

Springer v Brookdale Univ. Hosp.

2021 NY Slip Op 32247(U)

November 10, 2021

Supreme Court, Kings County

Docket Number: Index No.: 503563/2021

Judge: Genine Edwards

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At Part 80 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, located at 360 Adams Street, Brooklyn, New York, on the 10th day of November 2021.

PRESENT: Honorable Genine Edwards, J.S.C.
Justice Presiding

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

EUGENNIE SPRINGER AS ADMINISTRATOR OF THE ESTATE OF K.B., AN INFANT, (DECEASED), INDIVIDUALLY,

Index No.: 503563/2021

Plaintiffs,

v.

DECISION & ORDER

BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER AND MAIMONIDES MEDICAL CENTER,

Defendants.

NOW, upon the Notice of Motion to Compel Discovery from defendants BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER and MAIMONIDES MEDICAL CENTER brought by Plaintiffs EUGENNIE SPRINGER AS ADMINISTRATOR OF THE ESTATE OF K.B., AN INFANT, (DECEASED), INDIVIDUALLY, by and through their attorneys, Cellino Law, LLP, Brian A. Goldstein, Esq., of counsel, dated May 21, 2021; and,

UPON the Affidavit in Support of Motion to Compel of Brian A. Goldstein, Esq., with all attached exhibits, sworn to May 21, 2021 and;

UPON the Affirmation in Opposition of Krista Schuleck, Esq, (Vigorito, Barker, Patterson, Nichols & Porter, LLP) with all attached exhibits, sworn to May 27, 2021 on behalf of defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER in opposition to said motion and;

UPON the Affirmation in Opposition of Besmir Martinaj, Esq, (Schiavetti, Corgan, DiEdwards, Weinberg & Nicholson, LLP) with all attached exhibits, sworn to July 6, 2021 on behalf of defendant MAIMONIDES MEDICAL CENTER in opposition to said motion and;

UPON the Reply Affidavit in Further Support of plaintiffs' Motion to Compel of Brian A. Goldstein, Esq., with all attached exhibits, sworn to July 13, 2021 in further support of said motion and;

AND, with this matter having come to be heard on October 1, 2021 with appearances by Brian A. Goldstein, Esq. (Cellino Law, LLP) on behalf of Plaintiffs, EUGENNIE SPRINGER AS ADMINISTRATOR OF THE ESTATE OF K.B., AN INFANT, (DECEASED), INDIVIDUALLY in support of said motion; Ralph V. Morales, Esq, (Vigorito, Barker, Patterson, Nichols & Porter, LLP) on behalf of defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER in opposition to said motion, and Besmir Martinaj, Esq, (Schiavetti, Corgan, DiEdwards, Weinberg & Nicholson, LLP) on behalf of defendant MAIMONIDES MEDICAL CENTER in opposition to said motion; and

UPON due deliberation and consideration and finding good cause, it is hereby,
ORDERED that Plaintiffs' Motion to Compel is **GRANTED** in part and **DENIED** in part; and it is further

ORDERED that plaintiffs' Motion to Compel production of job descriptions from defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER is **DENIED**; and it is further

ORDERED that plaintiffs' Motion to Compel production of the Curriculum Vitae/Resumes to the extent they exist of Jacqueline Anderson, RN; Leona Morales, RN; Steven Coleman, MD; and Elizabeth Stachtiaris, DO from defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER is **GRANTED** to the extent that these individuals are currently employed by defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER. If any of these individuals is no longer employed by defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER, then defendant shall provide their last known address(es) **ONLY** within thirty (30) days of this Order; and it is further

ORDERED that plaintiffs' Motion to Compel production of BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER's Table of Contents of the physician policy and procedure manual in effect in January/February 2017 for the Emergency, Pediatric, Respiratory, and Intensive Care Departments and BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER's Table of Contents of the nursing policy and procedure manual in effect in January/February 2017 for the Emergency, Pediatric, Respiratory, and Intensive Care Departments; is **GRANTED**; and it is further

ORDERED that plaintiffs' Motion to Compel disclosure of all excess insurance coverage that may provide coverage for plaintiffs' January/February 2017 causes of action against defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER is **GRANTED** to the extent any such excess insurance coverage exists; and it is further


ORDERED that plaintiffs' Motion to Compel production of defendant BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER's billing records for K.B., an infant (deceased) is **GRANTED**; and it is further

ORDERED that plaintiffs' Motion to Compel production of MAIMONIDES MEDICAL CENTER's Table of Contents of the physician policy and procedure manual in effect in January/February 2017 for the Respiratory, and Intensive Care Departments and MAIMONIDES MEDICAL CENTER's Table of Contents of the nursing policy and procedure manual for the Respiratory, and Intensive Care Departments is **GRANTED**; and it is further

ORDERED that plaintiffs' Motion to Compel production of all imaging and films (x-ray, CT, MRI, nuclear medicine) of K.B., an infant (deceased) from MAIMONIDES MEDICAL CENTER is **GRANTED**; and it is further

ORDERED that counsel for defendants BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER and MAIMONIDES MEDICAL CENTER shall submit to the Court only (and not to plaintiffs' counsel) their respective Access Log/Audit Trail regarding K.B., an infant (deceased) together with a position letter setting forth their respective positions regarding production for the Court's *in-camera* review; it is further

ORDERED that all parties shall appear for a compliance conference on March 1,
2022 at 12:30pm.



Hon. Genine Edwards
J.S.C.