

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YVETTE BROWN,
Plaintiff,

Case No.: 7:16-cv-09118

v.

Honorable Nelson Stephen Roman

DR. BENJAMIN KUR, DDS, AND
WESTCHESTER ORAL & MAXILLOFACIAL
ASSOCIATES, PLLC,
Defendants.

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Rule 26(a)(1) Initial Disclosures

Pursuant to Federal Rule of Civil Procedure 26(a)(1), Defendants Dr. Benjamin Kur (“Dr. Kur”) and Westchester Oral & Maxillofacial Associates, PLLC (“Westchester Oral”) (collectively the “Defendants”), by and through their undersigned counsel, make the following initial disclosures to Plaintiff in the above captioned matter. These disclosures are based on information presently known and reasonably available to the Defendants and which the Defendants reasonably believe they may use in support of their claims and defenses. Continuing investigation and discovery may cause the Defendants to amend these initial disclosures by identifying other potential witnesses, documents and by disclosing other pertinent information. The Defendants therefore reserves the right to supplement these initial pleadings.

The Defendants object to any disclosure of information or documents beyond that which is required by the Federal Rules of Civil Procedure, the Federal Rules of Evidence, the Local Rules of the United States District Court for the Southern District of New York, or other applicable law, rule or order. By providing these initial disclosures, the Defendants do not represent that they are identifying every document, tangible thing or witness possibly relevant to this action. In addition, these disclosures are made without the Defendants in any way waiving

its right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden, confidentiality, or any other appropriate grounds. Furthermore, these disclosures are not an admission by the Defendants regarding any matter.

Each and every disclosure set forth below is subject to the above qualifications and limitations.

DISCLOSURES

- i. **The name and, if known, the address and telephone number of each individual likely to have discoverable information —along with the subjects of that information—that the disclosing party may use to support its claims or defenses, unless the use would be solely for impeachment.**

- 1) Dr. Benjamin Kur, DDS
c/o Jonathan M. Davidoff, Esq.
Davidoff Law Firm, PLLC
228 East 45th Street, Suite 1700
New York, New York 10017
Tel: (212) 587-5971
Fax: (212) 658-9825
Jonathan@DavidoffLawFirm.com

Dr. Kur is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Yvette Brown (“Ms. Brown” or “Plaintiff”) in her Complaint in the instant action.

- 2) Yvette Brown
c/o Richard Saenz
Lambda Legal
120 Wall Street, 19th Floor
New York, New York 10005
Tel: (212)809-8585
Fax: (212) 808-0055
rasenz@lambdalegal.com

Ms. Brown is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 3) Joyce Chi
Dental Assistant
Westchester Oral and Maxillofacial Associates

Ms. Chi is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 4) Kim Santucci
Westchester Oral and Maxillofacial Associates

Ms. Santucci is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 5) Krystiana Sembos
Receptionist
Westchester Oral and Maxillofacial Associates

Ms. Sembos is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 6) Melva McBean

Ms. McBean is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 7) Sana Fruitwala
CVS Pharmacist
20 Filors Lane
Stony Point, New York 10980
Tel: (845) 786-2504

Ms. Fruitwala is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- 8) Yedidah Yehuda
Program Administrator
Division of Disease Control
Westchester County Department of Health
Tel: (914) 813-5191

Ms. Yehuda is likely to have knowledge of the facts and circumstances relevant to this action, including, but not limited to, the alleged incidents of discrimination pled by Ms. Brown in her Complaint in the instant action.

- ii. **A copy—or a description by category and location—of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment.**

The following comprises the enumerated documents, data compilations, and other tangible things in the possession, control or custody of the Defendants to which the Defendants may use to supports their claims or defenses in the instant action:

- a. Plaintiff's medical records and additional documents from Westchester Oral & Maxillofacial Associates
- b. Records associated with the Westchester County Department of Health
- c. Records associated with the New York Office of Professional Discipline

There may be additional documents whose relevance becomes known to the Defendants during discovery or trial. The Defendants therefore reserves the right to amend or supplement these disclosures if and as appropriate, and further reserves the right to rely on any document identified by Plaintiff or produced in this case by any party or any third party.

- iii. **A computation of each category of damages claimed by the disclosing party—who must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.**

Not Applicable.

- iv. **For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

The Defendant is not presently aware of any applicable insurance agreement.

Dated: New York, New York
February 27, 2017

DAVIDOFF LAW FIRM, PLLC

/JMD/

Jonathan Marc Davidoff, Esq. (#JD9157)

Attorneys for the Defendants

228 East 45th Street, Suite 1700

New York, New York 10017

Tel: 212-587-5971

Fax: 212-658-9852

Email: jonathan@davidofflawfirm.com