

STATE OF NEW YORK
SUPREME COURT COUNTY OF SCHENECTADY

TIMOTHY ANGUS, as Parent and Natural Guardian of Infant JACOB ANGUS; JESSALYNN PURCELL, as Parent and Natural Guardian of Infant ISALIAH BERG; BRIAN CARTER, as Parent and Natural Guardian of Infant BRIANA CARTER; APRIL FERGUSON, as Parent and Natural Guardian of Infant JOSEPH FERGUSON; SHERAIN RIVERA, as Parent and Natural Guardian of Infant SHADAYA GILMORE; TONYA POTTER, as Parent and Natural Guardian of Infant ESIRAE HAGER; NANCY WARD, as Legal Custodian of Infant AALYAROSE LABOMBARD-BLACK; NANCY WARD, as Legal Custodian of Infant MANUEL LABORDE JR.; JENNIFER BACON, as Parent and Natural Guardian of Infant ASHLEY PARKER; and COURTNEY CONRAD, as Parent and Natural Guardian of Infant ZAKARY WILSON,

Plaintiffs,

vs.

FORBA HOLDINGS, LLC n/k/a Church Street Health Management, LLC; FORBA N.Y., LLC; FORBA, LLC n/k/a LICSAAC, LLC; DD MARKETING, INC.; DEROSE MANAGEMENT, LLC; SMALL SMILES DENTISTRY OF ALBANY, LLC; ALBANY ACCESS DENTISTRY, PLLC; DANIEL E. DEROSE; MICHAEL A. DEROSE, D.D.S.; EDWARD J. DEROSE, D.D.S.; ADOLPH R. PADULA, D.D.S.; WILLIAM A. MUELLER, D.D.S.; MICHAEL W. ROUMPH; MAZIAR IZADI, D.D.S.; LAURA KRONER, D.D.S.; JUDITH MORI, D.D.S.; LISSETTE BERNAL, D.D.S.; EDMISE FORESTAL, D.D.S.; EVAN GOLDSTEIN, D.D.S.; KEERTHI GOLLA, D.D.S.; NASSEF LANCEN, D.D.S.; WADIA HANNAN, D.D.S.; and BERNICE LITTLE-MUNDLE, D.D.S.,

Defendants.

DISCOVERY DEMANDS

**Index No.: 2011-562
RJI No.: 46-1-2011-0416**

PLEASE TAKE NOTICE, that pursuant to Article 31 of the CPLR, the undersigned demands that you comply with the following demands within thirty (30)

days of service, and failing voluntary and timely compliance, the undersigned will move to compel production, and/or relief precluding proof of any facts or documents demanded but not produced by you at the time of trial, together with the costs and expenses, including attorneys' fees, instant to the motion.

1. **STATEMENTS**

Copies of any and all statements, written or recorded, signed or otherwise, of the defendants or of any of defendants' employees or agents.

2. **PHOTOGRAPHIC REPRODUCTIONS**

Copies of any and all videotapes, recordings, photographs, movies, or visual reproductions in your possession or control, or in the possession or control of your client, your client's representatives or employees; or any knowledge of the availability of any such photographic reproductions relevant to the instant suit; and if no such reproductions exist, that you notify the undersigned in writing within twenty (20) days of the date hereof.

3. **AUTHORIZATIONS**

Duly executed and acknowledged authorizations permitting the defendant to obtain all hospital records, x-ray reports and all physician's and dental records relevant to the instant suit.

4. **TREATING PHYSICIANS' REPORTS**

All existing (and future) reports by any and all physicians and/or dentists who have treated and/or examined the plaintiff Infant Joseph Ferguson, in connection with the injuries and conditions for which recovery is sought and a true and complete set of the office notes of each one of the physicians attending the plaintiff (See Hoenig v. Westphal, 51 NY2d 605 (1981)).

5. **WITNESSES**

The name and address of each and every witness:

(a) To the incident which is the subject of the above entitled action (See O'Connor v. Larson, 74 AD2d 734 (4th Dept., 1980) and Wolf v. Davis, 108 Misc.2d 19 (1981); and Bombard v. Albany, 94 AD2d 910, 463 NYS2d 633; 60 NY2d 643 (1983)).

(b) To any notice to defendant;

- (c) To any admission(s) made by defendant;
- (d) To any element reflecting on liability;

6. **EXPERTS**

Pursuant to CPLR §3101(d), the undersigned demands that you:

- (a) Identify and state the qualifications of each person whom the plaintiff expects to call at trial as an expert witness;
- (b) State the subject matter in "reasonable detail" upon which the expert is expected to testify;
- (c) Provide the facts and opinions upon which the expert is expected to testify;
- (d) Provide a summary of the grounds of each such opinion.

7. **COLLATERAL PAYMENT**

The name and address of each collateral source of payment including but not limited to insurance, worker's compensation, employee benefit programs, and social security, which will replace or indemnify, in whole or in part, plaintiff's costs both past, present and future for:

- (a) Medical care
- (b) Dental care
- (c) Custodial care
- (d) Rehabilitation services
- (e) Loss of earnings
- (f) Other economic loss

Set forth as to each collateral source the amount which plaintiff has received and will receive for each of the following:

- (a) Medical care;
- (b) Dental care;
- (c) Custodial care;
- (d) Rehabilitation services;
- (e) Loss of earnings;
- (f) Other economic loss;

Set forth as to each collateral source, the amount, if any, which plaintiff paid in the two-year period immediately preceding the date of the incident for the benefits, and state separately the projected future cost, if any, to plaintiff to maintain such benefits.

PLEASE TAKE FURTHER NOTICE that upon your failure to comply with these demands within twenty (20) days of service of this demand upon you, a Motion will be made by the undersigned for relief as stated above, together with costs and attorneys' fees instant to the motion.

DATED: May 6, 2011



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