

Mujaffar v Defazio

2026 NY Slip Op 30495(U)

January 29, 2026

Supreme Court, Kings County

Docket Number: Index No. 517928/21

Judge: Ellen M. Spodek

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This opinion is uncorrected and not selected for official publication.

At an IAS Term, Part 63 of the Supreme Court of the State of New York, held in and for the County of Kings, at the Courthouse, at Civic Center, Brooklyn, New York, on ~~the 31st day of July, 2025.~~
the 29th day of Jan., 2026

PRESENT:
HON. ELLEN M. SPODEK, J.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

=====X **Index No.: 517928/21**
NICOLE MUJAFFAR and ALEX MUJAFFAR,

Plaintiff,

-against-

**DECISION AND
ORDER**

Mot. Seq. 5&6

GREGORY DEFAZIO, M.D., ANDREW DEFAZIO,
M.D., DEFAZIO OBSTETRICS & GYNECOLOGY, P.C.,
SARA PAULINE VALENTINO, D.O., RAHIL PATEL,
M.D., and NEW YORK-PRESBYTERIAN BROOKLYN
METHODIST HOSPITAL,

Defendants.

=====X

The following e-filed papers read herein:	NYSCEF Doc Nos.:
Notice of Motion, Affirmations, and Exhibits Annexed	110-133; 134-153
Affirmations in Opposition and Exhibits Annexed	157-181; 182-206
Reply Affirmations and Exhibits Annexed	207-208; 209-210

In this action to recover damages for medical malpractice and lack of informed consent, arising out of the alleged failures in connection with labor and delivery, 4th degree laceration repair and post-operative care, the following motions for summary judgment by all defendants have been consolidated for disposition and, upon consolidation and after oral argument held on July 31, 2025, are decided as follows:

Plaintiffs' claim for lack of informed consent is dismissed without opposition and with prejudice, as to all defendants.

The Defazio Defendants' Motion (Dr. Andrew Defazio, Dr. Gregory Defazio, and Defazio Obstetrics and Gynecology P.C.) (Mot. Seq. No. 5)

In addition to the dismissal of the claim for informed consent, the Defazio Defendants' motion for summary judgment is granted to the extent that (1) the complaint is dismissed in its entirety and with prejudice as to defendant Dr. Andrew DeFazio without opposition, (2) all claims as to Dr. Gregory Defazio pertaining to pre-natal care and up to and including the infant's delivery are dismissed without opposition.

The remainder of the Defazio defendants' motion as to Dr. Gregory Defazio with respect to plaintiff's claims regarding the repair of the 4th degree laceration and subsequent post-operative care is denied as plaintiff has raised triable issues of fact in opposition to Dr. Gregory Defazio's *prima facie* showing. Defazio Obstetrics and Gynecology P.C.'s motion is denied to the extent that the entity retains vicarious liability as to Dr. Gregory Defazio only, any individual claims against the entity are dismissed.

Rahil Patel, M.D. and New York-Presbyterian Brooklyn Methodist Hospital's motion (Mot. Seq. No. 6)

In addition to the dismissal of the claim for informed consent, the hospital defendants' motion is granted to the extent that any claims regarding treatment during plaintiff's labor and up to and including the delivery of the infant are dismissed with prejudice.

The remainder of defendant New York-Presbyterian Brooklyn Methodist Hospital's motion is denied. With respect to plaintiff's claims regarding the repair of the 4th degree laceration, plaintiff has raised triable issues of fact in opposition to the *prima facie* showing

made by defendants Rahil Patel, M.D. and New York-Presbyterian Brooklyn Methodist Hospital. Defendant New York-Presbyterian Brooklyn Methodist Hospital's motion is denied to the extent that the hospital retains vicarious liability as to Dr. Rahil Patel only.

Any individual claims against the hospital are dismissed.

It is further,

ORDERED that to reflect the discontinuance of former plaintiff Alex Mujaffar and defendant Sara Pauline Valentino, D.O., as well as the dismissal of the action as against defendant Andrew Defazio, M.D., the caption is amended to read in its entirety as follows:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

=====X
NICOLE MUJAFFAR,

Plaintiff,

-against-

Index No.: 517928/21

GREGORY DEFAZIO, M.D., DEFAZIO OBSTETRICS &
GYNECOLOGY, P.C., RAHIL PATEL, M.D., and NEW
YORK-PRESBYTERIAN BROOKLYN METHODIST
HOSPITAL,

Defendants.

=====X

And it is further,

ORDERED that plaintiff's counsel is directed to electronically serve a copy of this Decision and Order with notice of entry on the other parties' respective counsel and to electronically file an affidavit thereof with the Kings County Clerk.

This constitutes the Decision and Order of the Court.

ENTER:



HON. ELLEN M. SPODEK

HON. ELLEN M. SPODEK

KINGS COUNTY CLERK
FILED
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