

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

~~AETNA~~

SUMMONS

-----X
THAYEHA RUIZ AND KELVIN VALERA,

Plaintiffs,

Plaintiffs designate BRONX
County as the place of trial.

-against-

The basis of venue is:
Plaintiffs' place of residence.

ILA DAYANANDA, M.D., NIKKI COLODNY, M.D., DR.
RAGAVAN, AND PLANNED PARENTHOOD OF NEW
YORK,

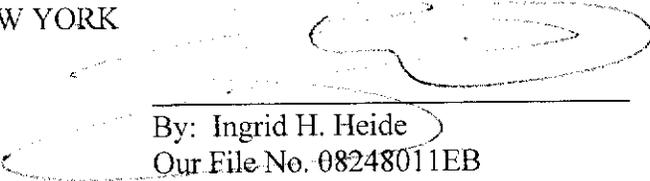
Plaintiffs reside at:
941 Hoe Avenue #31
Bronx, NY 10459
County of BRONX

Defendants.
-----X

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 twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. 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
February 6, 2012


By: Ingrid H. Heide
Our File No. 08248011EB

TO: RAGAVAN, M.D.
26 Bleeker Street
New York, NY 10012

ILA DAYANANDA, M.D.
26 Bleeker Street
New York, NY 10012

NIKKI COLODNY, M.D.
26 Bleeker Street
New York, NY 10012

PLANNED PARENTHOOD OF NEW YORK
26 Bleeker Street
New York, NY 10012

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
THAYEHA RUIZ AND KELVIN VALERA,

Index No.:

Plaintiffs,

VERIFIED COMPLAINT

-against-

ILA DAYANANDA, M.D., NIKKI COLODNY, M.D.,
DR. RAGAVAN, AND PLANNED PARENTHOOD OF
NEW YORK,

Defendants.

-----X

Plaintiffs by their attorneys, TROLMAN GLASER & LICHTMAN, P.C., as and for
their Verified Complaint allege the following upon information and belief:

1. At all times herein mentioned, plaintiffs were and still are residents of the County of
BRONX, in the State of New York

FIRST CAUSE OF ACTION

2. At all times herein mentioned, Defendant Planned Parenthood of New York, was and still is a
domestic corporation duly organized and existing under and by virtue of the laws of the State of
New York.
3. Defendant Planned Parenthood of New York through its agents, servants, representatives and/or
employees held itself out to be a medical facility possessing the proper degree of skill and
learning necessary to render medical services, treatments, tests and procedures in accordance
with good and accepted medical practice.
4. Defendant Planned Parenthood of New York owned, operated, managed, maintained and
controlled a medical facility known as Planned Parenthood of New York which was and is
located at 26 Bleeker Street, New York, NY 10012 for the care and treatment of patients.

5. From on or about February 2, 2012 and at times prior and subsequent thereto, defendant Planned Parenthood of New York through its agents, servants and/or assigns undertook and did render medical and care and treatment to Plaintiff Thayeha Ruiz including the termination of a pregnancy.
6. Defendant Planned Parenthood of New York, its agents, servants, representatives and/or employees were negligent and careless in the medical and surgical and gynecologic care and treatment rendered to and on behalf of plaintiffs; in failing to practice according to generally accepted medical and surgical and gynecologic standards; in deviating from accepted medical and surgical and gynecologic practice; and in otherwise being careless and negligent.
7. As a result of the foregoing, Plaintiff Thayeha Ruiz suffered serious and severe permanent personal injuries included, but not limited to, conscious pain and suffering, loss of enjoyment of life, uterine perforation, hemorrhage, exploratory laparotomy and other injuries.
8. The injuries and damages sustained by Plaintiff Thayeha Ruiz were caused by reason of the negligence and malpractice of the Defendant Planned Parenthood of New York, its agents, servants, representatives and/or employees with no negligence on the part of the plaintiffs contributing thereto.
9. The damages sought in this action exceed the jurisdictional limits of all lower courts which otherwise have jurisdiction.
10. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.
11. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

SECOND CAUSE OF ACTION

12. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs

"1" to "11" as if fully set forth at length herein.

13. Defendants Dr. Ragavan, Ila Dayananda, M.D., Nikki Colodny, M.D. and Planned Parenthood of New York, personally or by their representatives, agents, servants and/or employees failed to advise, inform, or fully warn plaintiff Thayeha Ruiz or plaintiff's lawful representative of the risks, hazards, dangers or possible complications of a surgical abortion and/or the termination of a pregnancy; and the of the examinations, care, treatments, studies, tests, procedures, services, performed upon or rendered to plaintiff and failed to advise of the reasonable alternatives thereto and failed to obtain an informed consent.
14. Defendants Dr. Ragavan, Ila Dayananda, M.D., Nikki Colodny, M.D. and Planned Parenthood of New York, personally or by their agents, servants and/or employees failed to disclose such alternatives to the treatment and procedures and all the foreseeable risks and benefits involved as a reasonable medical practitioner and/or facility under similar circumstances would have disclosed in a manner permitting a knowledgeable evaluation.
15. The lack of informed consent is a proximate cause of the injuries, conditions and damages for which relief is sought herein.
16. As a result of the foregoing, the Plaintiff Thayeha Ruiz has suffered serious and severe permanent personal injuries, including but not limited to conscious pain and suffering, loss of enjoyment of life, uterine perforation, hemorrhage, exploratory laparotomy and other injuries.
17. The lack of informed consent occurred through no fault or culpability of the Plaintiffs.
18. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.
19. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

THIRD CAUSE OF ACTION

20. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs "1" to "19" as if fully set forth at length herein.

21. That at all times herein mentioned, Plaintiffs Kelvin Valera and Thayeha Ruiz were lawfully married to each other and continuously resided together as husband and wife.

22. As a result of the foregoing, Plaintiff Kelvin Valera was deprived of the services, society and companionship of his/her spouse, and incurred and will continue to incur medical and other expenses.

23. As a result of the foregoing, Plaintiff Kelvin Valera has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

24. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.

25. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

FOURTH CAUSE OF ACTION

26. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs "1" to "25" as if fully set forth at length herein.

27. At all times herein mentioned, Defendant Ila Dayananda, M.D. was or represented him or herself to be a physician duly licensed or authorized to practice medicine in the State of New York.

28. At all times herein mentioned, Defendant Ila Dayananda, M.D. maintained offices for the practice medicine and/or resided at 26 Bleeker Street, , New York, NY 10012, County of NEW YORK, in the State of NY.

29. At all times herein mentioned, Defendant Ila Dayananda, M.D. was an agent, servant and/or

employee of Defendant Planned Parenthood of New York.

30. At all times herein mentioned, Defendant Ila Dayananda, M.D. was acting within the scope of his or her employment and/or authority with defendant Planned Parenthood of New York.
31. Defendant Ila Dayananda, M.D. held himself or herself out to the public and more specifically to the plaintiffs as a physician possessing the proper degree of skill and learning necessary to render medical services in accordance with good and accepted medical practices.
32. On or about September 2, 2011 and at times prior and subsequent thereto Defendant Ila Dayananda, M.D. undertook to treat and did render medical and surgical and gynecologic care and treatment to Plaintiff Thayeha Ruiz.
33. Defendant Ila Dayananda, M.D., his/her agents, servants, representatives and/or employees were negligent and careless in the medical and surgical and gynecologic care and treatment rendered to and on behalf of plaintiffs; in failing to practice according to generally accepted medical and surgical and gynecologic standards; in deviating from accepted medical and surgical and gynecologic practice; and in otherwise being careless and negligent.
34. As a result of the foregoing, Plaintiff Thayeha Ruiz suffered serious and severe permanent personal injuries included, but not limited to, conscious pain and suffering, loss of enjoyment of life, uterine perforation, hemorrhage, exploratory laparotomy and other injuries.
35. The injuries and damages sustained by Plaintiff Thayeha Ruiz were caused by reason of the negligence and malpractice of the Defendant Ila Dayananda, M.D., his/her agents, servants, representatives and/or employees with no negligence on the part of the plaintiffs contributing thereto.
36. The damages sought in this action exceed the jurisdictional limits of all lower courts which otherwise have jurisdiction.

37. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.

38. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

FIFTH CAUSE OF ACTION

39. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs "1" to "38" as if fully set forth at length herein.

40. At all times herein mentioned, Defendant Nikki Colodny, M.D. was or represented him or herself to be a physician duly licensed or authorized to practice medicine in the State of New York.

41. At all times herein mentioned, Defendant Nikki Colodny, M.D. maintained offices for the practice medicine and/or resided at 26 Bleeker Street, New York, NY 10012, County of NEW YORK, in the State of NY.

42. At all times herein mentioned, Defendant Nikki Colodny, M.D. was an agent, servant and/or employee of Defendant Planned Parenthood of New York.

43. At all times herein mentioned, Defendant Nikki Colodny, M.D. was acting within the scope of his or her employment and/or authority with defendant Planned Parenthood of New York.

44. Defendant Nikki Colodny, M.D. held himself or herself out to the public and more specifically to the plaintiffs as a physician possessing the proper degree of skill and learning necessary to render medical services in accordance with good and accepted medical practices.

45. On or about September 2, 2011 and at times prior and subsequent thereto Defendant Nikki Colodny, M.D. undertook to treat and did render medical and surgical and gynecologic care and treatment to Plaintiff Thaycha Ruiz.

46. Defendant Nikki Colodny, M.D., his/her agents, servants, representatives and/or employees

were negligent and careless in the medical and surgical and gynecologic care and treatment rendered to and on behalf of plaintiffs; in failing to practice according to generally accepted medical and surgical and gynecologic standards; in deviating from accepted medical and surgical and gynecologic practice; and in otherwise being careless and negligent.

47. As a result of the foregoing, Plaintiff Thayeha Ruiz suffered serious and severe permanent personal injuries included, but not limited to, conscious pain and suffering, loss of enjoyment of life, uterine perforation, hemorrhage, exploratory laparotomy and other injuries.

48. The injuries and damages sustained by Plaintiff Thayeha Ruiz were caused by reason of the negligence and malpractice of the Defendant Nikki Colodny, M.D., his/her agents, servants, representatives and/or employees with no negligence on the part of the plaintiffs contributing thereto.

49. The damages sought in this action exceed the jurisdictional limits of all lower courts which otherwise have jurisdiction.

50. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.

51. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

SIXTH CAUSE OF ACTION

52. Plaintiff repeats, reiterates and re-alleges each and every allegation as contained in paragraphs "1" to "51" as if fully set forth at length herein.

53. At all times herein mentioned, Defendant Dr. Ragavan was or represented him or herself to be a physician duly licensed or authorized to practice medicine in the State of New York.

54. At all times herein mentioned, Defendant Dr. Ragavan maintained offices for the practice medicine and/or resided at 26 Bleeker Street, New York, NY 10012, County of NEW YORK, in

the State of NY.

55. At all times herein mentioned, Defendant Dr. Ragavan was an agent, servant and/or employee of Defendant Planned Parenthood of New York.
56. At all times herein mentioned, Defendant Dr. Ragavan was acting within the scope of his or her employment and/or authority with defendant Planned Parenthood of New York.
57. Defendant Dr. Ragavan held himself or herself out to the public and more specifically to the plaintiffs as a physician possessing the proper degree of skill and learning necessary to render medical services in accordance with good and accepted medical practices.
58. On or about September 2, 2011 and at times prior and subsequent thereto Defendant Dr. Ragavan undertook to treat and did render medical and surgical and gynecologic care and treatment to Plaintiff Thayeha Ruiz.
59. Defendant Dr. Ragavan his/her agents, servants, representatives and/or employees were negligent and careless in the medical and surgical and gynecologic care and treatment rendered to and on behalf of plaintiffs; in failing to practice according to generally accepted medical and surgical and gynecologic standards; in deviating from accepted medical and surgical and gynecologic practice; and in otherwise being careless and negligent.
60. As a result of the foregoing, Plaintiff Thayeha Ruiz suffered serious and severe permanent personal injuries included, but not limited to, conscious pain and suffering, loss of enjoyment of life, uterine perforation, hemorrhage, exploratory laparotomy and other injuries.
61. The injuries and damages sustained by Plaintiff Thayeha Ruiz were caused by reason of the negligence and malpractice of the Defendant Dr. Ragavan his/her agents, servants, representatives and/or employees with no negligence on the part of the plaintiffs contributing thereto.

62. The damages sought in this action exceed the jurisdictional limits of all lower courts which otherwise have jurisdiction.

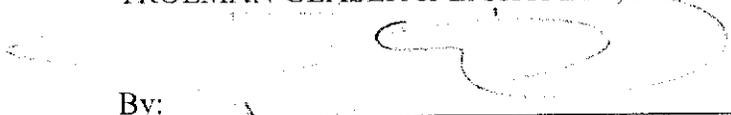
63. The limitations on liability set forth in C.P.L.R. § 1601 do not apply.

64. The limitations on liability set forth in C.P.L.R. § 1601 do not apply by reason of one or more of the exceptions thereto set forth in C.P.L.R. § 1602.

WHEREFORE, Plaintiffs demand judgment against Defendants on all causes of action plus costs, disbursements and interest.

Dated: New York, New York
February 2, 2012

TROLMAN GLASER & LICHTMAN, P.C.

By: 

INGRID H HEIDE
Attorneys for Plaintiffs
Office and Post Office Address
777 Third Avenue
New York, New York 10017
(212) 750-1200
Our File No. 08248011EB

ATTORNEY VERIFICATION

INGRID H HEIDE being an attorney duly licensed to practice law in the State of New York, attorneys of record for the plaintiff, hereby affirms the truth of the following statements, all under penalty of perjury:

That affirmant has read the foregoing **COMPLAINT** and knows the contents thereof; that the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, this entire **COMPLAINT**, being based upon information and belief the source thereof being the investigation conducted and the file maintained in this office, and as to those matters affirmant believes it to be true; the reason that this verification is not made by plaintiff is that plaintiff does not reside in the county of New York wherein affirmant maintains an office.

Dated: New York, New York
February 6, 2012



INGRID H. HEIDE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
THAYEHA RUIZ AND KELVIN VALERA,

Plaintiffs,

CERTIFICATE PURSUANT
TO CPLR § 3012(a)

Index No.:

-against-

ILA DAYANANDA, M.D., NIKKI COLODNY, M.D., DR.
RAGAVAN, AND PLANNED PARENTHOOD OF NEW
YORK,

Defendants.

-----X

INGRID H HEIDE, an attorney duly admitted to practice law before the courts of this State, and an associate of **TROLMAN, GLASER & LICHTMAN, P.C.**, attorneys for Plaintiff(s), affirm(s) the following to be true under penalties of perjury: I was unable to obtain a consultation required by paragraph one of CPLR 3012-a because a limitation of time, established by article two of the CPLR, would bar this action and the certificate required by paragraph one of this subdivision could not reasonably be obtained before such time expired.

Dated: NEW YORK, NEW YORK
February 6, 2012



INGRID H HEIDE