

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

-----X  
JUANITA CARMONA,

Plaintiff,

-against-

GERALD ZUPNICK, M.D. and PLANNED  
PARENTHOOD OF NEW YORK CITY,

Defendants.  
-----X

Index No.:

Date Purchased:

Plaintiffs designates

QUEENS

County as the place of trial.

17200/07

**SUMMONS**

The basis of venue is

Plaintiff(s) residence:

89-24 88<sup>TH</sup> Street

Woodhaven, New York 11421

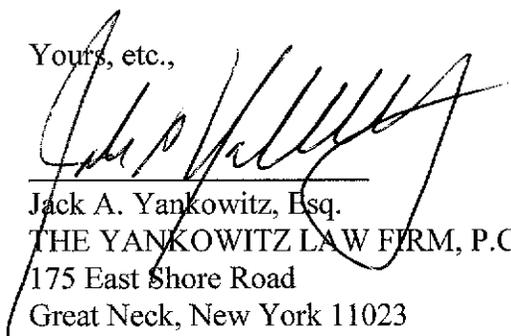
**JURY TRIAL DEMANDED**

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, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney within twenty (20) days after 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  
June 22, 2007

Yours, etc.,

  
\_\_\_\_\_  
Jack A. Yankowitz, Esq.  
THE YANKOWITZ LAW FIRM, P.C.  
175 East Shore Road  
Great Neck, New York 11023  
(516) 622-6200

Defendants:

GERALD ZUPNICK, M.D.  
26 Bleecker Street  
New York, New York 10012

PLANNED PARENTHOOD OF

NEW YORK CITY  
26 Bleecker Street  
New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

17200/07

-----X  
JUANITA CARMONA,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

GERALD ZUPNICK, M.D. and PLANNED  
PARENTHOOD OF NEW YORK CITY,

Defendants.  
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The Plaintiff, JUANITA CARMONA, for her Verified Complaint against the Defendants, by her attorneys, THE YANKOWITZ LAW FIRM, P.C., set forth and allege the following, upon information and belief, as follows:

**AS AND FOR A FIRST CAUSE OF ACTION**

1. Plaintiff, JUANITA CARMONA, is a resident of the County of Queens, State of New York.
2. Defendant, GERALD ZUPNICK, M.D. (hereinafter referred to as ZUPNICK), was and is a doctor of medicine duly licensed to practice medicine in the State of New York.
3. Defendant, ZUPNICK, was on May 3, 2007 through and including May 4, 2007, a licensed practicing Obstetrician / Gynecologist located at 26 Bleecker Street, New York, New York 10012.
4. Defendant, ZUPNICK, was on May 3, 2007 through and including May 4, 2007 a licensed practicing Obstetrician / Gynecologist.
6. Defendant, ZUPNICK, was on May 3, 2007 through and including May 4, 2007 a licensed practicing physician.
7. Defendant, ZUPNICK, did and at all times hereinafter mentioned does

maintain his practice at, 26 Bleecker Street, New York, New York, amongst other locations.

8. Defendant, ZUPNICK, held himself out to be a physician duly qualified and competent to render requisite medical surgical care and treatment and/or Obstetrical and Gynecological care to the public at large and, more particularly, to the Plaintiff, JUANITA CARMONA, named herein.

9. Defendant, ZUPNICK, undertook and agreed to render medical, surgical care and treatment and/or Obstetrical and Gynecological care to the Plaintiff.

10. Defendant, ZUPNICK, negligently, recklessly and carelessly rendered medical care and treatment to the Plaintiff.

11. The plaintiff was a patient under the professional care and treatment of Defendant, ZUPNICK.

12. Defendant, ZUPNICK, was negligent, careless and reckless in prescribing medicine, medical, surgical care and treatment and/or Obstetrical and Gynecological care rendered to the Plaintiff.

13. The treatment rendered by defendant, ZUPNICK, was not in accord with good and acceptable standards of medical, surgical care and treatment and/or Obstetrical and Gynecological care.

14. As a result of the negligence, recklessness and carelessness of defendant, ZUPNICK, and without any want of care on the part of the Plaintiff herein named, the Plaintiff suffered grave bodily injury, complications related thereto and mental anguish.

15. That this action falls within one or more of the exemptions set forth in CPLR section 1602.

16. As a result of the foregoing, the Plaintiff, JUANITA CARMONA, has been

damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

17. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the, FIRST CAUSE OF ACTION, with the same force and effect as though more fully set forth herein at length.

18. That on or about May 3, 2007 through and including May 4, 2007, defendant, PLANNED PARENTHOOD OF NEW YORK CITY was and still is accredited by the Joint Commission on the Accreditation of Hospitals located at 26 Bleecker Street, New York, New York.

19. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY was and is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

20. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY was and is a duly licensed medical facility which is operated in accord with the laws and regulations of the State of New York with standards for hospitals as set forth by the Joint Commission on the Accreditation of Hospitals.

21. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY owned, operated, managed, maintained and controlled a medical facility which provided surgical care as well as provided for the care of sick and ailing persons in New York.

22. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY had in its employ, and/or under its control doctors, emergency room physicians, surgeons, nurses, neurologists, lab technicians, radiation technicians, x-ray technicians, surgeons and other staff

necessary to provide patients with medical care and attention.

23. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY its agents, servants and/or employees held itself out as qualified and competent to render requisite medical surgical care and treatment to the public at large and, more particularly to the plaintiff, JUANITA CARMONA, named herein.

24. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY undertook and agreed to render medical and surgical care and treatment to plaintiff, JUANITA CARMONA named herein.

25. The treatment rendered by defendant, PLANNED PARENTHOOD OF NEW YORK CITY their agents, servants and/or employees was not in accord with good and acceptable standards of medical, surgical care and/or Obstetrical and Gynecological care.

26. As a result of the negligence, recklessness and carelessness of defendant, PLANNED PARENTHOOD OF NEW YORK CITY their agents, servants and/or employees, and without any want of care on the part of the plaintiff, the plaintiff, JUANITA CARMONA was rendered sick, sore, lame, and disabled; she sustained severe and serious personal injuries; she was compelled to seek further medical surgical care and treatment; incurred expenses and was seriously injured, disfigured, and disabled.

27. As a result of the foregoing, the plaintiff, JUANITA CARMONA, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the FIRST and SECOND CAUSES OF ACTION, with the same force and effect as though

more fully set forth at length.

29. Defendant, PLANNED PARENTHOOD OF NEW YORK CITY prior to the granting and renewing of employment and association privileges of physicians, residents, nurses and others involved in the Plaintiffs' case, failed to investigate the qualifications, competence, capacity, abilities and capabilities of said staff including but not limited to, obtaining the following information; patient grievances, negative health care outcomes, incidents injurious to patients, medical malpractice actions commenced against said persons, including the outcome thereof, any history of investigations commenced against said persons, including the outcome thereof, any history of associations, privileges and/or practice at other institutions, any discontinuation of said associations, employment, privileges and/or practice at other institutions, and any pending professional misconduct proceedings in the State or another State, the substance of the allegations in such proceedings and any additional information concerning such proceedings and the findings of the proceedings and, PLANNED PARENTHOOD OF NEW YORK CITY failed to make sufficient inquiry of Defendants, and other institutions which would and did have information relevant to the capacity, capability, ability and competence of said persons rendering treatment.

30. Had defendant, PLANNED PARENTHOOD OF NEW YORK CITY made the above stated inquiry or, in the alternative, had defendants, PLANNED PARENTHOOD OF NEW YORK CITY reviewed and analyzed the information obtained in a proper manner, employment would not have been granted and/or renewed.

31. By reason of defendants, PLANNED PARENTHOOD OF NEW YORK CITY failure to meet the aforementioned obligation, plaintiff was treated by doctors, nurses, technicians, and others who were lacking the requisite skills, abilities, competence and capacity,

as a result of which the plaintiff sustained severe injuries and complications.

32. As a result of the foregoing the plaintiff, JUANITA CARMONA, was seriously injured.

33. As a result of the foregoing, plaintiff, JUANITA CARMONA, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION

34. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the, FIRST, SECOND and THIRD CAUSES OF ACTION, with the same force and effect as though more fully set forth herein at length.

35. Defendants, failed to properly instruct the Plaintiff of all risks, benefits and alternatives to the treatment rendered and administered and failed to obtain an Informed Consent for treatment rendered.

36. Had Defendants properly instructed the Plaintiff, she would not have undergone the treatment as recommended and provided by the Defendants.

37. As a result of the negligence, recklessness and carelessness of defendants, in failing to obtain an informed consent and without any want of care on the part of the Plaintiff herein named, the Plaintiff suffered grave bodily injury, complications related thereto and mental anguish.

38. As a result of the foregoing, plaintiffs have been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, the Plaintiffs demand judgment against the defendants on the FIRST, SECOND, THIRD and FOURTH CAUSES OF ACTION with interests together with the costs

and disbursements of this action.

Dated: New York, New York  
June 22, 2007

Yours etc,

A handwritten signature in black ink, appearing to read 'Jack A. Yankowitz', written over a horizontal line.

Jack A. Yankowitz, Esq.  
THE YANKOWITZ LAW FIRM, P.C.  
175 East Shore Road  
Great Neck, New York 11023  
(516) 622-6200

Defendants:

GERALD ZUPNICK, M.D.  
26 Bleecker Street  
New York, New York 10012

PLANNED PARENTHOOD OF  
NEW YORK CITY  
26 Bleecker Street  
New York, New York 10012

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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JUANITA CARMONA,

Plaintiff,

-against-

**CERTIFICATE OF MERIT**

GERALD ZUPNICK, M.D. and PLANNED  
PARENTHOOD OF NEW YORK CITY,

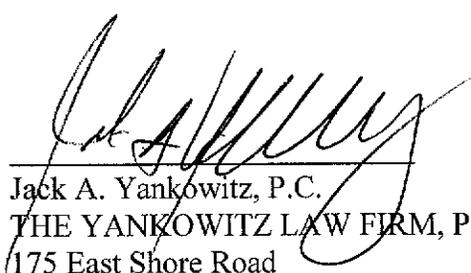
Defendants.  
-----X

Jack A. Yankowitz, being duly sworn deposes and states the following to be true under  
the penalties of perjury:

I am an attorney duly admitted to practice law in the State of New York. I am counsel for  
the plaintiffs in this matter.

I have reviewed the facts of the case and have consulted with at least one physician who is  
licensed to practice in this state or any other state and who I reasonably believe is knowledgeable  
in the relevant issues involved in this action, and I have concluded on the basis of this review and  
consultation that there is a reasonable basis for the commencement of this action.

Dated: New York, New York  
June 22, 2007

  
\_\_\_\_\_  
Jack A. Yankowitz, P.C.  
THE YANKOWITZ LAW FIRM, P.C.  
175 East Shore Road  
Great Neck, New York 11023  
(516) 622-6200

**ATTORNEY VERIFICATION**

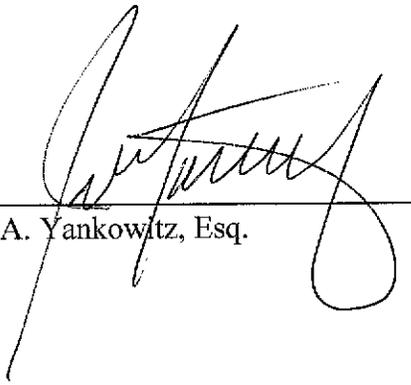
JACK A. YANKOWITZ, an attorney at law, duly admitted to practice in the Courts of the State of New York, affirms under penalties of perjury that:

He is the attorney for the plaintiff(s) in the above entitled action. That he has read the foregoing VERIFIED COMPLAINT and knows the contents thereof, and upon information and belief, deponent believes the matters alleged herein to be true.

The reason this Verification is made by deponent and not by the plaintiff(s) is that the plaintiff(s) reside(s) in a county other than the one in which the plaintiff's attorneys maintain their office.

The source of deponent's information and the grounds of his belief are communication, papers, reports and investigation contained in the file.

Dated: New York, New York  
June 22, 2007

  
\_\_\_\_\_  
Jack A. Yankowitz, Esq.

Index No.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF QUEENS

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JUANITA CARMONA,

Plaintiff(s),

-against-

GERALD ZUPNICK, M.D. and PLANNED PARENTHOOD OF NEW YORK CITY,

Defendant(s),

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SUMMONS  
VERIFIED COMPLAINT

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THE YANKOWITZ LAW FIRM, P.C.

*Attorneys for Plaintiff(s)*

*Office and Post Office Address, Telephone*

175 East Shore Road  
Great Neck, NY 11023  
TELEPHONE 516-622-6200

"WE DO NOT ACCEPT SERVICE BY ELECTRONIC TRANSMISSION (FAX)"

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Queens County Clerk's Office  
Pam #1063344# 07/10/2007 3:08p  
Filed Recorded  
Tx#1263768# \$210.00  
Other  
17200/2007 CARMONA, JUANITA vs.  
17200/2007 ALEXANDER, RODERICK D.  
\$210.00  
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Change: \$0.00