

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
EDWARD KREMER, as Administrator of the Estate
of YVONNE KREMER, Deceased, and EDWARD
KREMER, Individually,

Plaintiffs,

-against-

VANKEEPURAN SRINIVAS, M.D.,
MONTEFIORE MEDICAL CENTER,
ALEXANDER KAPLAN, M.D., CARDIAC CARE
AND VASCULAR MEDICINE, PLLC,
DANIEL GOLDSTEIN, M.D., and,
ANIRBAN GUPTA, M.D.,

Defendants.
-----X

Index No.: 23019²⁰/12 E

Plaintiffs designate Bronx
County as the place of trial.

The basis of the venue is
Defendants' address.

SUMMONS

Plaintiff resides at
920 Metcalf Avenue, Apt. 5E
Bronx, NY 10473

COUNTY OF BRONX

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 plaintiffs' Attorneys within twenty (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 for the relief demanded herein.

A COPY OF THIS SUMMONS WAS FILED WITH THE CLERK OF THE COURT,
BRONX COUNTY, ON _____ IN COMPLIANCE WITH CPLR §§
305(a) AND 306-a.

Dated: New York, New York
December 3, 2012

KRAMER, DILLOF, LIVINGSTON & MOORE

By: 

JORDAN K. MERSON
Attorneys for Plaintiffs
217 Broadway
New York, New York 10007
(212) 267-4177

Defendants' Addresses:

VANKEEPURAN SRINIVAS, M.D.,

**1825 Eastchester Road
Bronx, NY 10461**

-or-

**4422 Third Avenue
Bronx, NY 10467**

MONTEFIORE MEDICAL CENTER,

**1825 Eastchester Road
Bronx, NY 10461**

ALEXANDER KAPLAN, M.D.,

**1461 Astor Avenue
Bronx, NY 10469**

**CARDIAC CARE AND VASCULAR
MEDICINE, PLLC,**

**1461 Astor Avenue
Bronx, NY 10469**

DANIEL GOLDSTEIN, M.D.,

**1825 Eastchester Road
Bronx, NY 10461**

ANIRBAN GUPTA, M.D.

**1825 Eastchester Road
Bronx, NY 10461**

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X Index No.: 23019²⁰/112E

EDWARD KREMER, as Administrator of the Estate
of YVONNE KREMER, Deceased, and EDWARD
KREMER, Individually,

Plaintiffs,

-against-

VERIFIED
COMPLAINT

VANKEEPURAN SRINIVAS, M.D.,
MONTEFIORE MEDICAL CENTER,
ALEXANDER KAPLAN, M.D., CARDIAC CARE
AND VASCULAR MEDICINE, PLLC,
DANIEL GOLDSTEIN, M.D., and,
ANIRBAN GUPTA, M.D.,

Defendants.

-----X
Plaintiffs above named, complaining of the defendants, by their attorneys, KRAMER,
DILLOF, LIVINGSTON & MOORE, ESQS., respectfully allege:

AS AND FOR THE FIRST CAUSE OF ACTION

1. Prior to the commencement of this action, the plaintiff EDWARD KREMER, was duly appointed Administratrix of the Estate of YVONNE KREMER (plaintiff's decedent), by Order of the Surrogate's Court of the County of Bronx, State of New York, dated November 9, 2012.
2. At all times herein mentioned, defendant VANKEEPURAN SRINIVAS, M.D. was a physician duly licensed to practice medicine in the State of New York.
3. At all times herein mentioned, plaintiff's decedent YVONNE KREMER was a patient of defendant VANKEEPURAN SRINIVAS, M.D.

4. At all times herein mentioned, defendant **MONTEFIORE MEDICAL CENTER** was a domestic corporation duly organized and existing by virtue of the law of the State of New York.

5. At all times herein mentioned, defendant **MONTEFIORE MEDICAL CENTER** was the owner of a Hospital known as **THE UNIVERSITY HOSPITAL FOR THE ALBERT EINSTEIN COLLEGE OF MEDICINE** located at 1825 Eastchester Road, Bronx, New York, 10461.

6. At all times herein mentioned, defendant **MONTEFIORE MEDICAL CENTER** operated, managed and controlled the aforesaid hospital.

7. At all times herein mentioned, plaintiff's decedent **YVONNE KREMER** was a patient of defendant **MONTEFIORE MEDICAL CENTER**.

8. At all times herein mentioned, all of the physicians, nurses and medical personnel involved in the medical diagnosis, care and treatment of plaintiff's decedent **YVONNE KREMER** in defendant **MONTEFIORE MEDICAL CENTER** were agents, servants and/or employees of defendant **MONTEFIORE MEDICAL CENTER**.

9. At all times herein mentioned, defendant **ALEXANDER KAPLAN, M.D.** was a physician duly licensed to practice medicine in the State of New York.

10. At all times herein mentioned, plaintiff's decedent **YVONNE KREMER** was a patient of defendant **ALEXANDER KAPLAN, M.D.**

11. At all times herein mentioned, defendant **CARDIAC CARE AND VASCULAR MEDICINE, PLLC**, was a limited liability professional corporation duly organized and existing under and by virtue of the laws of the State of New York.

12. At all times herein mentioned, plaintiff's decedent **YVONNE KREMER** was a patient of defendant **CARDIAC CARE AND VASCULAR MEDICINE, PLLC**

13. At all times herein mentioned, defendant **ALEXANDER KAPLAN, M.D.**, was an agent, servant, and/or employee of defendant **CARDIAC CARE AND VASCULAR MEDICINE, PLLC**

14. At all times herein mentioned, defendant **DANIEL GOLDSTEIN, M.D.**, was a physician duly licensed to practice medicine in the State of New York.

15. At all times herein mentioned, plaintiff's decedent **YVONNE KREMER** was a patient of defendant **DANIEL GOLDSTEIN, M.D.**

16. At all times herein mentioned, defendant **ANIRBAN GUPTA, M.D.**, was a physician duly licensed to practice medicine in the State of New York.

17. At all times herein mentioned, plaintiff's decedent **YVONNE KREMER** was a patient of defendant **ANIRBAN GUPTA, M.D.**

18. At all times herein mentioned, defendants **VANKEEPURAN SRINIVAS, M.D.**, **ALEXANDER KAPLAN, M.D.**, **CARDIAC CARE AND VASCULAR MEDICINE, PLLC**, **DANIEL GOLDSTEIN, M.D.**, and, **ANIRBAN GUPTA, M.D.**, were agents, servants and/or employees of defendant **MONTEFIORE MEDICAL CENTER**.

19. At all times herein mentioned, defendants **VANKEEPURAN SRINIVAS, M.D.**, **ALEXANDER KAPLAN, M.D.**, **CARDIAC CARE AND VASCULAR MEDICINE, PLLC**, **DANIEL GOLDSTEIN, M.D.**, and, **ANIRBAN GUPTA, M.D.**, and other doctors, nurses, residents, medical personnel and staff at **MONTEFIORE MEDICAL CENTER** were servants, agents and/or employees of each other regarding their care, treatment and diagnosis to the plaintiff's decedent **YVONNE KREMER**.

20. At all times herein mentioned, defendants **VANKEEPURAN SRINIVAS, M.D., MONTEFIORE MEDICAL CENTER, ALEXANDER KAPLAN, M.D., CARDIAC CARE AND VASCULAR MEDICINE, PLLC, DANIEL GOLDSTEIN, M.D., and, ANIRBAN GUPTA, M.D.,** were partners in the practice of medicine.

21. At all times herein mentioned, defendants **VANKEEPURAN SRINIVAS, M.D., MONTEFIORE MEDICAL CENTER, ALEXANDER KAPLAN, M.D., CARDIAC CARE AND VASCULAR MEDICINE, PLLC, DANIEL GOLDSTEIN, M.D., and, ANIRBAN GUPTA, M.D.,** were agents, servants and/or employees of one another with regard to the medical diagnosis, care and treatment rendered to the plaintiff's decedent **YVONNE KREMER**.

22. At all times herein mentioned, all of the physicians, nurses and other personnel involved in the diagnosis, care and treatment of the plaintiffs were agents, servants and/or employees of each other with regard to the medical diagnosis, care and treatment rendered to the plaintiff's decedent **YVONNE KREMER**.

23. Beginning in or about 2010, and continuing thereafter, through on or about March 15, 2011, plaintiff's decedent, **YVONNE KREMER**, was a patient of defendants **VANKEEPURAN SRINIVAS, M.D., MONTEFIORE MEDICAL CENTER, ALEXANDER KAPLAN, M.D., CARDIAC CARE AND VASCULAR MEDICINE, PLLC, DANIEL GOLDSTEIN, M.D., and, ANIRBAN GUPTA, M.D.,** their agents, servants and/or employees, during which time, on or about March 15, 2011, plaintiff's decedent was admitted to defendant **MONTEFIORE MEDICAL CENTER**, under the medical diagnoses, care and treatment of the defendants, their agents, servants and/or employees, during which admission procedures known as a "cardiac catheterization" and "Percutaneous Transluminal

Coronary Angioplasty" and other operative procedures were performed by the defendants, their agents, servants and/or employees and as a result of the failure by the defendants, their agents, servants and/or employees to properly diagnose, care for and treat plaintiff's decedent, including, but not limited to the failure to properly treat her medical condition, including angina pectoris and to properly perform a cardiac catheterization, Percutaneous Transluminal Coronary Angioplasty and percutaneous coronary intervention and the failure to properly diagnose, care for and treat plaintiffs in the pre procedure, operative and post operative periods, plaintiff's decedent **YVONNE KREMER**, sustained severe personal injuries and complications.

24. Said occurrence was due to the carelessness and negligence of the defendants, their agents, servants and/or employees in failing to render good and proper surgical, pulmonary, cardiac, emergency, and medical care to the plaintiff's decedent in a manner consistent with accepted and proper medical practices, and all without any fault or lack of care on the part of the plaintiff's decedent.

25. By reason of the foregoing carelessness and negligence of the defendants, their agents, servants and/or employees, plaintiff's decedent **YVONNE KREMER** sustained severe and serious personal injuries, a severe shock to her nervous system and certain internal injuries and was caused to suffer severe physical pain and mental anguish as a result thereof, and upon information and belief these injuries are of a permanent and lasting nature; that plaintiff was confined to her bed, home, and medical institutions as a result thereof, and was incapacitated from attending to her regular activities, and there was caused to be expended sum of money for medical and hospital care on her behalf.

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

27. This action falls within the exceptions to Article 16 of the C.P.L.R.

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

28. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of the complaint marked and designated 1. through 27., inclusive, with the same force and effect as if hereinafter set forth at length.

29. Defendants failed to inform plaintiff's decedent of the risks, hazards and alternatives connected with the treatment rendered and/or procedures performed so that an informed consent could be given.

30. Reasonably prudent persons in plaintiff decedent's position would not have undergone the treatment rendered and/or procedures if they had been fully informed of the risks, hazards and alternatives connected with said treatment rendered and procedures performed.

31. The failure to adequately and fully inform plaintiff's decedent of the risks hazards and alternatives to the treatment rendered and/or procedures performed was a proximate cause of the injury sustained by the plaintiff's decedent.

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

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

**AS AND FOR A THIRD CAUSE OF ACTION
FOR LOSS OF SERVICES**

34. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of the complaint marked and designated 1 through 33., inclusive, with same force and effect as if hereinafter set forth at length.

35. By reason of the foregoing occurrence and resultant injuries and complications to plaintiff's decedent, **YVONNE KREMER**, plaintiff **EDWARD KREMER** has been deprived of the services, society and companionship of his wife, **YVONNE KREMER** from in or about 2009 through the date of **YVONNE KREMER's** death, on or about March 15, 2011.

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

**AS AND FOR A FOURTH CAUSE OF ACTION
FOR WRONGFUL DEATH**

37. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of the complaint marked and designated 1. through 36., inclusive, with the same force and effect as if hereinafter set forth at length.

38. Plaintiff's decedent was survived by his wife, **EDWARD KREMER**, and their children.

39. By reason of the foregoing carelessness and negligence, of the defendants, their agents, servants and/or employees, same caused, precipitated and/or hastened the death of plaintiff's decedent **YVONNE KREMER** on or about March 15, 2011.

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

**AS AND FOR A FIFTH CAUSE OF ACTION
AS TO DEFENDANT MONTEFIORE MEDICAL CENTER**

41. Plaintiffs repeat, reiterate and reallege each and every allegation contained in those paragraphs of the complaint marked and designated 1. through 40., inclusive, with the same force and effect as if hereinafter set forth at length.

42. The defendant, **MONTEFIORE MEDICAL CENTER**, prior to the granting or renewing of privileges or employment of defendants, residents, nurses and others involved in plaintiff decedent's care, failed to investigate the qualifications, competence, capacity, abilities and capabilities of said defendants, residents, nurses and other employees, 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 association, privilege and/or practice at other institutions, and discontinuation of said association, employment, privilege and/or practice at said institutions, and any pending professional misconduct proceedings in this 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 the defendant **MONTEFIORE MEDICAL CENTER** failed to make sufficient inquiry of the physicians, nurses and/or employees and institutions which should and did have information relevant to the capacity, capability, ability and competence of said persons rendering treatment.

43. Had the defendant **MONTEFIORE MEDICAL CENTER** made the above stated inquiry, or in the alternative, had it reviewed and analyzed the information obtained in a proper manner, privileges and/or employment would not have been granted and/or renewed.

44. By reason of the defendant **MONTEFIORE MEDICAL CENTER**'s failure to meet the aforementioned obligations, the plaintiff's decedent was treated by physicians, nurses and/or other employees at **MONTEFIORE MEDICAL CENTER** who were lacking the requisite skills, abilities, competence, capacity and supervision as a result of which the plaintiff's decedent sustained injuries and complications.

45. The amount of damages sought exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

WHEREFORE, plaintiffs demand judgment against defendants in such sum as a jury would find fair, adequate and just.

Dated: New York, New York
December 3, 2012

KRAMER, DILLOF, LIVINGSTON & MOORE

By:


JORDAN K. MERSON

Attorneys for Plaintiffs

217 Broadway

New York, New York 10007

(212) 267-4177

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X Index No.: 23019 ²⁰ 112E

EDWARD KREMER, as Administrator of the Estate
of YVONNE KREMER, Deceased, and EDWARD
KREMER, Individually,

Plaintiffs,

-against-

CERTIFICATE
OF MERIT

VANKEEPURAN SRINIVAS, M.D.,
MONTEFIORE MEDICAL CENTER,
ALEXANDER KAPLAN, M.D., CARDIAC CARE
AND VASCULAR MEDICINE, P.L.L.C.,
DANIEL GOLSTEIN, M.D., and,
ANIRBAN GUPTA, M.D.,

Defendants.
-----X

JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York State, and an associate of the firm KRAMER, DILLOF, LIVINGSTON & MOORE, attorneys for the 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: New York, New York
December 3, 2012


JORDAN K. MERSON

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X Index No.: 23019 ²⁰/₁₂ E

EDWARD KREMER, as Administrator of the Estate of
YVONNE KREMER, Deceased, and EDWARD
KREMER, Individually,

Plaintiffs,

-against-

ATTORNEY
VERIFICATION

VANKEEPURAN SRINIVAS, M.D.,
MONTEFIORE MEDICAL CENTER,
ALEXANDER KAPLAN, M.D., CARDIAC CARE
AND VASCULAR MEDICINE, P.L.L.C.,
DANIEL GOLSTEIN, M.D., and,
ANIRBAN GUPTA, M.D.,

Defendants.

-----X
JORDAN K. MERSON, an attorney duly admitted to practice in the Courts of New York
State, and an associate of the firm KRAMER, DILLOF, LIVINGSTON & MOORE, attorneys
for the plaintiffs in the within action, hereby affirms under penalty of perjury:

That he has read the within complaint and knows the contents thereof, and that the same
is true to his own knowledge, except as to the matters therein stated to be alleged upon
information and belief, and that as to those matters he believes it to be true.

That the sources of his information and knowledge are investigations and records in the
file.

That the reason this verification is made by affirmant and not by the plaintiffs is that the
plaintiffs are not within the County where the attorney has his office.

Dated: New York, New York
December 3, 2012


JORDAN K. MERSON

Index No.

Year 2012

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

**EDWARD KREMER, as Administrator of the Estate of
YVONNE KREMER, Deceased, and EDWARD KREMER,
Individually,**

Plaintiff(s),

- against -

**VANKEEPURAN SRINIVAS, M.D., MONTEFIORE
MEDICAL CENTER, ALEXANDER KAPLAN, M.D.,
CARDIAC CARE AND VASCULAR MEDICINE, PLLC,
DANIEL GOLDSTEIN, M.D., and, ANIRBAN GUPTA, M.D.**

Defendant(s),

SUMMONS AND VERIFIED COMPLAINT

KRAMER, DILLOF, LIVINGSTON & MOORE, ESQS.

Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone
217 Broadway
New York, New York 10007
(212) 267-4177

To: All Parties
