

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
GREG LOPEZ,

Plaintiff,

-against -

FREDERICK CUSHNER, M.D., JESU YSIT and
HOSPITAL FOR SPECIAL SURGERY,

Defendants.
-----X

VERIFIED ANSWER

Index
No.208905/2022

Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER,
M.D., through his attorneys, DOPF, P.C., Answers the Plaintiff's
Complaint upon information and belief as follows:

AS AND FOR A FIRST CAUSE OF ACTION

1. Denies knowledge or information sufficient to form a
belief as to each and every allegation contained in the paragraph
of the Complaint designated "1".

2. Denies each and every allegation contained in the
paragraph of the Complaint designated "2", except begs leave to
refer all questions of law to the Court and all questions of fact
to the trier of fact.

3. Admits upon information and belief the allegations
contained in the paragraph numbered "3" of the Complaint.

4. Denies knowledge or information sufficient to form a
belief as to each and every allegation contained in the paragraph
of the Complaint designated "4".

5. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "5".

6. Admits upon information and belief the allegations contained in the paragraph numbered "6" of the Complaint.

7. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "7", except admits Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., was and is a board certified orthopedic surgeon licensed to practice medicine in the State of New York.

8. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "8", except admits Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., was and is board certified in the field of orthopedic surgery and provided care and treatment of plaintiff, within good and accepted medical practice.

9. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "9", except admits that Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., was and is an employee of Defendant, HOSPITAL FOR SPECIAL SURGERY.

10. Denies each and every allegation contained in the paragraph of the Complaint designated "10", except begs leave to

refer all questions of law to the Court and all questions of fact to the trier of fact.

11. Denies each and every allegation contained in the paragraph of the Complaint designated "11".

12. Denies each and every allegation contained in the paragraph of the Complaint designated "12".

13. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "13".

14. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "14".

15. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "15".

16. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "16".

17. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "17".

18. Denies each and every allegation contained in the paragraph of the Complaint designated "18", except begs leave to

refer all questions of law to the Court and all questions of fact to the trier of fact.

19. Denies each and every allegation contained in the paragraph of the Complaint designated "19".

20. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "20", except admits that Defendant, HOSPITAL FOR SPECIAL SURGERY, is a hospital facility which carries out functions consistent therewith located at 535 East 70th Street, New York, New York 10021.

21. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "21", except admits that Defendant, HOSPITAL FOR SPECIAL SURGERY, is a hospital facility which carries out functions consistent therewith located at 535 East 70th Street, New York, New York 10021.

22. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "22", except admits that Defendant, HOSPITAL FOR SPECIAL SURGERY, is a hospital facility which carries out functions consistent therewith located at 535 East 70th Street, New York, New York 10021.

23. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph

of the Complaint designated "23", except admits Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., was and is a board certified orthopedic surgeon licensed to practice medicine in the State of New York, and that Defendant, FRED CUSHNER, M.D. s/h/a FREDERICK CUSHNER, M.D., provided care and treatment to plaintiff within good and accepted medical practice.

24. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "24".

25. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "25", except admits Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., was and is board certified in the field of orthopedic surgery and provided care and treatment of Plaintiff, GREG LOPEZ, within good and accepted medical practice.

26. Denies each and every allegation contained in the paragraph of the Complaint designated "26", except admits Defendant, FRED CUSHNER, M.D., s/h/a FREDERICK CUSHNER, M.D., provided care and treatment from time to time to Plaintiff, GREG LOPEZ.

27. Denies knowledge or information sufficient to form a belief as to each and every allegation contained in the paragraph of the Complaint designated "27".

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