

STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ALBANY

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PRISCILLA BRINSON,

Plaintiff,

**SUMMONS**

-against-

**INDEX NO.:**

ST. PETER'S HEALTH PARTNERS,  
TRINITY HEALTH,  
HERITAGE HOUSE NURSING CENTER, INC.,

Defendants.

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**TO THE ABOVE-NAMED DEFENDANTS:**

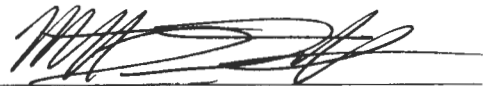
**YOU ARE HEREBY SUMMONED** and required to serve upon Plaintiff's attorneys an answer to the Complaint in this action, within twenty (20) days after the service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered 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.

Plaintiff designates Albany County as the place of trial.

The basis of venue is that defendants have a principle place of business in Albany County.

DATED: July 21, 2021

By:



Matthew J. Dillon, Esq.  
MARTIN, HARDING AND MAZZOTTI, LLP  
Attorneys for Plaintiff  
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STATE OF NEW YORK  
SUPREME COURT

COUNTY OF ALBANY

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PRISCILLA BRINSON,

Plaintiff,

**COMPLAINT**

-against-

**INDEX NO.:**

ST. PETER'S HEALTH PARTNERS,  
TRINITY HEALTH,  
HERITAGE HOUSE NURSING CENTER, INC.,

Defendants.

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Plaintiff, PRISCILLA BRINSON, by and through her attorneys, MARTIN, HARDING & MAZZOTTI, LLP, as and for a complaint against the Defendants herein, alleges as follows:

1. That at all times herein relevant, Plaintiff, Priscilla Brinson, was a resident of the County of Rensselaer, State of New York.
2. Upon information and belief, at all times hereinafter mentioned, defendant St. Peter's Health Partners was and still is a domestic not-for-profit corporation existing pursuant to the laws of the State of New York with a principal place of business located at 315 S. Manning Blvd., City of Albany, County of Albany, State of New York.
3. Upon information and belief, at all times hereinafter mentioned, defendant, Trinity Health, is a foreign not-for-profit corporation authorized to conduct business in the State of New York with offices located at 315 S. Manning Blvd., City of Albany, County of Albany, State of New York.
4. Upon information and belief, at all times hereinafter mentioned, defendant Heritage House Nursing Center Inc., was and still is a domestic not-for-profit corporation existing pursuant

to the laws of the State of New York with a principal place of business located at 2920 Upper Tibbits Avenue, City of Troy, County of Rensselaer, State of New York.

5. Upon information and belief, at all times hereinafter, defendant, St. Peter's Health Partners, was and still is the owner of a nursing home and rehabilitation facility, known as the Eddy Heritage House Nursing & Rehabilitation Center located in the City of Troy, County of Rensselaer, State of New York (hereinafter "The Eddy Heritage House").

6. That at all times hereinafter mentioned, defendant, St. Peter's Health Partners, was engaged in the business of operating and maintaining The Eddy Heritage House for the rendering of personal and health care to aged, infirm, and disabled persons at said facility.

7. Upon information and belief, at all times hereinafter, defendant, Trinity Health, was and still is the owner of a nursing home and rehabilitation facility known as The Eddy Heritage House.

8. That at all times hereinafter mentioned, defendant, Trinity Health, was engaged in the business of operating and maintaining The Eddy Heritage House for the rendering of personal and health care to aged, infirm, and disabled persons at said facility.

9. Upon information and belief, at all times hereinafter, defendant, Heritage House Nursing Center, Inc., was and still is the owner of a nursing home and rehabilitation facility known as The Eddy Heritage House.

10. That at all times hereinafter mentioned, defendant, Heritage House Nursing Center, Inc., was engaged in the business of operating and maintaining The Eddy Heritage House for the rendering of personal and health care to aged, infirm, and disabled persons at said facility.

11. That at all times hereinafter mentioned, defendants stood in such a relationship with plaintiff as to make them liable for the acts and omissions of their agents, doctors, nurses, staff, contractors, and employees.

12. That at all times hereinafter mentioned, defendants controlled employees, agents, servants, and licensees at The Eddy Heritage House for the purpose of rendering nursing, rehabilitation, medical care, services, and treatment.

13. That at all times hereinafter mentioned, defendants supervised employees, agents, servants, and licensees at The Eddy Heritage House for the purpose of rendering nursing, rehabilitation, medical care, services, and treatment.

14. That at all times hereinafter mentioned, defendants represented that they were competent and skilled to perform and render all the nursing, rehabilitation, medical care, services, treatment, and advice that plaintiff required.

15. From on or about the first date of admission to the last date of admission (upon information and belief from on or about December 17, 2019 through December 31, 2019), plaintiff was admitted to The Eddy Heritage House for care and treatment, and defendants agreed and undertook to care for and treat plaintiff during such time period.

16. On or about the above dates, plaintiff was admitted to The Eddy Heritage House and underwent nursing, rehabilitative, medical care and treatment by defendants employees, agents, servants, and licensees.

17. That plaintiff was admitted as a patient to defendants' facility for nursing, rehabilitative, medical care and treatment, and at the time of admittance, defendants undertook and agreed to provide plaintiff with all necessary and proper care for plaintiff's physical, health, and medical needs.

18. Upon information and belief, that at all times relevant, defendants represented to the general public, including the plaintiff, that they employed competent and skilled personnel, qualified to provide appropriate and necessary care for plaintiff's physical, health, and medical needs and otherwise attend to and treat patients in accord with their medical and physical condition.

19. That at all times relevant, defendants, in accepting plaintiff as a patient, agreed to provide her with proper care, treatment, and management.

20. That at all times relevant, plaintiff clearly manifested by demonstrable physical and mental dysfunction that she was incapable of adequately providing for her own health and personal care needs.

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

21. Plaintiff repeats, reiterates and realleges each and every allegation contained in the Complaint herein, all with the same force and effect as though set forth fully at this point.

22. During the aforementioned time and at the aforementioned place, while under the care of the defendants, the defendants' employees, agents, servants, and licensees, in violation of defendants' duty to exercise reasonable care towards plaintiff, failed to properly assess plaintiff's required care, treatment, and management.

23. During the aforementioned time and at the aforementioned place, while under the care of the defendants, the defendants' employees, agents, servants, and licensees, in violation of defendants' duty to exercise reasonable care towards plaintiff, failed to develop and implement appropriate care, treatment, and management plans that plaintiff required.

24. During the aforementioned time and at the aforementioned place, while under the care of the defendants, the defendants' employees, agents, servants, and licensees, in violation of defendants' duty to exercise reasonable care towards plaintiff, left her unattended, unrestrained,

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