.C., respectfully shows to this Court and
alleges:

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF
PLAINTIFF

1. Upon information and belief, that at all the times
hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK
CITY, INC. had a principal place of business located in the County,
City and State of New York.

2. Upon information and belief, that at all the times
hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK
CITY, INC. was a domestic corporation organized and existing under
and by virtue of the laws of the State of New York.

3. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was a foreign corporation licensed to do business in the State of New York.

4. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. owned an office for the practice of obstetrics/gynecology located at Margaret Sanger Center, 26 Bleecker Street, New York, New York.

5. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. operated an office for the practice of obstetrics/gynecology located at Margaret Sanger Center, 26 Bleecker Street, New York, New York.

6. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. maintained an office for the practice of obstetrics/gynecology located at Margaret Sanger Center, 26 Bleecker Street, New York, New York.

7. Upon information and belief, that at all the times hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. controlled an office for the practice of obstetrics/gynecology located at Margaret Sanger Center, 26 Bleecker Street, New York, New York.

8. Upon information and belief, that at all the times hereinafter mentioned, defendant LOUYS THOMAS, M.D. was a physician duly licensed to practice medicine in the State of New York.

9. Upon information and belief, that at all the times hereinafter mentioned, defendant LOUYS THOMAS, M.D. was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

10. Upon information and belief, that at all the times hereinafter mentioned, defendant M. GARCIA-MASON, RDMS was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

11. Upon information and belief, that at all the times hereinafter mentioned, defendant M. MONTANEZ was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

12. Upon information and belief, that at all the times hereinafter mentioned, defendant C. MORDELLE, RN was an employee of defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC.

13. Plaintiff consulted defendants PLANNED PARENTHOOD OF NEW YORK CITY, INC., M. GARCIA-MASON, RDMS, M. MONTANEZ, LOUYS THOMAS, M.D., and C. MORDELLE, RN, on or about March 15, 2002 for pregnancy.

14. That on or about March 26, 2002, plaintiff was admitted to NYU Downtown Hospital where she was diagnosed with an ectopic pregnancy and was required to undergo an examination under anesthesia, dilation and curettage, diagnostic laparoscopy, right salpingostomy and right salpingectomy.

15. That defendants departed and deviated from good and accepted gynecological and obstetrical practice in the care and treatment rendered to plaintiff and that as a result of the negligent and careless treatment rendered to the plaintiff, plaintiff sustained serious injury and was required to undergo hospitalization and procedure and, upon information and belief, further hospitalizations and procedures may be required.

16. That the injuries to plaintiff and their sequelae were due to the carelessness and negligence of the defendants in failing to treat the plaintiff in the proper and accepted gynecological and obstetrical manner, and all without any fault or lack of care on the part of the plaintiff herein.

17. That defendants were negligent and careless in the care and treatment rendered to the plaintiff; in that defendants should have had a heightened sense of the potential for an ectopic pregnancy; defendants should have ordered a sonogram and advised an emergency office visit or referred plaintiff to the emergency room for evaluation; in failing to adequately test and exam plaintiff and diagnose an ectopic or tubal pregnancy; in failing to perform

an appropriate blood test or early sonogram to determine if plaintiff had an ectopic pregnancy; in causing delay and occasioning such delay in diagnosing a tubal pregnancy until it was too late to save the right tube; in failing to render proper prenatal care to the patient; in failing to order a Beta HCG; in failing to monitor plaintiff who was suspected of having an ectopic pregnancy; in misdiagnosing plaintiff; in that defendants deviated from accepted medical, gynecological and obstetrical standards; and in otherwise being negligent in the premises.

18. By reason of the foregoing, plaintiff sustained severe and serious personal injuries; was caused to suffer severe physical pain and mental anguish as a result thereof; and many of the injuries are of a permanent and lasting nature; that plaintiff was confined to bed and home and hospital as a result thereof; and was incapacitated from attending to her usual duties and activities.

19. That the amount of damages sought herein exceeds the jurisdiction of all lower Courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF
PLAINTIFF

20. Plaintiff repeats and reiterates each and every allegation contained in the prior paragraphs of the complaint, with the same force and effect as if alleged in full.

21. That defendants failed to obtain from plaintiff prior to treatment for her said condition an informed and knowledgeable consent to the treatment therefor and defendant and/or each of them failed to advise and communicate to the plaintiff a knowledge and understanding of the risks, hazards and sequelae of the treatment rendered to the plaintiff.

22. That defendants failed to disclose to plaintiff the risks and benefits involved as reasonable medical practitioners under similar circumstances would have disclosed in a manner permitting the plaintiff to make a knowledgeable evaluation.

23. That a reasonably prudent person in the plaintiff's position would not have undergone the treatment if she had been fully informed and that the lack of informed consent is a proximate cause of plaintiff's injuries.

24. That by reason of the aforesaid, plaintiff sustained damages to her body as aforesaid; sustained serious physical pain and mental anguish as a result thereof; sustained permanent and lasting injuries; plaintiff was confined to her bed and home and hospital as a result thereof; and was incapacitated from attending to her usual duties and activities.

25. That the amount of damages sought herein exceeds the jurisdiction of all lower Courts which would otherwise have jurisdiction.

26. This action falls within one or more of the exceptions set forth in CPLR 1602.

WHEREFORE, plaintiff demands judgment against the defendants in such sums on the first and second causes of action as the jury finds fair, adequate and just; together with the costs and disbursements of this action.

BAUMAN & KUNKIS, P.C.

By: 

ROGER M. KUNKIS, ESQ.
Attorneys for Plaintiff
225 West 34th Street
New York, New York 10122
(212) 564-3555

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

ROGER M. KUNKIS, being duly sworn, deposes and says:

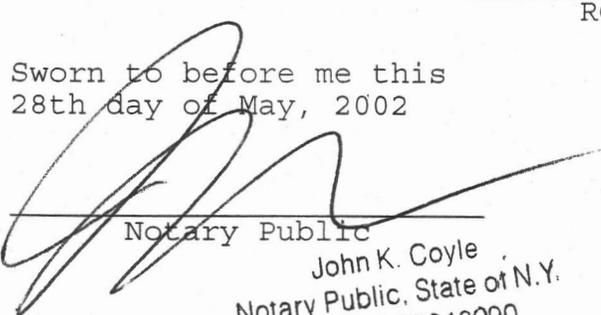
That deponent is an attorney and a partner in the law firm of BAUMAN & KUNKIS, P.C., attorneys for plaintiff; that he has read the foregoing COMPLAINT and knows the contents thereof; that the same is true to his own knowledge, except as to those matters therein stated to be alleged on information and belief, and as to those matters he believes it to be true; that the reason that this verification is made by your deponent instead of plaintiff is because plaintiff is not presently within the County of New York where your deponent's office is located.

Deponent further says that the grounds of his belief as to all matters in the said COMPLAINT are based upon deponent's general investigation of the facts herein.



ROGER M. KUNKIS

Sworn to before me this
28th day of May, 2002



Notary Public

John K. Coyle
Notary Public, State of N.Y.
NO 01C05046090
Qualified In Queens County
Expires July 3, 2003