

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

Index No.  
Date Purchased:

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MARK SCHIFFER,

Plaintiff,

-against-

MARK G. SPEAKER, M.D., LASER AND CORNEAL  
SURGERY ASSOCIATES, P.C., TLC LASER EYE  
CENTER, REGINA ZYSZKOWSKI and DRS. FARKAS,  
KASSALOW, RESNICK and ASSOCIATES,  
P.C. ,

Defendants.  
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*To the above name 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 withing 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, judgement will be taken against you by default for relief demanded in the complaint.*

*Dated, Chappaqua, New York  
January 21, 2003*

Defendants' Addresses:

Mark G. Speaker, M.D.  
115 East 57<sup>th</sup> Street  
New York, New York 10022

Laser and Corneal Surgery Associates, P.C.  
115 East 57<sup>th</sup> Street  
New York, New York 10022

Plaintiff designates New York County as the place of venue. The basis of venue is plaintiff's and defendant's residence.

**SUMMONS 03101191**

**FILED**

JAN 23 2003

COURT OF CLERKS  
COUNTY OF NEW YORK

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

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MARK SCHIFFER,

Index No.

Plaintiff,

-against-

VERIFIED COMPLAINT

MARK G. SPEAKER, M.D., LASER AND CORNEAL  
SURGERY ASSOCIATES, P.C., TLC LASER EYE  
CENTER, REGINA ZYSZKOWSKI and DRS. FARKAS,  
KASSALOW, RESNICK and ASSOCIATES,  
P.C. ,

Defendants.

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Plaintiff, as and for his Verified Complaint, by his attorneys

alleges as follows:

FIRST CAUSE OF ACTION

1. At all times mentioned, the defendants, their agents, servants, and/or employees, undertook and agreed to render medical care and treatment to plaintiff Mark Schiffer and did continuously render such care and treatment between on or about September 29, 2000 and July 11, 2001, and at other times.

2. The defendants, their agents, servants, an/or employees, were negligent in the services rendered for and on behalf of plaintiff, in failing to use reasonable care; in failing to heed plaintiff's condition; in departing from accepted standards in the procedures and treatment performed; in failing to follow appropriate practice; in failing to properly examine plaintiff; in failing to properly treat plaintiff's eyes; in failing to determine that plaintiff was not a candidate for Lasik eye surgery; in performing Lasik eye surgery on plaintiff when said procedure was

*contraindicated; and were otherwise negligent in their treatment of plaintiff*

3. As a result, plaintiff Mark Schiffer was permanently injured and has incurred special damages.

4. As a result, plaintiff was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

#### SECOND CAUSE OF ACTION

5. Plaintiff repeats every allegation contained in the prior paragraphs of this complaint.

6. Defendants, their agents, servants, and/or employees, failed to provide plaintiff Mark Schiffer with the information that reasonably prudent medical practitioners should have provided under the circumstances, and failed to make plaintiff aware of the risks and benefits of, and the alternatives to, the procedures employed.

7. A reasonably prudent person, being fully informed, would not have consented to the procedures employed by defendants, their agents, servants, and/or employees.

8. The procedures employed, and the failure to employ appropriate procedures, were the competent producing cause of the injuries suffered by plaintiff.

Dated: Chappaqua, New York

January 21, 2003