

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

Rush  
By 12/10/03

JOY McCLENDON,

Plaintiff,

-against-

PLANNED PARENTHOOD OF NEW YORK  
CITY, INC., and JOHN DOE (an unidentified  
licensed physician)

Defendant.

Index No. 47835/03

Dated Filed:

Plaintiff designates **KINGS  
COUNTY** as the place of trial

**SUMMONS**

Plaintiffs

RECEIVED  
KINGS COUNTY CLERK  
2003 DEC 15 AM 11:43

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 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 the complaint.

Dated: New York, New York  
December 12, 2003

CARROLL, McNULTY & KULL L.L.C.

  
Erik J. Pedersen  
Attorneys for Plaintiff  
270 Madison Avenue  
Thirteenth Floor  
New York, New York 10016  
(212) 252-0004

RECEIVED  
KINGS COUNTY CLERK  
2003 DEC 15 AM 11:44

Defendants' Addresses:  
Planned Parenthood of  
New York City Inc.  
Margaret Sanger Center  
26 Bleecker Street  
New York, New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JOY McCLENDON,

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINT

PLANNED PARENTHOOD OF NEW YORK  
CITY, INC. and JOHN DOE (an unidentified  
licensed physician)

Defendant.  
-----X

Plaintiff, by her attorneys, CARROLL, McNULTY & KULL L.L.C., as and for her  
Verified Complaint against Defendant herein, alleges upon information and belief as follows:

1. At all times relevant and hereinafter mentioned, plaintiff, Joy McClendon was and is a resident of the County of Kings, State of New York.
2. At all times relevant hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was a sole proprietorship duly organized and existing under and by virtue of the State of New York.
3. At all times relevant hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was a partnership duly organized and existing under and by virtue of the State of New York.
4. At all times relevant and hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. was and is a corporation duly organized and existing under and by virtue of the State of New York.
5. At all times relevant and hereinafter mentioned, defendant, JOHN DOE was a physician duly licensed to practice within the State of New York.

6. At all times relevant and hereinafter mentioned, defendant, JOHN DOE rendered medical services to plaintiff while employed or contracted by defendant, PLANNED PARENTHOOD OF NEW YORK CITY, INC.

6. At all times relevant and hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC., owned, operated, managed, maintained and controlled a medication facility known as Planned Parenthood of New York City, Inc. - Margaret Sanger Center located at 26 Bleecker Street, New York, New York.

6. At all times relevant and hereinafter mentioned, defendant PLANNED PARENTHOOD OF NEW YORK CITY, INC. held itself out to the public, and more specifically to Joy McClendon, as employing and utilizing skilled, appropriately trained and competent medical staff, possessing the proper degree of learning and skill necessary to render medical services in accordance with good and accepted medical practice, and undertook and agreed to use reasonable care and diligence in the treatment of plaintiff, Joy McClendon herein.

7. Defendants, JOHN DOE, PLANNED PARENTHOOD OF NEW YORK CITY, INC. its agents, servants and/or employees at Margaret Sanger Center undertook and agreed to render medical services to plaintiff, Joy McClendon and did render such services on December 15, 2001.

8. Defendants, its agents, servants and/or employees at Margaret Sanger Center were negligent, careless, reckless, unskillful and committed acts of medical malpractice in connection with the care and treatment rendered to Joy McClendon in failing to act in accordance with accepted standards of medical practice, in deviating from accepted standards of medical practice, in failing to diagnose Plaintiff's true condition, in failing to properly treat her condition, in failing to perform necessary treatment, in negligently, carelessly, and recklessly managing his

medical care, and in failing and neglecting to exercise that degree of care, caution, prudence, skill, ability, professional knowledge and training generally possessed by physicians, nurses and medical providers in the community.

9. As a result of the foregoing, Joy McClendon has suffered sever and permanent personal injuries, has experienced pain and suffering, emotional and psychic trauma, mental anguish, loss of enjoyment of life, has suffered permanent hearing loss and has incurred otherwise unnecessary expenses and future financial injury.

10. The aforesaid injuries were caused wholly and solely by the carelessness, recklessness, negligence, and malpractice of the Defendants herein without any negligence or want of care on the party of plaintiff, Joy McClendon contributing thereto.

11. The limitations on liability set forth in CPLR § 1600 et. seq. do not apply by reason of one of more of the exceptions contained therein.

12. The damages sought herein exceed the jurisdictional limit of all lower courts that would otherwise have jurisdiction in this matter.

**WHEREFORE**, Plaintiff demands judgment against the Defendants herein together with interest and the costs and disbursements of this action.

Dated: New York, New York  
December 11, 2003

CARROLL, McNULTY & KULL L.L.C.

  
Erik J. Pedersen  
Attorneys for Plaintiff  
Joy McClendon  
270 Madison Avenue  
Thirteenth Floor  
New York, New York 10016  
(212) 252-0004

TO: Planned Parenthood of  
New York City Inc.  
Margaret Sanger Center  
26 Bleecker Street  
New York, New York

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
JOY McCLENDON,

Index No.

Plaintiff,

-against-

CERTIFICATE OF MERIT

PLANNED PARENTHOOD OF NEW YORK  
CITY, INC.,

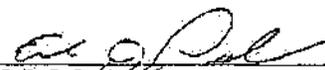
Defendant.  
-----X

Erik J. Pedersen, an attorney duly admitted to practice law in the Courts of the State of New York, affirms the following under penalties of perjury:

1. That prior to the commencement of the instant action your affiant spoke to physician upon information and belief licensed to practice medicine in the State of New York, and advised him of the facts in the instant matter based upon what the plaintiff had informed your affiant.

2. That based upon our conversation, I was informed that the physician's, in there opinion believed the plaintiff had a "meritorious action."

Dated: New York, New York  
December 11, 2003

  
\_\_\_\_\_  
Erik J. Pedersen