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

*Index No.:*
*Purchased:*

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**DAYSI COLORADO,**

**Plaintiff,**

*Plaintiffs designate Queens County as the place of trial.*

**-against-**

**SUMMONS**

**DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R. P.A.-C., ALEXANDRE B. DE MOURA, M.D., ALEXANDRE DE MOURA, M.D., P.C., LEEANN TRICARICO-FLOMAN, R.P.A.-C, and NEW YORK SPINE INSTITUTE,**

*The Basis of Venue is the Defendants' Residence*

**Defendants.**

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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 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 herein.

Dated: October 21, 2016
Defendants' addresses:
See Below

DUFFY & DUFFY, PLLC
Attorneys for Plaintiff

By: _____
MICHAEL E. DUFFY, ESQ.
1370 RXR Plaza
West Tower, 13th Floor
Uniondale, New York 11556
(516) 394-4200

*The relief sought is* ***monetary damages***

*Upon your failure to appear judgment will be taken against you by default in such a sum as a jury would find fair, adequate and just.*

**DEFENDANTS' ADDRESSES**:

**DEBORA MOTTAHEDEH, D.O.**
761 Merrick Avenue
Westbury, NY 11590
*Or*
18 Crabapple Road
Manhasset, NY 11030

**DAVID KHANAN, M.D.**
11146 76th Drive, Apt 1D
Forest Hills, NY11375

**CHRISTINA BONO, R.P.A.-C.**
761 Merrick Avenue
Westbury, NY 11590
*or*
6 Northgate Drive
Greenlawn, NY11740

**ALEXANDRE B. DE MOURA, M.D.**
761 Merrick Avenue
Westbury, NY 11590
*or*
102 Brixton Road
Garden City, NY 11530

**ALEXANDRE B. DE MOURA, M.D., P.C.**
761 Merrick Avenue
Westbury, NY 11590

**LEEANN TRICARICO-FLOMAN, R.P.A.-C**
127 Smith Street
Deer Park, NY 11729

**NEW YORK SPINE INSTITUTE**
761 Merrick Avenue
Westbury, NY 11590

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

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**DAYSI COLORADO,**

*Index No.:*
*Purchased:*

**Plaintiff,**

**-against-**

**DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R. P.A.-C., ALEXANDRE B. DE MOURA, M.D., ALEXANDRE DE MOURA, M.D., P.C., LEEANN TRICARICO-FLOMAN, R.P.A.-C, and NEW YORK SPINE INSTITUTE,**

**VERIFIED COMPLAINT**

**Defendants.**

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Plaintiff, **DAYSI COLORADO,** complaining of the defendants, by her attorneys, **DUFFY & DUFFY, PLLC**, respectfully alleges:

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

1. At all times herein mentioned, plaintiff **DAYSI COLORADO,** has resided at 302 Newbridge Road, Hicksville, County of Nassau, State of New York.

2. At all times herein mentioned, defendant **DEBORA MOTTAHEDEH, D.O.**, was a physician duly licensed to practice medicine in the State of New York.

3. At all times herein mentioned, plaintiff **DAYSI COLORADO,** was a patient of Defendant **DEBORA MOTTAHEDEH, D.O.**

4. At all times herein mentioned, defendant **DAVID KHANAN, M.D.**, as a physician duly licensed to practice medicine in the State of New York.

5. At all times herein mentioned, plaintiff, **DAYSI COLORADO,** was a patient of defendant **DAVID KHANAN, M.D.**

6. At all times herein mentioned, defendant **CHRISTINA BONO, R.P.A.-C.**, was a

certified registered physician assistant duly licensed to render medical services in the State of New York.

7. At all times herein mentioned, plaintiff **DAYSI COLORADO,** was a patient of defendant **CHRISTINA BONO, R.P.A.-C.**

8. At all times herein mentioned, defendant **ALEXANDRE B. DE MOURA, M.D.,** was a physician duly licensed to practice medicine in the State of New York.

9. At all times herein mentioned, plaintiff **DAYSI COLORADO,** was a patient of defendant **ALEXANDRE B. DE MOURA, M.D.**

10. At all times herein mentioned, defendant **ALEXANDRE DE MOURA, M.D, P.C.** was a professional corporation, duly organized and existing under and by virtue of the laws of the State of New York.

11. At all times herein mentioned, plaintiff **DAYSI COLORADO,** was a patient of defendant, **ALEXANDRE DE MOURA, M.D, P.C.**

12. At all times herein mentioned, defendant **ALEXANDRE B. DE MOURA, M.D.,** was a partner, and/or shareholder, and/or director, and/or agent, and/or servant and/or employee of defendant, **ALEXANDRE DE MOURA, M.D, P.C.,** with regard to the medical diagnosis, care and treatment rendered to plaintiff **DAYSI COLORADO**.

13. At all times herein mentioned, defendant **LEEANN TRICARICO-FLOMAN, R.P.A.-C.,** was a certified registered physician assistant duly licensed to render medical services in the State of New York.

14. At all times herein mentioned, plaintiff **DAYSI COLORADO,** was a patient of defendant **LEEANN TRICARICO-FLOMAN, R.P.A.-C.**

15. At all times herein mentioned, defendant **NEW YORK SPINE INSTITUTE**, was

a domestic corporation, duly incorporated and existing under and by virtue of the laws of the State of New York.

16. At all times herein mentioned, plaintiff **DAYSI COLORADO**, was a patient of defendant **NEW YORK SPINE INSTITUTE.**

17. At all times herein mentioned, defendant **NEW YORK SPINE INSTITUTE,** was the owner and/or operator of a facility known as **NEW YORK SPINE INSTITUTE,** located at 761 Merrick Avenue, Westbury, County of Nassau, State of New York.

18. At all times herein mentioned, defendant, **NEW YORK SPINE INSTITUTE,** operated, managed, controlled and maintained the aforesaid hospitals and/or healthcare system and/or facilities, including the defendant, **NEW YORK SPINE INSTITUTE.**

19. At all times herein mentioned, defendants **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA, M.D.,** and **LEEANN TRICARICO-FLOMAN, R.P.A.-C,** and were partners, and/or shareholders, and/or directors, and/or agents, and/or servants and/or employees of defendant **ALEXANDRE DE MOURA, M.D, P.C.,** with regard to the medical diagnosis, care and treatment rendered to plaintiff **DAYSI COLORADO.**

20. At all times herein mentioned, defendants **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA, M.D.,** and **LEEANN TRICARICO-FLOMAN, R.P.A.-C,** and were partners, and/or shareholders, and/or directors of defendant **NEW YORK SPINE INSTITUTE,** with regard to the medical diagnosis, care and treatment rendered to plaintiff **DAYSI COLORADO.**

21. At all times herein mentioned, defendants **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA,**

**M.D., LEEANN TRICARICO-FLOMAN, R.P.A.-C.,** were employees of **NEW YORK SPINE INSTITUTE** with regard to the care and treatment rendered to the plaintiff **DAYSI COLORADO.**

22. At all times herein mentioned, defendants **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA, M.D., LEEANN TRICARICO-FLOMAN, R.P.A.-C.,** were agents and/or servants of **NEW YORK SPINE INSTITUTE** with regard to the care and treatment rendered to the plaintiff **DAYSI COLORADO.**

23. At all times herein mentioned, defendants **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA, M.D., LEEANN TRICARICO-FLOMAN, R.P.A.-C.,** and **NEW YORK SPINE INSTITUTE,** were agents, servants and/or employees of each other with regard to the care and treatment rendered to the plaintiff **DAYSI COLORADO.**

24. Beginning on or about July 30, 2015, and continuing during a continuous course of treatment through on or about June 25, 2016, plaintiff **DAYSI COLORADO,** was a patient of defendants, **DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R.P.A.-C., ALEXANDRE B. DE MOURA, M.D., ALEXANDRE DE MOURA, M.D, P.C., LEEANN TRICARICO-FLOMAN, R.P.A.-C.,** and **NEW YORK SPINE INSTITUTE** under the medical diagnosis, care and treatment of the aforesaid defendants, their agents, servants and/or employees and as a result of the failure to properly and carefully diagnose, care for and treat the plaintiff's condition, including, but not limited to: in failing to timely and properly order and/or prescribe Mobic (Meloxicam) to the plaintiff; in negligently and improperly ordering and prescribing Mobic (Meloxicam) to the plaintiff; in negligently and improperly ordering and/or

prescribing Mobic (Meloxicam) to the plaintiff in excessive and inappropriate dosages; in failing to timely and properly monitor the plaintiff's use of Mobic (Meloxicam) by ordering timely and serial complete blood counts and chemistry panels; in failing to timely and properly monitor the patient's BUN, creatinine levels and glomerular filtration rate while she was being prescribed Mobic (Meloxicam); in failing to timely and properly determine and assess the patient's renal function while she was being prescribed Mobic (Meloxicam); in failing to abide by accepted medical practice in the care and treatment of the plaintiff; in failing to timely and properly prevent, suspect, investigate, diagnose and treat the plaintiff's condition(s), including renal failure along with diffuse global glomerulosclerosis, severe tubular atrophy and interstitial fibrosis consistent with end stage renal disease requiring dialysis secondary to non-steroidal anti-inflammatory drug use; in failing to timely and properly order and/or administer medications, including Mobic (Meloxicam); in failing to timely and properly formulate a plan of treatment for the plaintiff; in failing to timely and properly formulate and/or entertain and/e develop a differential diagnosis that included a risk of renal failure secondary to the use of Mobic (Meloxicam); in failing to timely and properly refer the plaintiff for specialized medical care; in failing to timely and properly monitor the plaintiff; in failing to timely and properly recognize the significance of, determine the etiology of and otherwise act upon the plaintiff's condition; in failing to timely and properly order and/or request medical consultations; in failing to timely and properly order and/or perform diagnostic testing; in failing to timely and properly interpret those tests performed; in failing to timely and properly perform physical examinations and diagnostic testing upon the plaintiff; and, in failing to timely and properly seek and/or obtain guidance and/or advice from experienced and competent medical professionals, plaintiff sustained severe injuries and complications.

25. Said occurrence was due to the carelessness and negligence of the defendants in failing to treat the plaintiff in the accepted and proper medical manner, without any fault or lack of care on the part of the plaintiff herein.

26. By reason of the foregoing, the plaintiff sustained severe and serious personal injuries, a severe shock to her nervous system and certain internal injuries, including renal failure along with diffuse global glomerulosclerosis, severe tubular atrophy and interstitial fibrosis consistent with end stage renal disease requiring dialysis secondary to non-steroidal anti-inflammatory drug use, and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief some of these injuries are of permanent and lasting nature; that plaintiff was confined to her bed and home as a result thereof, and was incapacitated from attending to her regular activities, and thereby caused to expend a sum of money for medical and hospital care on her behalf.

27. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

28. This action falls within the exceptions to Article 16 of the New York Civil Practice Laws and Rules.

**AS AND FOR A SECOND CAUSE OF ACTION**
**FOR LACK OF INFORMED CONSENT**

29. Plaintiff repeats, reiterates and re-alleges each and every allegation enumerated in those paragraphs of the complaint marked and designated "1" through "28" inclusive with the same force and effect as if hereinafter set forth at length.

30. Defendants failed to inform the plaintiff of the risks, benefits, hazards and alternatives associated with the treatment rendered and procedures performed, so that an informed consent could be given.

31. A reasonably prudent person in the plaintiff's position would not have undergone the treatments rendered and procedures performed if she had been fully informed of the risks, benefits, hazards and alternatives connected with said treatment and procedures.

32. The failure to adequately and fully inform the plaintiff of the risks, benefits, hazards and alternatives of the treatment rendered and procedures performed is the proximate cause of the injuries plaintiff **DAYSI COLORADO,** sustained.

33. As a consequence of the foregoing, there was no informed consent to the treatment rendered and procedures performed.

34. The amount of damages sought exceeds the jurisdiction of all lower courts which would otherwise have jurisdiction.

35. This action falls within the exceptions to Article 16 of the New York Civil Practice Laws and Rules.

**WHEREFORE,** plaintiff demands judgment against defendants on the First through Second Causes of Action in such sum as a jury would deem fair, adequate and just.

Dated: Uniondale, New York
October 21, 2016

MICHAEL E. DUFFY, ESQ.

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

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**DAYSI COLORADO,**

***Index No.:***
***Purchased:***

**Plaintiff,**

**-against-**

**DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R. P.A.-C., ALEXANDRE B. DE MOURA, M.D., ALEXANDRE DE MOURA, M.D., P.C., LEEANN TRICARICO-FLOMAN, R.P.A.-C, and NEW YORK SPINE INSTITUTE,**

**CERTIFICATE OF MERIT**

**Defendants.**

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MICHAEL E. DUFFY, an attorney duly admitted to practice in the Courts of New York State, and a member of the firm DUFFY & DUFFY, PLLC, attorneys for plaintiffs in the within action, hereby affirms under penalty of perjury:

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

Dated: Uniondale, New York
October 21, 2016

MICHAEL E. DUFFY, ESQ.

## VERIFICATION PAGE

STATE OF NEW YORK )
) ss:
COUNTY OF NASSAU )

**DAYSI COLORADO,** being duly sworn, deposes and say:

The deponent is the plaintiff in the above-entitled action; the deponent has read the foregoing **Verified Complaint**, and knows the contents thereof; and the same is true to the deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters the deponent believes them to be true.

D Colorado
**DAYSI COLORADO**

Sworn to before me this
21st day of October, 2016

Olivia Cardone
Notary Public

**OLIVIA CARDONE**
**Notary Public, State of New York**
**No. 01CA6225123**
**Qualified in Queens County**
**Commission Expires July 19, 2018**

*Index No.:* *Year: 2016*

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

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**DAYSI COLORADO,**

**Plaintiff,**

**-against-**

**DEBORA MOTTAHEDEH, D.O., DAVID KHANAN, M.D., CHRISTINA BONO, R. P.A.-C., ALEXANDRE B. DE MOURA, M.D., ALEXANDRE DE MOURA, M.D., P.C., LEEANN TRICARICO-FLOMAN, R.P.A.-C, and NEW YORK SPINE INSTITUTE**

**Defendants.**

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**SUMMONS**
**and VERIFIED COMPLAINT**

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**DUFFY & DUFFY, PLLC**
*Attorneys for Plaintiff*
*Office and Post Office Address, Telephone*
1370 RXR Plaza
West Tower 13th Floor
Uniondale, New York 11556-1370
(516) 394-4200

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To: All Counsel

Attorney(s) for Defendants

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Service of a copy of the within

is hereby admitted,

Dated,

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Attorney(s) for

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