

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YVETTE BROWN, :
Plaintiff, :
-against- :
COMPLAINT
DR. BENJAMIN KUR, DDS AND :
WESTCHESTER ORAL :
& MAXILLOFACIAL ASSOCIATES, PLLC :
Defendants. :
-----x

Plaintiff, YVETTE BROWN, by her attorney, alleges upon personal knowledge to her own acts and upon information and belief as to all other matters as follows:

PRELIMINARY STATEMENT

1. This is a civil rights action brought by Yvette Brown (“Plaintiff” or “Ms. Brown”), a forty-eight year old, Black woman living with the human immunodeficiency virus (“HIV”), for discrimination on the basis of her HIV status and for the unauthorized disclosure of her statutorily protected, confidential HIV-related information by Defendants, Benjamin Kur, DDS (“Dr. Kur”) and Westchester Oral & Maxillofacial Associates, PLLC, in Westchester County, New York.

2. Ms. Brown brings this action against Defendants for violations of Title III of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Section 1557 of the Affordable Care Act, the New York State Human Rights Law, and the Westchester County Human Rights Law.

3. Without authorization, and in violation of Article 27-F of the New York State Public Health Law, Defendants disclosed Ms. Brown's confidential HIV-related information to the Westchester County Department of Health to prompt an investigation of Ms. Brown. Defendants' actions were willful and malicious, and not in good faith.

4. Plaintiff seeks declaratory relief holding that Defendants' actions constitute discrimination based on disability in violation of federal, state and local antidiscrimination laws, and compensatory damages and punitive damages, where available, for the harms she suffered. Plaintiff requests an order enjoining Defendants and their employees from discriminating against her or other individuals living with HIV and requiring Defendants to modify their policies, practices and procedures, including training of their employees, to comply with federal, state and local antidiscrimination laws and New York State Public Health Law, as they apply to individuals living with HIV.

JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1333 for civil actions arising under the laws of the United States; 29 U.S.C. § 794a as an action pursuant to § 504 of the Rehabilitation Act of 1973; 42 U.S.C. § 12133 as an action pursuant to the American with Disabilities Act of 1990; and 42 U.S.C. § 18116(a) for violation of the Affordable Care Act.

6. This Court has supplemental jurisdiction over Plaintiffs' New York State Human Rights Law claim pursuant to 28 U.S.C. § 1337(a), because this claim shares a common nucleus of operative facts with the federal claims and is so related to the federal claims as to form part of the same case or controversy under Article III of the United States Constitution.

7. This Court has supplemental jurisdiction over Plaintiff's Westchester County Human Rights Law claim pursuant to 28 U.S.C. § 1337(a), because this claim shares a common nucleus of operative facts with the federal claims and is so related to the federal claims as to form part of the same case or controversy under Article III of the United States Constitution.

8. This Court has supplemental jurisdiction over Plaintiff's unauthorized disclosure of HIV-related information claim pursuant to 28 U.S.C. § 1337(a), because this claim shares a common nucleus of operative facts with the federal claims and is so related to the federal claims as to form part of the same case or controversy under Article III of the United States Constitution.

9. Plaintiffs seek declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202 and Rule 57 of the Federal Rules of Civil Procedure.

10. Venue lies in this judicial district pursuant to 28 U.S.C. § 1331(b) because the discriminatory practices complained of herein occurred in Westchester County within the Southern District of New York.

PARTIES

11. Plaintiff Yvette Brown is living with HIV. Ms. Brown resides in West Haverstraw, Rockland County, New York.

12. Defendant Benjamin Kur, DDS., is a licensed dentist in the state of New York. Dr. Kur provides dental services and sells goods at Westchester Oral & Maxillofacial Associates located at 19 Bradhurst Ave., #2500N Hawthorne, NY 10532, in Westchester County, New York.

13. On information and belief, Dr. Kur resides in Westchester County, New York.

14. Defendant Westchester Oral & Maxillofacial Associates, PLLC, is a domestic professional service limited liability company registered in the state of New York, located at 19 Bradhurst Ave., #2500N Hawthorne, NY 10532, in Westchester County, New York. Defendant provides services and sells goods at this location.

15. On information and belief, at all times relevant to this complaint, Defendants Kur and Westchester Oral & Maxillofacial Associates, PLLC, accepted funds from Medicare and/or Medicaid as payment for dental services Defendants rendered to certain individuals.

FACTS

16. Ms. Brown is a forty-eight year old Black woman who is living with HIV.

17. On May 3, 2016, Ms. Brown met with Defendant Kur in the offices of Defendant Westchester Oral & Maxillofacial Associates, PLLC to discuss treatment options for two cracked teeth that were causing her pain.

18. In their conversation on May 3, 2016, Defendant Kur recommended extracting the two teeth and discussed the purchase of teeth implants as an option.

19. Defendant Westchester Oral & Maxillofacial Associates, PLLC, scheduled an appointment for May 24, 2016, with Defendant Kur to perform the extraction of two teeth.

20. On May 24, 2016, Ms. Brown, accompanied by her friend Melva McBean, went to Westchester Oral & Maxillofacial Associates for the extraction to be performed by Defendant Kur.

21. On May 24, 2016 Defendant Kur performed the extraction of two teeth.

22. On information and belief, on May 24, 2016, Defendant Kur sent electronically a prescription for Percocet 5/325, a pain medication for her post-extraction pain, to CVS Pharmacy located at 20 Filors Lane, Stony Point, NY 10980.

23. On information and belief, a CVS pharmacist contacted Defendant Kur via telephone and indicated to Defendant Kur that Ms. Brown was taking antiretroviral medications.

24. On information and belief, based on the information that Ms. Brown was taking antiretroviral medications, Defendant Kur canceled the prescription for Percocet.

25. Having learned that Ms. Brown was taking antiretroviral medications, Defendant Kur escorted Ms. Brown from the waiting area into an office and once there, Defendant Kur confronted Ms. Brown and asked her if she was HIV-positive.

26. Ms. Brown confirmed to Defendant Kur that she is indeed HIV-positive.

27. On hearing from Ms. Brown that she is HIV-positive, Defendant Kur called Ms. Brown “disgusting” and told her that she was a “criminal.”

28. Defendant Kur also told Ms. Brown that he was going to report her to her insurance company to have her coverage dropped.

29. At some point in the conversation, Defendant Kur told Ms. Brown that she put him and his staff at risk.

30. Defendant Kur also told Ms. Brown that it was not right to allow him and his staff to perform a surgical procedure without telling them her HIV status.

31. Ms. Brown left the office, and Defendant Kur continued to confront Ms. Brown in the public waiting room.

32. Defendant Kur repeated that Ms. Brown was a criminal within earshot of his staff and Ms. Brown’s friend Melva McBean.

33. Defendant Kur's comments and conduct made Ms. Brown feel demeaned, hurt, ashamed and embarrassed. Ms. Brown felt exposed and threatened when Dr. Kur accused her of being a criminal and said he would report her to her insurance company.

34. Defendants told Ms. Brown to leave the office and for her not to come back.

35. Defendant Kur did not provide Ms. Brown any follow-up care or referrals for such after the extraction of two teeth.

36. After Ms. Brown left the office, she went to the CVS Pharmacy.

37. On information and belief, the CVS pharmacist contacted Defendant Kur to discuss alternative pain medication that Ms. Brown could take.

38. On information and belief, Defendant Kur refused to prescribe pain medication to Ms. Brown.

39. On information and belief, without authorization, Defendants discussed Ms. Brown's confidential HIV-related information with the Westchester County Health Department. On information and belief, Defendants sought to prompt the health department to begin an investigation of Ms. Brown.

40. The conduct of Defendants was willful and malicious, and not in good faith.

41. As a result of Defendants' treatment of her, Ms. Brown experienced serious psychological and emotional distress.

42. As a result of Defendants' treatment of her, Ms. Brown experienced pain.

CLAIMS

First Cause of Action

Disability Discrimination in Violation of Title III of the American with Disabilities Act

(42 U.S.C. § 12182)

43. Ms. Brown repeats and realleges each and every allegation contained in

the aforementioned paragraphs.

44. Plaintiff is an individual with a disability as defined in 42 U.S.C. § 12131(2) and 42 U.S.C. § 12102(2)(B).

45. Defendant Kur owns, leases or operates a place of public accommodation. 42 U.S.C. § 12182.

46. Defendant Westchester Oral & Maxillofacial Associates, PLLC is a public accommodation as defined in 42 U.S.C. § 12181(7)(F).

47. Defendant(s) subjected Ms. Brown, because she is HIV-positive to degrading and humiliating treatment including but not limited to by (1) calling her “disgusting” and a “criminal” because of her HIV-status, (2) threatening to contact her insurance company to have her coverage dropped, (3) refusing to provide Ms. Brown a prescription for her pain, (4) kicking her out of the dental office and telling her not to come back, (5) failing to provide Ms. Brown a follow-up care or a referral for follow-up care after her dental procedure, and (6) disclosing her confidential HIV information to prompt an investigation of her.

48. Defendants’ actions constitute unlawful discrimination prohibited under 42 U.S.C. § 12182 and 42 U.S.C. § 12102(2).

49. Ms. Brown has suffered damages because of Defendants’ discriminatory conduct.

50. Ms. Brown is entitled to declaratory and injunctive relief, and reasonable attorneys’ fees, litigation expenses and costs. 42 U.S.C. § 12188; 28 C.F.R. § 36.505.

Second Cause of Action
Violation of Section 504 of the Rehabilitation Act
(29 U.S.C. § 794a (as amended))

51. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs.

52. Section 504 of the Rehabilitation Act of 1973 (as amended) (hereinafter “Rehabilitation Act”) provides that:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or activity conducted by any Executive agency[.]”

29 U.S.C. § 794a (as amended).

53. Plaintiff is a qualified individual with a disability as defined in 29 U.S.C. § 705(20).

54. Defendants receive federal financial assistance.

55. Defendant(s) subjected Ms. Brown, because she is HIV-positive to degrading and humiliating treatment including but not limited to by (1) calling her “disgusting” and a “criminal” because of her HIV-status, (2) threatening to contact her insurance company to have her coverage dropped, (3) refusing to provide Ms. Brown a prescription for her pain, (4) kicking her out of the dental office and telling her not to come back, (5) failing to provide Ms. Brown a follow-up care or a referral for follow-up care after her dental procedure, and (6) disclosing her confidential HIV information to prompt an investigation of her.

56. Defendants’ actions constitute unlawful discrimination under Section 504 of the Rehabilitation Act. 29 U.S.C. § 794.

57. Ms. Brown suffered damages because of Defendants’ discriminatory conduct.

58. Ms. Brown is entitled to declaratory and injunctive relief, compensatory damages, and reasonable attorneys' fees, litigation expenses and costs. 29 U.S.C. § 794a (as amended).

Third Cause of Action

Violation of Section 1557 of the Affordable Care Act (42 U.S.C. § 18116(a))

59. Plaintiff repeats and realleges each and every allegation contained in the aforementioned paragraphs.

60. Section 1557 states, "an individual shall not, on the ground prohibited under... section 504 of the Rehabilitation Act of 1973...be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any health program or activity, any part of which is receiving Federal financial assistance . . ." 42 U.S.C. § 18116(a).

61. Defendants receive federal financial assistance.

62. Defendant(s) subjected Ms. Brown, because she is HIV-positive to degrading and humiliating treatment including but not limited to by (1) calling her "disgusting" and a "criminal" because of her HIV-status, (2) threatening to contact her insurance company to have her coverage dropped, (3) refusing to provide Ms. Brown a prescription for her pain, (4) kicking her out of the dental office and telling her not to come back, (5) failing to provide Ms. Brown a follow-up care or a referral for follow-up care after her dental procedure, and (6) disclosing her confidential HIV information to prompt an investigation of her.

63. Defendants' actions constitute unlawful discrimination under Section 1557 of the Affordable Care Act.

64. Ms. Brown suffered damages because of Defendants' discriminatory conduct.

65. Ms. Brown is entitled to declaratory and injunctive relief, compensatory damages, and reasonable attorneys' fees, litigation expenses and costs. 29 U.S.C. § 794a (as amended).

Fourth Cause of Action

Disability Discrimination in Violation of the New York State Human Rights Law (N.Y. Exec. L. § 296)

66. Ms. Brown repeats and realleges each and every allegation contained in the aforementioned paragraphs.

67. Under the New York State Human Rights Law ("NYSHRL"), it is unlawful for a public accommodation "because of the . . . disability . . . of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof . . ." N.Y. Exec. L. § 296(2)(a).

68. Plaintiff is disabled as defined in the NYSHRL. N.Y. Exec. L. § 292(21).

69. Defendant Kur is the owner, lessee, proprietor, manager, superintendent, agent or employee of a public accommodation. N.Y. Exec. L. § 296(2)(a).

70. Defendant Westchester Oral & Maxillofacial Associates, PLLC is a public accommodation as defined in the NYSHRL. N.Y. Exec. L. § 292(9).

71. Defendant(s) subjected Ms. Brown, because she is HIV-positive to degrading and humiliating treatment including but not limited to by (1) calling her "disgusting" and a "criminal" because of her HIV-status, (2) threatening to contact her insurance company to have her coverage dropped, (3) refusing to provide Ms. Brown a

prescription for her pain, (4) kicking her out of the dental office and telling her not to come back, (5) failing to provide Ms. Brown a follow-up care or a referral for follow-up care after her dental procedure, and (6) disclosing her confidential HIV information to prompt an investigation of her.

72. Defendants' actions constitute unlawful discrimination under the NYSHRL.

73. Plaintiff suffered damages because of Defendants' discriminatory conduct.

74. Plaintiff is entitled to declaratory and injunctive relief, compensatory damages, and reasonable attorneys' fees, litigation expenses and costs. N.Y. Exec. L. § 297.

Fifth Cause of Action

Disability Discrimination in Violation of the Westchester County Human Rights Law
(Westchester County Code of Ordinances § 700)

75. Ms. Brown repeats and realleges each and every allegation contained in the aforementioned paragraphs.

76. Under the Westchester County Human Rights Law, it is unlawful for "any person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation ...because of the actual or perceived group identity of any person...to refuse, withhold from or deny to such person any of the accommodations...." Westchester County Code of Ordinances § 700.04(a).

77. Under the Westchester County Human Rights Law "[g]roup identity shall mean ... disability." Westchester County Code of Ordinances § 700.02(10).

78. Plaintiff has a disability as defined in the Westchester County Human Rights Westchester County Code of Ordinances § 700.02(4) and (10).

79. Defendants are a public accommodation as defined in the Westchester County Code of Ordinances § 700.02(16).

80. Defendant(s) subjected Ms. Brown, because she is HIV-positive to degrading and humiliating treatment including but not limited to by (1) calling her “disgusting” and a “criminal” because of her HIV-status, (2) threatening to contact her insurance company to have her coverage dropped, (3) refusing to provide Ms. Brown a prescription for her pain, (4) kicking her out of the dental office and telling her not to come back, (5) failing to provide Ms. Brown a follow-up care or a referral for follow-up care after her dental procedure, and (6) disclosing her confidential HIV information to prompt an investigation of her.

81. Defendants’ actions constitute unlawful discrimination under the Westchester County Human Rights Law.

82. Defendants’ actions were willful and malicious.

83. Ms. Brown suffered damages because of Defendants’ discriminatory conduct.

84. Ms. Brown is entitled to declaratory and injunctive relief, compensatory and punitive damages, and reasonable attorneys’ fees, litigation expenses and costs. Westchester County Code of Ordinances § 700.11(h).

Sixth Cause of Action

Unauthorized Disclosure of HIV-Related Information in Violation of Article 27-F of the
New York Public Health Law
(N.Y. Public Health Law § 2780)

85. Ms. Brown repeats and realleges each and every allegation contained in the aforementioned paragraphs.

86. Ms. Brown is a “protected individual” under Article 27-F of the New York Public Health Law. N.Y. Public Health Law § 2780(6), and the regulations promulgated thereunder, 10 N.Y. Comp. Codes R. & Regs. § 63.1(f), because she has been tested for HIV and is HIV-positive.

87. Defendant Kur, a dentist, is a “health care provider” under Article 27-F of the New York State Public Health Law, N.Y. Pub. Health Law § 2780(13) and is subject to the law’s requirements and the regulations promulgated thereunder, 10 N.Y. Comp. Codes R. & Regs. Part 63.

88. Defendant Westchester Oral & Maxillofacial Associates, PLLC is a “health facility” as defined in Article 27-F of the New York State Public Health Law, N.Y. Pub. Health Law § 2780(12) and is subject to the law’s requirements and the regulations promulgated thereunder, 10 N.Y. Comp. Codes R. & Regs. Part 63.

89. Defendants obtained confidential HIV-related information about Ms. Brown in the course of providing a “health or social service,” as defined by N.Y. Public Health Law § 2780(8), and the regulations promulgated thereunder, 10 N.Y. Comp. Codes R. & Regs. § 63.1(h).

90. In disclosing Ms. Brown’s confidential HIV-related information to the Westchester County Department of Health, Defendants violated Article 27-F of the New York State Public Health Law, N.Y. Pub. Health Law N.Y. Pub. Health Law § 2782 and the regulations promulgated thereunder, 10 N.Y. Comp. Codes R. & Regs. Part 63.1, 63.2, 63.6, and 63.9.

91. Defendant’s actions were willful and malicious.

92. Defendants’ actions were not in good faith.

93. Defendants' action proximately caused and will continue to cause Ms. Brown to suffer substantial harm.

94. Ms. Brown is entitled to declaratory and injunctive relief, compensatory and punitive damages, and reasonable attorneys' fees, litigation expenses and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Court enter a judgment:

- (a) Declaring that the acts, practices and omissions complained of herein violate Title III of the American with Disabilities Act;
- (b) Declaring that the acts, practices and omissions complained of herein violate Section 504 of the Rehabilitation Act;
- (c) Declaring that the acts, practices and omissions complained of herein violate Section 1557 of the Affordable Care Act;
- (d) Declaring that the acts, practices and omissions complained of herein violate the New York State Human Rights Law;
- (e) Declaring that the acts, practices and omissions complained of herein violate the Westchester County Human Rights Law;
- (f) Declaring that the acts, practices and omissions complained of herein constitute unauthorized disclosure of confidential HIV-related information in violation of Article 27-F of the New York State Public Health Law;
- (g) Directing Defendants to take affirmative steps, including but not limited to revising policies and procedures and training employees on the requirements to comply with Title III of the American with Disabilities Act, Section 504 of the Rehabilitation Act, the New York State Human

Rights Law, the Westchester County Human Rights Law, and Article 27-F
of the New York State Public Health Law;

- (h) Ordering the Defendants to pay compensatory damages, including damages for emotional distress, pain and suffering;
- (i) Ordering the Defendants to pay punitive damages, where available;
- (j) Awarding the Plaintiff reasonable attorneys' fees, litigation expenses and costs; and,
- (k) Awarding such other and further relief as the Court deems just and proper.

Dated: November 23, 2016
New York, New York

Respectfully submitted,

S/
By: Richard Saenz, Esq.

Lambda Legal
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CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS
Yvette BrownDEFENDANTS
DR. BENJAMIN KUR, DDS AND
WESTCHESTER ORAL & MAXILLOFACIAL ASSOCIATES, PLLC

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
RICHARD SAENZ, ESQ, LAMBDA LEGAL
120 WALL ST., 19TH FL. NEW YORK, NY 10005
212-809-8585

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

29 U.S.C. § 794a; 42 U.S.C § 12133; 42 U.S.C. § 18116(a); N.Y. Exec. L. § 296; Westchester County Code of Ordinances § 700; N.Y. Publ +

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS

ACTIONS UNDER STATUTES

CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/PHARMACEUTICAL PERSONAL	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY	SEIZURE OF PROPERTY	28 USC 158	[] 376 QUI TAM
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	21 USC 881	[] 423 WITHDRAWAL	[] 400 STATE REAPPORTIONMENT
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 690 OTHER	28 USC 157	[] 410 ANTITRUST
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY		PROPERTY RIGHTS	[] 430 BANKS & BANKING
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD			[] 450 COMMERCE
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING			[] 460 DEPORTATION
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 160 STOCKHOLDERS SUITS	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 385 PROPERTY DAMAGE	STANDARDS ACT	[] 830 PATENT	[] 480 CONSUMER CREDIT
[] 165 OTHER CONTRACT CONTRACT PRODUCT LIABILITY	ACTIONS UNDER STATUTES	PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT	[] 840 TRADEMARK	[] 490 CABLE/SATELLITE TV
[] 196 FRANCHISE	CIVIL RIGHTS	PRISONER PETITIONS	[] 720 LABOR/MGMT RELATIONS	SOCIAL SECURITY	
	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 463 ALIEN DETAINEE	[] 740 RAILWAY LABOR ACT		[] 850 SECURITIES/COMMODITIES/EXCHANGE
REAL PROPERTY		[] 510 MOTIONS TO VACATE SENTENCE	[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)		[] 890 OTHER STATUTORY ACTIONS
[] 210 LAND CONDEMNATION	[] 441 VOTING	28 USC 2255	[] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS	[] 891 AGRICULTURAL ACTS
[] 220 FORECLOSURE	[] 442 EMPLOYMENT	PRISONER CIVIL RIGHTS	[] 791 EMPL RET INC SECURITY ACT (ERISA)	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ACCOMMODATIONS	[] 550 CIVIL RIGHTS	26 USC 7609	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 555 PRISON CONDITION			[] 896 ARBITRATION
[] 245 TORT PRODUCT LIABILITY	[x] 446 AMERICANS WITH DISABILITIES - OTHER	[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT			[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OF APPEAL OF AGENCY DECISION
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER INJUNCTIVE + JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN X IN ONE BOX ONLY)

- | | | | | | | |
|---|---|--|---|---|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
| | | | <input type="checkbox"/> a. all parties represented | | | |
| | | | <input type="checkbox"/> b. At least one party is pro se. | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File) | | |

(PLACE AN X IN ONE BOX ONLY)

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> 1 U.S. PLAINTIFF | <input type="checkbox"/> 2 U.S. DEFENDANT | <input checked="" type="checkbox"/> 3 FEDERAL QUESTION | <input type="checkbox"/> 4 DIVERSITY
(U.S. NOT A PARTY) |
|---|---|--|--|

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [X] 1	DEF [X] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Yvette Brown
 30 Roosevelt Drive
 W. Haverstraw, NY 10993
 Rockland County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Westchester Oral & Maxillofacial Associates, PLLC
 19 Bradhurst Ave.,
 #2500N
 Hawthorne, NY 10532
 Westchester County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.
 DO NOT check either box if this is a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN

DATE 11/23/2016 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. 12 Yr. 2015)
 Attorney Bar Code # SA6049

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)