

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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INJURED PATIENT,

Plaintiff,
against

Sidney Doe, M.D., Anne Doe, M.D., and Carol
Doe, M.D, June Doe, OBGYN Practice, Inc.,
Defendant Bronx Baby Hospital, XYZ Corp. (a
fictitious name), ABC Corp. (a fictitious
name), and John Does 1-10 (fictitious names)

Defendants.
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ANSWER
Index NO. 00000/2016

Defendant OBGYN Practice, Inc. by and through its attorneys, Law Offices of Defense Attorneys P.C., respectfully answers the Complaint as follows:

1. That the Plaintiff is a resident of Bronx, New York.

ANSWER: Defendant OBGYN Practice, Inc. lacks sufficient information to admit or deny this allegation.

2. That Defendant Bronx Baby Hospital is a New York corporation providing medical services and has its principle place of business located in Bronx County, New York.

ANSWER: Defendant OBGYN Practice, Inc. lacks sufficient information to admit or deny this allegation.

3. That Defendant OBGYN Practice, Inc. is a New York Corporation providing medical care and its principle place of business is located at 1313 Rockingham Court in Bronx, New York.

ANSWER: Defendant OBGYN Practice, Inc. admit this allegation.

4. That all remaining defendants are medical providers providing medical services in New York and at the time of the alleged medical malpractice were all employees/agents/servants of Defendants Bronx Baby Hospital and OBGYN Practice, Inc. and were acting in the scope of that

employment/agency/servant relationship when they failed to follow the applicable standard of medical care during their treatment of the Plaintiff on or about May 29, 2014, which proximately resulted in a physical injury to the Plaintiff.

ANSWER: Defendant OBGYN Practice, Inc. lacks sufficient information to admit or deny this allegation.

5. That the amount sought in this suit exceeds the jurisdiction limit of the Supreme Court of the State of New York. Venue is most appropriate venue in Bronx, New York as Defendants Bronx Baby Hospital and OBGYN Practice, Inc. maintain their principle place of business in Bronx, New York.

ANSWER: Defendant OBGYN Practice, Inc. admits its principle place of business is in Bronx, New York but lacks sufficient information to admit or deny the remaining allegations.

6. That these medical mistakes occurred on March 26, 2014 and thereafter, in the State of New York.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

7. That on or about March 26, 2014, the Plaintiff underwent a CT scan of her abdomen, as recommended by the Defendants, which revealed the presence of two ovarian cysts.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

8. That following the Plaintiff's CT scan, the Defendants never informed the Plaintiff of the results of the CT scan, never informed the Plaintiff of the presence of the two ovarian cysts, never recommended that the Plaintiff have a follow up sonogram, and never recommended that the Plaintiff have an OB/GYN consultation.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

9. That the standard of medical care applicable to the Defendants after receiving the CT scan that revealed the presence of two ovarian cysts in the Plaintiff's body was to inform the Plaintiff of the presence of the cysts, to refer the Plaintiff for a sonogram, and to refer the Plaintiff for an OB/GYN consultation.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

10. As a direct result of the Defendants breaching the applicable standard of medical care owed to the Plaintiff by failing to inform the Plaintiff of the results of the CT scan which

revealed the presence of the ovarian cysts, by failing to recommend that the Plaintiff have a follow up sonogram, and by failing to refer the Plaintiff for a OB/GYN consultation, the Plaintiff suffered a physical injury to her body.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

11. That on May 29, 2014 and thereafter, Defendant June Doe, a physician's assistant, was required to be supervised by a licensed medical doctor during the occasions that she was providing medical care, treatment, and advice to the Plaintiff, and at all times that she provided medical care, treatment, and advice to the Plaintiff, she was under the direct supervision of Defendants Sidney Doe, M.D., Anne Doe, M.D., and Carol Doe, M.D.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

12. That Defendants Sidney Doe, M.D., Anne Doe, M.D., and Carol Doe, M.D. all medical doctors, under the applicable standard of medical care owed a duty to the Plaintiff to supervise the medical care that June Doe, a physician's assistant, was providing to the Plaintiff.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

13. The defendant medical doctors breached this duty and standard of care by failing to properly supervise June Doe, on March 26, 2014 and thereafter, which resulted in the failure to inform the Plaintiff of the presence of the ovarian cysts as revealed by the CT scan, the failure to recommend that the Plaintiff have a follow up sonogram, and the failure to refer the Plaintiff for a OB/GYN consultation. As a direct and proximate result of these failures, the Plaintiff suffered a physical injury to her body. All of these failures amounted to a breach of the applicable standard of medical care.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

14. That as a direct and proximate result of the breach of the applicable standard of medical care by the Defendants, the Plaintiff: 1) suffered conscious pain and suffering both in the past and, it is expected by her physicians, the future, 2) incurred medical expenses in the past and will incur future medical expenses, 3) suffered mental and emotional sorrow and anguish, 4) suffered permanent physical injuries (enlargement of the ovarian cysts and a total hysterectomy) and disfigurement, and 5) was required to undergo additional medical procedures and has sustained other damages.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

15. That all of the injuries and damages sustained by the Plaintiff were the direct and proximate result of the negligent actions and breaches of the applicable standards of medical care by all of the Defendants without any act or omission on the part of the Plaintiff directly thereunto contributing.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

16. That the Plaintiff did not assume the risk of her injuries.

ANSWER: Defendant OBGYN Practice, Inc. denies this allegation and leaves plaintiff to her proofs.

Dated: November 26, 2016

By: Defense Attorney
Attorney for OBGYN Practice, Inc.