SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------x

MERCEDES PEREZ

Plaintiff,

—against—

SEBASTIAN LATTUGA, M.D., FRANKLIN HOSPTIAL MEDICAL CENTER and NORTH SHORE LIJ/FRANKLIN HOSPITAL

Defendant.

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SUMMONS

Index #:

The Basis of Venue in this County is Plaintiff's residence

The Plaintiff's residence is located at 76 South Bergen Pl. Freeport, New York 11520

To the above named Defendants;

YOU ABE 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 Plaintiffs' attorney 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: Bay Shore, NY
June 13, 2016

Yours, etc..
JERRY C. GUARINO, ESQ.,
LAW OFFICE OF JERRY C. GUARINO, P.C.
1070 Middle Country Road – Ste 7-355
Selden, New York 11784

SEBASTIAN LATTUGA, M.D.
900 Franklin Avenue
Valley Stream, New York 11580

FRANKLIN HOSPTIAL MEDICAL CENTER
900 Franklin Avenue
Valley Stream, New York 11580

NORTH SHORE LIJ/FRANKLIN HOSPITAL
900 Franklin Avenue
Valley Stream, New York 11580

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MERCEDES PEREZ

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Defendant.

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Index #:

VERIFIED COMPLAINT

Plaintiff, by her attorney, Law Office of Jerry C. Guarino, P.C. respectfully alleges as follows upon information and belief:

1. At all times hereinafter mentioned. Plaintiff was and is a resident of the State of New York, County of Nassau.

2. This action falls within one or more of the exemptions set forth in CPLR §1602(2)

3. At all times hereinafter mentioned, SEBASTIAN LATTUGA, M.D, was and still is a medical doctor duly licensed to practice medicine in the State of New York.

4. At all times hereinafter mentioned, SEBASTIAN LATTUGA, M.D. was and still is an agent, servant, employee, member, and/or partner of defendants FRANKLIN HOSPTIAL MEDICAL CENTER and NORTH SHORE LIJ/FRANKLIN HOSPITAL, and was at all times acting in his capacity and within the scope of his duties as an agent, servant, employee, member, and/or partner of defendant FRANKLIN HOSPTIAL MEDICAL CENTER and NORTH SHORE LIJ/FRANKLIN HOSPITAL.

5. That at all times herein mentioned, defendant, FRANKLIN HOSPITAL MEDICALCENTER, was a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

6. At all times mentioned herein, the principal place of business of defendant, FRANKLIN HOSPITAL MEDICAL CENTER was located in the County of Nassau, and State of New York.

7. At all times mentioned herein, FRANKLIN HOSPITAL MEDICAL CENTER was and still is the owner of the health facility located at 900 Franklin Avenue, in the County of Nassau and State of New York.

8. At all times mentioned herein, defendant, FRANKLIN HOSPITAL MEDICAL CENTER supervised and controlled a staff at a facility located at 900 Franklin Avenue, in the County of Nassau and State of New York, for the purpose of rendering medical care and treatment.

9. That at all times herein mentioned, defendant, NORTH SHORE LIJ/FRANKLIN HOSPITAL was a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

10. At all times mentioned herein, the principal place of business of defendant, NORTH SHORE LIJ/FRANKLIN HOSPITAL was located in the County of Nassau, and State of New York.

11. At all times mentioned herein, NORTH SHORE LIJ/FRANKLIN HOSPITAL was and still is the owner of the health facility located at 900 Franklin Avenue, in the County of Nassau and State of New York.

12. At all times mentioned herein, defendant, NORTH SHORE LIJ/FRANKLIN HOSPITAL supervised and controlled a staff at a facility located at 900 Franklin Avenue, in the County of Nassau and State of New York, for the purpose of rendering medical care and treatment.

AS AND FOR A FIRST CAUSE OF ACTION

13. Defendants held themselves out as being skilled and competent health care providers, duly qualified to render proper and adequate medical care and treatment to the general public and more particularly, to the plaintiff herein.

14. Plaintiff became a patient of defendants on or about October 1, 2014, and received a continuous course of care thereafter while under the care of defendants up to and including October 2015.

15. That the aforesaid defendants, individually, jointly, and severally and through their agents, servants, employees, officers, associates, members and/or partners, were careless and negligent and deviated and departed from applicable and accepted standards of medical care and as such, the plaintiff was allowed, caused and permitted to suffer severe and significant and irreparable injury and damage all of which was avoidable by the exercise of due and reasonable care on the part of the defendants without the plaintiff being contributorily negligent thereto.

16. That by reason of the above premises, the plaintiff has sustained serious personal injury and pecuniary loss all to her damage in a substantial sum of money to be determined by a Court and jury.

17. That by reason of the above premises, the amount of damages sustained by the plaintiff in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over this action.

AS AND FOR A SECOND CAUSE OF ACTION

18. Plaintiff repeats and realleges each and every allegation contained in paragraphs numbered "1" through "17" inclusive of the Verified Complaint with the same force and effect as if more fully set forth at length herein.

19. At all of the times aforementioned, defendants, their agents, servants, employees and/or licensees and those persons who rendered medical diagnosis care, treatment, services and advice to the plaintiff failed to adequately inform her or his representatives, or to warn them of the nature, purpose, known perils, recognized hazards, risks and/or possible complications of the medical diagnosis, treatment, services and advice rendered to the plaintiff; nor did defendant inform the plaintiff or her representatives of any alternative methods of treatment; nor did defendants obtain an informed consent by or on behalf of the plaintiff regarding the outcome or possible consequences of the medical diagnosis, treatment, services and advice rendered and omitted to be rendered to the plaintiff.

20. A reasonable person in plaintiff's position would not have undergone the treatment or diagnosis if he had been fully informed, and the lack of said informed consent is a proximate cause of the injuries or conditions for which recovery is sought.

21. As a result of all of the foregoing, plaintiff was injured and damaged in a sum which exceeds the jurisdictional limitations of all lower courts, which would otherwise have jurisdiction over this action.

WHEREFORE, Plaintiff demand judgment against the defendants of the FIRST and SECOND Causes of Action for monetary damages and Plaintiff aver that the sum of money damages sought exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action, together with the interest, costs and disbursements.

Dated: Bay Shore, NY
June 13, 2016

Yours, etc.,
JERRY C. GUARINO, ESQ.,
LAW OFFICE OF JERRY C. GUARINO, P.C.
1070 Middle Country Road – Ste 7-355
Selden, New York 11784

ATTORNEY'S VERIFICATION

I, the undersigned an attorney admitted to practice in the courts of New York State, state that I am the attorney for Plaintiff. I have read the foregoing Verified Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe them to be true. The reason this verification is made by me and not by Plaintiff is that Plaintiff does not reside in the county where I maintain my offices.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: conversations with Plaintiff and the contents of our file. I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: Bay Shore, New York
June 13, 2016

JERRY C. GUARINO, ESQ.,

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

----------x

MERCEDES PEREZ

Plaintiff,

—against—

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Defendant.

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CERTIFICATE OF MERIT

JERRY C. GUARINO, an attorney duly admitted to practice law in the State of New York affirms the truth of the following:

I have reviewed the facts of the within action and consulted with a physician, who is licensed to practice in New York State and who is knowledgeable in the relevant issues involved in the within action. Based on this review and consultation, I have concluded there is a reasonable basis for the commencement of this action.

Dated: Bay Shore, NY
June 13, 2016

Yours, etc.,
JERRY C. GUARINO, ESQ.,
LAW OFFICE OF JERRY C. GUARINO, P.C.
1070 Middle Country Road – Ste 7-355
Selden, New York 11784