

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS----- X
THOMASINA JUDGE, as Administrator of the Estate of
ERVIN JUDGE, deceased,

Index No.: 512694/2023

Plaintiff,

**VERIFIED ANSWER
TO COMPLAINT**

-against-

ALTAF SHAIK, M.D., HENRY THUKHA, M.D., ALEKSANDR
ORLOVSKIY, M.D., CROWN HEIGHTS CENTER FOR
NURSING AND REHABILITATION, KINGS COUNTY
HOSPITAL CENTER, NEW YORK CITY HEALTH AND
HOSPITALS CORPORATION and SEA CREST NURSING
AND REHABILITATION CENTER,Defendants.
----- X

Defendant **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** also s/h/a
KINGS COUNTY HOSPITAL CENTER, as and for its Verified Answer to the plaintiff's Verified
Complaint upon information and belief alleges as follows:

THE PARTIES

1. Denies knowledge or information sufficient to form a belief as to the truth of each
and every allegation contained in those paragraphs designated as "1", "2", "3", "4", "5", "6", "7",
"8", "9", "10", "11", "12", "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25",
"26", "27", "28", "29", "30", "31", "32", "41", "42", "43", "44", "45", "46" and "47" of the Verified
Complaint, and except begs leave to refer all questions of fact to the trier of fact and all
questions of law to the Court.

2. Denies in the form alleged each and every allegation contained in those
paragraphs designated as "33", "34", "35", "36", "37", "38", "39", "40" of the Verified Complaint
except admits that defendant, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION**,
is a public benefit corporation established under the laws of the State of New York; and New
York City Health and Hospitals Corporation operates defendant, **KINGS COUNTY HOSPITAL
CENTER**, located at 451 Clarkson Avenue, Brooklyn, NY 11203, and who at times that may or

may not be referenced in the Complaint provided professional services to the decedent in a skillful manner in accordance with accepted standards of care, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

UNDERLYING FACTS

3. With respect to that paragraph of the Verified Complaint designated as “48”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth of each and every allegation contained in those paragraphs designated as “1” through “47” with the same force and effect as if set forth fully herein.

4. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in those paragraphs designated as “49”, “50”, “51”, “52”, “53”, “54”, “55”, “56”, “57”, “58”, “59”, “64” and “65” of the Verified Complaint, and except begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

5. Denies in the form alleged each and every allegation contained in those paragraphs designated as “60”, “61”, “62” and “63” of the Verified Complaint except admits that defendant, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION**, is a public benefit corporation established under the laws of the State of New York; and New York City Health and Hospitals Corporation operates defendant, **KINGS COUNTY HOSPITAL CENTER**, located at 451 Clarkson Avenue, Brooklyn, NY 11203, and who at times that may or may not be referenced in the Complaint provided professional services to the decedent in a skillful manner in accordance with accepted standards of care, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

6. Denies each and every allegation contained in those paragraphs designated as “66” except admits that on or about April 21, 2022 a purported notice of claim was presented to **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** and that more than 30 days have elapsed since such presentation and that no adjustment has been made.

7. Denies each and every allegation contained in those paragraphs designated as “67” and “69” except admits that on or about March 8, 2023 a purported notice of claim was presented to **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** and that more than 30 days have elapsed since such presentation and that no adjustment has been made.

8. Denies each and every allegation contained in those paragraphs designated as “68,” except admits that a hearing was held on August 26, 2022 pursuant to §50-h of GML and that this action was commenced within one year and ninety days of its alleged accrual.

9. Denies each and every allegation contained in those paragraphs designated as “70” of the Verified Complaint.

AS AND FOR A FIRST CAUSE OF ACTION

10. With respect to that paragraph of the Verified Complaint designated as “71”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth of each and every allegation contained in those paragraphs designated as “1” through “70” with the same force and effect as if set forth fully herein.

11. Denies each and every allegation contained in those paragraphs designated as “72” and “73” of the Verified Complaint as to defendants, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** and **KINGS COUNTY HOSPITAL CENTER**, and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

12. Denies each and every allegation contained in those paragraphs designated as “74” and “75” of the Verified Complaint.

AS AND FOR A SECOND CAUSE OF ACTION

13. With respect to that paragraph of the Verified Complaint designated as “76”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth

of each and every allegation contained in those paragraphs designated as “1” through “75” with the same force and effect as if set forth fully herein.

14. Denies in the form alleged each and every allegation contained in those paragraphs designated as “77” of the Verified Complaint except admits that defendant, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION**, is a public benefit corporation established under the laws of the State of New York; and New York City Health and Hospitals Corporation operates defendant, **KINGS COUNTY HOSPITAL CENTER**, located at 451 Clarkson Avenue, Brooklyn, NY 11203, and who at times that may or may not be referenced in the Complaint provided professional services to the decedent in a skillful manner in accordance with accepted standards of care, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

15. Denies each and every allegation contained in those paragraphs designated as “78”, “79” and “80” of the Verified Complaint as to defendants, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** and **KINGS COUNTY HOSPITAL CENTER**, and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

16. Denies each and every allegation contained in those paragraphs designated as “81” and “82” of the Verified Complaint.

AS AND FOR A THIRD CAUSE OF ACTION

17. With respect to that paragraph of the Verified Complaint designated as “83”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth of each and every allegation contained in those paragraphs designated as “1” through “82” with the same force and effect as if set forth fully herein.

18. Denies each and every allegation contained in those paragraphs designated as “84” and “85” of the Verified Complaint as to defendants, **NEW YORK CITY HEALTH AND**

HOSPITALS CORPORATION and **KINGS COUNTY HOSPITAL CENTER**, and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

19. Denies each and every allegation contained in those paragraphs designated as “86” and “87” of the Verified Complaint.

AS AND FOR A FOURTH CAUSE OF ACTION

20. With respect to that paragraph of the Verified Complaint designated as “88”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth of each and every allegation contained in those paragraphs designated as “1” through “87” with the same force and effect as if set forth fully herein.

21. Denies each and every allegation contained in those paragraphs designated as “89” and “90” of the Verified Complaint as to defendants, **NEW YORK CITY HEALTH AND HOSPITALS CORPORATION** and **KINGS COUNTY HOSPITAL CENTER**, and otherwise denies knowledge or information sufficient to form a belief as to the truth of each and every allegation, and begs leave to refer all questions of fact to the trier of fact and all questions of law to the Court.

22. Denies each and every allegation contained in those paragraphs designated as “91” and “92” of the Verified Complaint.

AS AND FOR A FIFTH CAUSE OF ACTION

23. With respect to that paragraph of the Verified Complaint designated as “93”, defendants repeat, reiterate and reallege each and every admission, denial, and denial of truth of each and every allegation contained in those paragraphs designated as “1” through “92” with the same force and effect as if set forth fully herein.

24. Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained in those paragraphs designated as “94” and “95” of the Verified



Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.