

STATE OF NEW YORK

SUPREME COURT COUNTY OF [Insert County]

[Insert Caption]

Plaintiffs,

SUMMONS

Index No.: [Insert Index Number]

vs.

Defendants.

To the above named defendants:

YOU ARE HEREBY SUMMONED and required to serve upon plaintiffs' attorneys a verified answer to the verified complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: [Insert Date]

[Name of Attorney]
[Name of Law Firm]
Attorneys for Plaintiffs
[Address]
[Telephone Number]

Trial is desired in the County of [Insert County].

The basis of venue designated above is that Defendants maintain their business in the County of [Insert County].

STATE OF NEW YORK

SUPREME COURT COUNTY OF [Insert County]

[Insert Caption]

Plaintiffs,

VERIFIED COMPLAINT

Index No: [Insert Index Number]

vs.

Defendants.

Plaintiffs, [Insert Name] and [Insert Name], by and through their attorneys, [Name of Law Firm], as and for a Verified Complaint against the defendants allege that at all time hereinafter mentioned:

1. Plaintiffs are residents of the County of [Insert County], State of New York.
2. Plaintiffs are the natural mother and father of the infant decedent, [Insert Name].
3. The infant, [Insert Name] was born on [Insert Date].
4. The infant, [Insert Name] died on [Insert Date].
5. On [Insert Date] by Order and Decision of the Surrogate of the County of [Insert County], [Insert Name] was granted Limited Letters of Administration for the Estate of [Insert Name of Decedent], Deceased.
6. Upon information and belief, [Insert Name of Hospital] is and was a Corporation with a principal place of business in [Insert County] County, State of New York.
7. Upon information and belief, defendant, [Insert Name of Hospital], held itself out to the general public in [Insert Name of City/Town], New York, and its environs, to be a competent and skilled medical care facility for patients for the purpose of providing and rendering medical care and treatment.
8. At all times material herein, the defendant, [Insert Name of Doctor] was and is licensed to practice medicine in the State of New York.
9. At all times material hereto, defendant, [Insert Name of Doctor], confined his medical practice to the specialty of [Insert Specialty Area of Practice].

10. At all times material hereto, defendant, [Insert Name of Doctor], held himself out to the parents of [Name of Infant] as being a physician who was competent and qualified in the field of [Insert Specialty Area].
11. At all times material herein, the Defendant [Insert Name of Doctor], was and is licensed to practice medicine in the State of New York.
12. At all times material hereto, defendant, [Insert Name of Doctor], held himself to the parents of [Insert Plaintiff's Name] as being a physician who was competent and qualified to practice medicine.
13. One or more of the exceptions set forth in CPLR Section Sixteen Hundred Two applies to this action or claim for damages.
14. Plaintiffs' decedent, [Insert Name of Decedent], received hospital and nursing care, treatment, examinations, emergency room care, and surgical procedures and or operations at the defendant, [Insert Defendant Hospital's Name], through its physicians, agents, servants, employees, associates and subcontractors from [Insert Date of Treatment] through [Insert Date].
15. Plaintiffs' decedent, [Insert Infant Plaintiff's Name], received medical care and treatment, surgical procedures and examinations from the Defendant, [Insert Defendant Doctor], from approximately on or about [Insert Date], and received medical care and treatment, surgical procedures and preparations, and examinations, up to and including [Insert Date of Treatment] through [Insert Date].
16. Plaintiffs' decedent, [Insert Decedent's Name], received medical care and treatment, surgical procedures and preparations, and examinations from the Defendant, [Insert Doctor's Name], from [Insert Date of Treatment] to the date of the plaintiff's decedent, [Insert Infant Plaintiff's Name]'s death, on [Insert Date of Death].

AS AND FOR A FIRST CAUSE OF ACTION

17. Plaintiffs repeat and reallege those allegations of the complaint marked and designated herein as paragraphs "1" through "16" with the same force and effect as if herein set forth at length and further allege that:
18. The Defendants, individually and/or jointly and severally, through their agents, servants, employees, associates and/or subcontractors carelessly and negligently rendered medical care and treatment to the plaintiffs' decedent, which care and treatment was not in accordance with good and accepted medical practice.
19. By reason of the above, plaintiffs' decedent, [Insert Name of Decedent], was caused to sustain severe and irreparable personal injury and damages, and conscious pain and suffering before his death.

20. By reason of the foregoing, the plaintiff has been damaged in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter.

AS AND FOR A SECOND CAUSE OF ACTION

21. Plaintiffs repeat and reallege those allegations of the complaint marked and designated herein as "1" through "16", and "17" through "20", with the same force and effect as if herein set forth at length and further allege:
22. As a result of the injuries sustained by the plaintiff's decedent due to the defendants' negligence, [Insert Decedent's Name] died on [Insert Date of Death], with resulting pecuniary loss, funeral expenses, and other damages.
23. By reason of the foregoing, the plaintiffs sustained damages in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction of this matter.

AS AND FOR A THIRD CAUSE OF ACTION

24. Plaintiffs repeat and reallege those allegations of the complaint marked and designated herein as "1" through "16", "17" through "19", and "21" through "23", with the same force and effect as if herein set forth at length and further allege:
25. That at no time during the aforesaid care and treatment rendered by the defendants were the plaintiffs ever advised, either orally or in writing, of the possible risks and dangers, nor the possibility of permanent damage occurring to the decedent's body, with regard to the care being rendered or withheld, nor were the plaintiffs ever advised that the plaintiffs' decedent may suffer severe personal damages and death, and had the defendants or their agents, servants, employees, associates or subcontractors informed or advised the plaintiffs of the possible risks and dangers involved, the plaintiffs would not have been lulled into a false sense of security and would not have consented to the treatment rendered or withheld, or the advice given, which resulted in the death of the plaintiffs' decedent and the damages sustained by the plaintiffs herein.
26. That reasonably prudent persons in the plaintiffs' position would not have chosen to have the treatment rendered or withheld, or accepted the advice given, if the plaintiffs had been fully informed, and such lack of informed consent was a proximate cause of the injuries and damages for which recovery is sought.
27. By reason of the foregoing, plaintiffs have been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction of this matter.

AS AND FOR A FOURTH CAUSE OF ACTION

28. Plaintiffs repeat and reallege those allegations of the complaint marked and designated herein as "1" through "16", "17" through "19", "21" through "23", and "24" through "27", with the same force and effect as if herein set forth at length and further allege:
29. Plaintiffs, [Insert Name of Plaintiff(s)], Individually, are the parents of the infant decedent, [Insert Decedent's Name], at the time these causes of action arose, and as such, were entitled to the services of their child.
30. That by reason of the injuries and consequential death of the decedent that occurred as a result of the defendants' negligence, the plaintiffs, [Insert Plaintiffs Names], have been deprived of the services of their child, [Insert Decedent's Name].
31. By reason of the foregoing, the plaintiffs, [Insert Plaintiffs Names] have been damaged in a sum of money having a present value that exceeds the jurisdictional limits of all lower courts, which would otherwise have jurisdiction of this matter.

WHEREFORE, plaintiffs demand judgment against the defendants:

- a. On the First Cause of Action, in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter;
- b. On the Second Cause of Action, in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter;
- c. On the Third Cause of Action, in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter;
- d. On the Fourth Cause of Action, in a sum of money having a present value which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction of this matter;
- e. Together with the costs and disbursements of this action, and
- f. Such other and further relief as to the Court may seem just and proper.

DATED: [Insert Date]

[Name of Attorney]
[Name of Law Firm]
Attorneys for Plaintiffs
[Address]
[Telephone Number]

VERIFICATION

STATE OF NEW YORK)

) ss.:

COUNTY OF _____)

_____, being duly sworn, deposes and says that deponent is the attorney for the plaintiffs in the within action; that deponent has read the foregoing complaint and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. This verification is made by deponent instead of the plaintiff because the plaintiff is not within the county where deponent maintains his offices.

As to those matters alleged upon information and belief, the source of deponent's information and the grounds for deponent's belief are investigative materials and records contained in deponent's file.

Sworn to before me this
____ day of _____, ____.

Notary Public/State of New York

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