

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

-----X  
SHIRELL POWELL,

Plaintiff,

-against-

ST. BARNABAS HOSPITAL and "JOHN DOES  
1-2",

Defendant.

-----X

Index No.:

**SUMMONS**

D.O.F.:

Defendants' Addresses:  
4422 Third Avenue  
Bronx, New York 10457

Venue is based upon the  
Domicile of the Defendants

**TO THE ABOVE NAMED DEFENDANTS:**

**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 plaintiff's attorney within twenty (20) days after the service of this summons, exclusive of the day of service or within thirty (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 answer or appear, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Brooklyn, New York  
January 17, 2019



\_\_\_\_\_  
ALEXANDER M. DUDELSON, ESQ.  
*Attorney for Plaintiff*  
26 Court Street - Suite 2306  
Brooklyn, New York 11242  
(718) 855-5100

Defendants Addresses:

Lutheran Medical Center and "John Does 1-2"  
4422 Third Avenue  
Bronx, New York 10457

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

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SHIRELL POWELL,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

-against-

ST. BARNABAS HOSPITAL and "JOHN DOES  
1-2",

Defendants.  
----- X

Plaintiff, complaining of the Defendants by her attorney, ALEXANDER M.

DUDELSON, ESQ., alleges as follows:

1. Plaintiff, SHIRELL POWELL, is an individual who resides in the County of Kings, State of New York
2. At all times mentioned herein, defendant ST. BARNABAS HOSPITAL was a domestic not-for-profit corporation duly organized and existing under, and by virtue of, the laws of the State of New York.
3. At all times relevant hereto, "JOHN DOES 1-2", were at all times employees of St. Barnabas Hospital. They are being sued in their individual and official capacities.
4. At all times relevant herein, plaintiff was the sister of Frederick Williams.
5. At all times relevant herein, plaintiff was Frederick Williams' next of kin.
6. At all times relevant herein, Frederick Williams was a former patient at defendant ST. BARNABAS HOSPITAL.
7. At all times relevant herein, Frederick Williams was a formerly treated at defendant ST. BARNABAS HOSPITAL.

8. On or about July 15, 2018, an individual named Freddy Clarence Williams was admitted to defendant ST. BARNABAS HOSPITAL in an unconscious state.

9. Upon being admitted into ST. BARNABAS HOSPITAL on or about July 15, 2018, Freddy Clarence Williams was in possession of identification cards, which included his social security card.

10. That Frederick Williams and Freddy Clarence Williams are different people.

11. That ST. BARNABAS HOSPITAL admitted Freddy Clarence Williams into the hospital under the patient profile of Frederick Williams, a former patient and the plaintiff's brother.

12. That Frederick Williams family members were listed in his ST. BARNABAS HOSPITAL patient profile as emergency contacts.

13. On or about July 15, 2018, defendant "JOHN DOE 1," a doctor employed by defendant ST. BARNABAS HOSPITAL, negligently advised the plaintiff that Frederick Williams had been admitted to ST. BARNABAS HOSPITAL in an unconscious state.

14. On or about July 15, 2018, defendant "JOHN DOE 1," negligently advised the plaintiff that he did not think that Frederick Williams would "make it."

15. On or about July 15, 2018, defendant "JOHN DOE 1," negligently advised the plaintiff that defendant ST. BARNABAS HOSPITAL would be conducting tests on Frederick Williams.

16. On or about July 17, 2018, plaintiff went to defendant ST. BARNABAS HOSPITAL and was negligently advised by "JOHN DOE 2" that Frederick Williams had suffered severe brain damage as a result of a narcotics overdose.

17. That plaintiff was advised that Frederick Williams was going to be transferred to defendant ST. BARNABAS HOSPITAL's Hospice In-patient Unit.

18. That plaintiff remained bed side with Freddy Clarence Williams, believing that he was her brother Frederick Williams, from July 17, 2018 to July 29, 2018.

19. On July 29, 2018, plaintiff authorized defendant ST. BARNABAS HOSPITAL to withdraw life support from Freddy Clarence Williams, believing that he was her brother Frederick Williams.

20. On July 29, 2018, Frederick Williams was pronounced deceased by defendant ST. BARNABAS HOSPITAL.

21. On July 29, 2018, plaintiff requested that an autopsy be conducted by the New York City Office of the Chief Medical Examiner.

22. Upon information and belief, defendant ST. BARNABAS HOSPITAL identified the Freddy Clarence Williams' body as Frederick Williams, to the Office of the Medical Examiner.

23. On or about August 16, 2018, after an investigation, the New York City Office of the Chief Medical Examiner identified the body to be that of Freddy Clarence Williams.

24. The defendants negligently misinformed the plaintiff that her brother Frederick Williams was admitted to the hospital in an unconscious state.

25. The defendants negligently misinformed the plaintiff that her brother Frederick Williams had suffered severe brain damage.

26. The defendants negligently misinformed the plaintiff that her brother had died on July 29, 2018.

27. That the defendants owed a direct duty to the plaintiff.

28. The defendants breached the duty directly owed to the plaintiff.

29. As a direct result of defendants breach of the duty owed to the plaintiff, plaintiff authorized the withdrawal of medical treatment to a third party that was not her brother.

30. As a direct result of defendants breach of the duty owed to the plaintiff, plaintiff was under the belief that her brother was dead.

31. As a result of the defendants misinformation and negligent conduct the plaintiff has suffered severe emotional harm and injuries.


32. That the aforesaid injuries to plaintiff occurred solely and wholly through the negligence of the defendants, their agents, servants and employees.

33. Said occurrence and resulting injuries took place through no fault or lack of care on the part of the plaintiff contributing thereto.

34. As a result of the foregoing, the plaintiff, SHIRELL POWELL, has been damaged as against the defendants hereto in an amount that exceeds the jurisdiction of all lower courts.

WHEREFORE, the Plaintiff demands judgment as against the defendants on all the various causes of action, in an amount that exceeds the jurisdiction of all lower courts, with interest from the 15<sup>th</sup> day of July, 2018, together with the costs and disbursements of this action.

Dated: Brooklyn, New York  
January 17, 2019

  
\_\_\_\_\_  
ALEXANDER M. DUDELSON, ESQ.  
*Attorney for Plaintiff*  
26 Court Street - Suite 2306  
Brooklyn, New York 11242  
(718) 855-5100

**VERIFICATION**

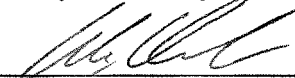
STATE OF NEW YORK     )  
  : ss.:  
COUNTY OF KINGS     )

SHIRELL POWELL, being duly sworn, say and depose to be true and correct, under the penalties of perjury, the following:

I am the Plaintiff in the above entitled action, and have read the foregoing Verified Complaint and know the contents thereof, and the same is true of my own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true.

  
\_\_\_\_\_  
SHIRELL POWELL

Sworn to before me this  
17<sup>th</sup> day of January, 2019

  
\_\_\_\_\_  
Notary Public

**ALEXANDER DUDELSON**  
Notary Public, State of New York  
No. 02DU6107380  
Qualified in New York County  
Commission Expires 03/29/2020