

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

-----X

The Estate of Rudy Puccella,  
Plaintiff,

-against-

The Rockefeller University Hospital,

Defendant.

-----X

NY, NY 10065

To the above-named Defendant(s):

Index No.:

**SUMMONS**

Plaintiff  
Designates NEW YORK  
County as place of  
trial.

The basis of the venue  
is the Defendant's place  
of business.

Place of business at  
1230 York Ave

**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 plaintiff's attorney(s) within 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 to answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: White Plains, New York  
August 11, 2021

Very truly yours,

JOSEPH A. MARIA, P.C.

  
By: JOSEPH A. MARIA ESQ.  
301 Old Tarrytown Road  
White Plains, NY 10603  
Phone: 914-684-0333  
Fax: 914-684-9772  
Email: [jmariapc@jmariapc.onmicrosoft.com](mailto:jmariapc@jmariapc.onmicrosoft.com)

To: The Rockefeller University Hospital  
1230 York Ave  
New York, NY 10065

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

-----X  
THE ESTATE OF RUDY PUCCELLA,

**Index No.:**

Plaintiff,

**VERIFIED COMPLAINT**

-against-

THE ROCKEFELLER UNIVERSITY HOSPITAL,

Defendant.  
-----X

The Plaintiff, The Estate of Rudy Puccella, by his attorneys, Joseph A. Maria, P.C., alleges:

#### NATURE OF ACTION

1. This action is brought under the auspices of New York's Child Victims Act against The Rockefeller University Hospital. It concerns the repeated acts of sexual abuse, sexual harassment, and sexual exploitation committed by the Defendant and/or its staff.

2. Plaintiff asserts state law claims for negligence, childhood sexual abuse, negligent retention, negligent supervision, negligent infliction of emotional distress, misrepresentation, assault, and battery, as well as violations of New York Social Services Law § 413. Plaintiff seeks monetary damages for the injuries they have suffered from the Defendants' negligence and from Defendant's Acts.

#### PARTIES

3. The Plaintiff, The Estate of Rudy Puccella, is a deceased having died in Westchester County. He died on March 8, 2020, and his estate is open under file number 2020-976 in the County of Westchester Surrogate's Court.

4. The Defendant, The Rockefeller University Hospital, is an entity duly licensed to do business in the State of New York, County of New York.

5. The Defendant, the Rockefeller University Hospital, is a foreign entity duly licensed to do business in the State of New York, County of New York.

#### FACTS

6. The Estate of Rudy Puccella is the Plaintiff herein.

7. His address was 17 Batavia Place, Harrison, NY 10528.

8. The Plaintiff was born on January 27, 1964.

9. The Defendant had in their employment one Dr. Reginald Archibald, a member of the Defendant's staff.

10. The Defendant, The Rockefeller University Hospital, kept Dr. Reginald Archibald in their employment for forty (40) years with normal hospital review and repeated approval of his credentials.

11. One of his specialties was the treatment of children with stunted growth.

12. It is reported that the hospital knew of or clearly should have known of Dr. Reginald Archibald practices of sexual misconduct, and sexual abuse towards many of his patients while employed by the Rockefeller University Hospital.

13. The Rockefeller University Hospital had many reports and complaints against him at the hospital.

14. In 1960, the New York County District Attorney's Office presented information to a grand jury which did not indict but the Hospital had notice of these proceedings or should have had notice of these proceedings.

15. The physician-in-chief at the Rockefeller University Hospital (who was also a member of Defendant's staff) from 1960 to 1974 had multiple complaints against Dr.

Archibald and had or should have had reservations about Dr. Reginald Archibald's practices.

16. The Rockefeller University Hospital should have taken action to stop the actions of Dr. Reginald Archibald behavior towards pediatric and other patients.

17. The Rockefeller University Hospital knowingly employed a sexual predator on its staff.

18. The Plaintiff was presented at the Rockefeller University Hospital for treatment his mother who trusted the Defendant and was concerned about his small nature physically.

**FIRST CAUSE OF ACTION  
NEGLIGENCE  
CHILDHOOD SEXUAL ABUSE**

19. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs above with the same force and effect as if more fully set forth here, and further allege:

20. At all relevant times alleged and detailed herein, the Defendant employees were given access to Plaintiff during the course and scope of their duties, when the Defendant knew, or should have known, its staff presented an unreasonable risk of harm to minors, including the Plaintiff who was a minor at the time.

21. Because of the negligence of the Defendant, its staff was unchecked, allowing them to continue to molest and abuse Plaintiff over the course of alleged treatment.

22. The Defendant had non-delegable duty to protect children within their control and purview, like Plaintiff, from unwanted sexual contact, sexual abuse, and the associated

trauma resulting therefrom. Here, the Defendant failed to take any reasonable steps to ensure the safety of children, and Plaintiff in particular, by providing Defendant's staff with unfettered and unsupervised access to children in his various capacities as their staff member in good standing.

23. The Defendant, by and through their agents, servants and/or employees, had actual knowledge, knew, or reasonably should have known that its staff was dangerous and exploitative propensities and was an unfit employee because of their sexual interest in children.

24. The Defendant breached the duty of care they owed Plaintiff by failing to protect the Plaintiff from the foreseeable harm of sexual misconduct by Defendant's staff.

25. As a direct and proximate result of the above-described conduct, Plaintiff has suffered great pain of mind and body, shock, emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life. Plaintiff's death was caused in part as a result of the abuse and lack of respect of the Defendant and their staff.

26. Per CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided under CPLR § 1602, including but not limited to CPLR §§ 1602(2), and 1602(7).

#### **SECOND CAUSE OF ACTION NEGLIGENT RETENTION**

27. Plaintiff repeats and realleges each and every allegation in the preceding paragraphs above with the same force and effect as if more fully set forth here.

28. The Defendant had a duty to protect them from harm inflicted by Defendant's staff in prognosis, testing, and treatment operated by the Defendant or Defendant's staff.

# 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.