

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

Index No.:
Date Purchased:

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MICHAEL YOUWANES,

Plaintiff,

Plaintiff designates New York County as the place of venue. The basis of venue is defendants' address.

-against-

SUMMONS

DOUGLAS STEINBRECH, M.D, and
GOTHAM PLASTIC SURGERY, PLLC,

Defendants.
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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 the Plaintiff's Attorney 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 or answer, judgment will be taken against you by default for relief demanded in the complaint.

Dated: Chappaqua, New York
February 3, 2017

LAW OFFICE OF TODD J. KROUNER



By: TODD J. KROUNER
Attorneys for Plaintiff
93 North Greeley Avenue
Chappaqua, New York 10514
(914) 238-5800

Defendants' Address:

To: DOUGLAS STEINBRECH, M.D
60 East 56th Street,
3rd Floor, New York, New York

GOTHAM PLASTIC SURGERY, PLLC
60 East 56th Street,
3rd Floor, New York, New York

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

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MICHAEL YOUWANES,

Index No.:

Plaintiff,

VERIFIED COMPLAINT

JURY TRIAL DEMANDED

-against-

DOUGLAS STEINBRECH, M.D, and
GOTHAM PLASTIC SURGERY, PLLC,

Defendants.

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Plaintiff, MICHAEL YOUWANES, by his attorney, LAW OFFICE OF TODD J.

KROUNER, for his Verified Complaint alleges upon information and belief that:

**AS AND FOR A FIRST CAUSE OF ACTION
FOR MEDICAL MALPRACTICE**

1. Plaintiff MICHAEL YOUWANES resides in the State of Arizona.
2. Defendant DOUGLAS STEINBRECH, M.D. ("DR. STEINBRECH") is a physician licensed to practice medicine in the State of New York, and represented himself to the public as a skilled and trained physician duly qualified to render medical services.
3. According to his webpage, DR. STEINBRECH represents himself to be a physician "with special expertise in tummy tucks, mommy makeovers, breast implants, and in minimally invasive aesthetics treatments."
4. DR. STEINBRECH held himself out to the public, and more particularly to the plaintiff herein, as possessing the proper degree of learning and skill, and he undertook to use reasonable care and diligence in the treatment of the plaintiff.

4. At all times relevant to this action, defendant DR. STEINBRECH maintained an office for the practice of medicine at 60 East 56th Street, 3rd Floor, New York, New York.

5. At all times relevant to this action, defendant Gotham Plastic Surgery, PLLC (“GOTHAM”), is a domestic professional service limited liability company, incorporated and existing under the laws of the State of New York, with its principal place of business at 60 East 56th Street, 3rd Floor, New York, New York.

6. At all times relevant to this action, defendant DR. STEINBRECH was an officer of defendant GOTHAM.

7. At all times relevant to this action, defendant DR. STEINBRECH was a director of defendant GOTHAM.

8. At all times relevant to this action, defendant DR. STEINBRECH was a shareholder of defendant GOTHAM.

9. In or around December 3, 2015, and continuing thereafter, plaintiff MICHAEL YOUWANES came under the care and treatment of defendant DR. STEINBRECH and defendant GOTHAM.

10. In or about December 3, 2015, plaintiff MICHAEL YOUWANES came under the care and treatment of defendant DR. STEINBRECH for the purpose of undergoing a body lift abdominoplasty procedure. DR. STEINBRECH departed from the standard of care by placing the incision line too close to MR. YOUWANES’s pubis. As a consequence of this departure from the standard of care Mr. Youwanes was physically deformed and impaired, with residual flank, abdominal fullness and unevenness, unpleasant scarring, functional difficulties and tension in his genital area

11. The defendants DR. STEINBRECH, and GOTHAM, their agents, servants and/or employees were negligent, careless and reckless in departing from accepted medical and surgical practices and procedures in the medical and surgical care, treatment and services rendered to plaintiff MICHAEL YOUWANES; in medically and surgically treating plaintiff in a manner that was contrary to the standards of accepted medical and surgical practices; in negligently, carelessly and recklessly failing to provide plaintiff with medical and surgical care; failing and neglecting to provide adequate and prompt medical and surgical care; in failing to follow good practices in that the medical treatment, therapy services and surgical treatment rendered by the defendants was done in a negligent, careless and reckless manner and was contrary to the standard accepted practices and procedures; negligently, carelessly and recklessly failing and neglecting to observe and heed plaintiff's condition and render adequate and prompt medical and surgical treatment; negligently, carelessly and recklessly departing from accepted medical and surgical practices and services rendered to, for and on behalf of plaintiff; failing to use and employ the skilled care and diligence commonly and ordinarily possessed by and required of physicians, surgeons and medical facilities; negligently hiring, training, retaining and supervising of defendants DR. STEINBRECH and GOTHAM; that said defendants were further negligent, careless and reckless by failing, neglecting and omitting to take, use and employ reasonable and proper steps and procedures and practices for the health, safety and welfare of the plaintiff thereby causing and contributing to the condition suffered by plaintiff; failing to aggressively manage the plaintiff; failing to timely treat plaintiff thereby causing serious and irreversible injury; failing to prevent the medical conditions which ultimately occurred; negligently, carelessly and recklessly causing the medical conditions which ultimately occurred; negligently

and prematurely disregarding plaintiff's complaints and conditions; failing to fully advise plaintiff of the post surgical conditions from which he was suffering and the progressive nature associated thereto; failing to supervise the activities of agents, servants, and/or employees; failing to employ agents, servants and/or employees who possess the requisite knowledge and experience to treat and care for conditions demonstrated by plaintiff and in otherwise being negligent, careless and reckless in the care, treatment and medical services rendered to plaintiff MICHAEL YOUWANES. Plaintiff relies upon the theories of vicarious liability and respondeat superior.

12. The defendants, their agents, servants and/or employees, either jointly or severally, failed to follow good, known and accepted custom and practice in the medical profession, and were otherwise negligent and careless in committing acts of malpractice which were the contributing cause of the injuries suffered by the plaintiff, MICHAEL YOUWANES.

13. As a direct and proximate result of the foregoing, plaintiff MICHAEL YOUWANES sustained severe, serious and permanent personal injuries including without limitation permanent disfigurement, discomfort during sexual relations, emotional pain and embarrassment, and was and still is caused to suffer pain, discomfort, permanent disabilities, and mental and emotional shock, and was and still is permanently damaged thereby.

14. The said occurrence and resulting injuries and disabilities to the Plaintiff were caused wholly and solely by reason of the carelessness, negligence and malpractice of the Defendants, their agents, servants and/or employees as set forth above with no fault or lack of care on the part of the Plaintiff herein contributing thereto.

15. The limited liability provisions of the C.P.L.R. § 1601 do not apply pursuant to one or more of the exceptions of the C.P.L.R. § 1602.

16. By reason of the foregoing, plaintiff MICHAEL YOUWANES sustained and is entitled to economic and non-economic damages which are determined to be valued in amounts in excess of the jurisdictional limits of all lower Courts.

**AS AND FOR A SECOND CAUSE OF ACTION
FOR LACK OF INFORMED CONSENT**

17. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "16", above.

18. Defendants, each of them, their agents, servants and/or employees failed to disclose all of the information that reasonably prudent medical practitioners, under similar circumstances, would explain or disclose to a patient including a failure to disclose the risks and benefits of the procedures performed, the alternative thereto and the risks and benefits relating to the alternatives and they otherwise failed to properly, adequately, thoroughly and fully inform the plaintiff herein.

19. A reasonably prudent person in the plaintiff's position would not have undergone that procedures performed if he had been fully informed and that the lack of informed consent is proximate cause of the injuries suffered herein for which recovery is sought.

20. The treatment rendered by the defendants herein was not emergent treatment, an emergency procedure or emergency surgery.

21. As a result thereof, plaintiff was deprived of the opportunity to make an informed consent to the treatment and surgery performed by the defendants, such as would a reasonably prudent patient.


WHEREFORE, plaintiff MICHAEL YOUWANES demands judgment against

defendants DOUGLAS STEINBRECH, M.D, and GOTHAM PLASTIC SURGERY, PLLC, in such amount as a jury may find fair and reasonable, together with interest, costs, and disbursements of this action.

Dated: Chappaqua, New York
February 3, 2017

Yours, etc.

LAW OFFICE OF TODD J. KROUNER

By: 
Todd J. Krouner
Attorney for Plaintiff
93 North Greeley Avenue
Chappaqua, New York 10514
(914) 238-5800

ATTORNEY VERIFICATION

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

TODD J. KROUNER, being duly sworn, deposes and says:

That he is the principal of the Law Office of Todd J. Krouner with an office at 93 North Greeley Avenue, Chappaqua, New York 10514, attorney for plaintiff in the within action; that deponent has read and knows the contents of the foregoing Verified Complaint and the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, he believes it to be true. Deponent further says that the reason this verification is made by deponent and not by plaintiff is that the said plaintiff is not within the county wherein deponent maintains his offices.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.


TODD J. KROUNER

Sworn to before me this
3 day of February, 2017



Notary Public

JULIA MONTGOMERY
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MO6320147
Qualified in Westchester County
My Commission Expires March 02, 2019

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

-----X
MICHAEL YOUWANES,

Index No.:

Plaintiff,

CERTIFICATE OF MERIT

-against-

DOUGLAS STEINBRECH, M.D, and
GOTHAM PLASTIC SURGERY, PLLC,

Defendants.
-----X

The undersigned, an attorney admitted to practice in the courts of New York State,
shows:

Affirmant is the attorney of record of plaintiff in the above-captioned action and states:

1. I have reviewed the facts of this case.
2. I have consulted with at least one physician, duly licensed to practice, whom I reasonably believe is knowledgeable in the relevant issues involved in this particular action.
3. I have concluded on the basis of said review consultation that there is a reasonable basis for the commencement of this action.

Dated: Chappaqua, New York
February 3, 2017



Todd J. Krouner