

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

-----X  
SHAQUANA BROWN and TERRELLE STEELE,

Plaintiffs,

- against -

BROOKDALE UNIVERSITY HOSPITAL AND  
MEDICAL CENTER,

Defendants.  
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Index No.:

**VERIFIED  
COMPLAINT**

Plaintiffs, by their attorneys, DOUGLAS & LONDON, P.C., complaining of the Defendants, respectfully alleges, upon information and belief, as follows:

**AS AND FOR A FIRST CAUSE OF ACTION  
(NEGLIGENCE)**

1. Plaintiff **SHAQUANA BROWN**, was and is a resident of the County of Kings, State of New York.
2. Plaintiff **SHAQUANA BROWN** is the biological mother of Kamira Ijanay Steele.
3. Plaintiff **TERRELLE STEELE**, was and is a resident of the County of Kings, State of New York.
4. Plaintiff **TERRELLE STEELE**, is the biological father of Kamira Ijanay Steele.
5. At all times mentioned herein, Defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER** was a domestic corporation duly organized and existing under, and by virtue of, the laws of the State of New York.
6. At all times mentioned herein, the principal place of business of Defendant

**BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER** was located in the State of New York, County of Kings, more specifically, at One Brookdale Plaza, Brooklyn, New York 11212.

7. At all times mentioned herein, Defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER** owned, operated, controlled, and managed a hospital pursuant to the laws of the State of New York for the care of the sick, which provided personnel, including doctors, nurses, attendants and others for the care and treatment of its patients and which held itself out to the public as furnishing treatment facilities where patients, including Plaintiff **SHAQUANA BROWN**, could be treated for various ailments including giving birth.

8. On or about January 31, 2009, and caused exclusively through the negligence of defendant **BROOKDALE UNIVERSITY HOSPITAL MEDICAL CENTER**, its agents, servants, staff and employees, plaintiff **SHAQUANA BROWN** was caused to be given a baby that was not her own for nearly an entire day and then after being notified of this mix up of babies caused to be uncertain as to the whereabouts of her newborn infant, now known as Kamira Ijanay Steele, for at least thirty minutes.

9. On or about January 31, 2009, and caused exclusively through the negligence of defendant **BROOKDALE UNIVERSITY HOSPITAL MEDICAL CENTER**, its agents, servants, staff and employees, plaintiff **TERRELLE STEELE** was caused to be given a baby that was not his own for nearly an entire day and then after being notified of this mix up of babies caused to be uncertain as to the whereabouts of his newborn infant, known as Kamira Ijanay Steele, for at least thirty minutes.

10. That on or about January 31, 2009 defendant **BROOKDALE UNIVERSITY**

**HOSPITAL AND MEDICAL CENTER**, its agents, servants, staff and employees were negligent and careless by means of but not limited to: failing to have a proper protocol in place to prevent a newborn infant from being given to a mother and/or family other than its own; in failing to at all times know the whereabouts of plaintiffs newborn infant now known as Kamira Ijanay Steele; in failing to properly adhere to any such protocol that was in place to prevent the foregoing; in failing to timely and properly check identification bracelets so as to ensure that there was a match between the infant and the mother to whom the infant was brought; in failing to at all times be fully aware and cognizant as to the whereabouts of plaintiff's newborn infant now known as known as Kamira Ijanay Steele; in negligently failing to know the whereabouts of plaintiffs' infant now known as known as Kamira Ijanay Steele; in failing to follow all necessary protocol that was in place, or should have been in place, prior to giving plaintiff's an infant and representing that said infant was their own; in failing to check and re-check identification bands; in failing to have a proper identification protocol in place; in failing to comply with and adhere to any identification protocol that was in place; in failing to have proper safeguards in place to prevent mix up of newborn infants; in negligently complying with and adhering to rules and regulations, policy and protocol of Joint Commission on Accreditation of Healthcare Organization; in failing to properly train employees and staff with regard to how to prevent mix up of new born infants, i.e. newborn infants being given to parents not their own;

11. That on or about January 31, 2009 and while within her hospital room which was, upon information and belief, Room # 263 a newborn infant was brought to plaintiff's room.

12. Through no fault of their own, plaintiffs were caused to be furnished with the wrong baby, i.e a baby not their own, for nearly an entire day at the subject hospital.

13. The newborn given to the plaintiffs on January 31, 2009 was not their newborn infant, now known as Kamira Ijanay Steele, but rather an infant that was not their own.

14. That the nursing staff advised, represented and told plaintiffs the newborn infant brought to their room was her baby for which she had just given birth on or about January 31, 2009.

15. Plaintiffs spent a day with this newborn infant

16. Plaintiff SHAQUANA BROWN breastfed this newborn infant.

17. Plaintiffs bonded with this newborn infant.

18. For a day, plaintiffs remained with this newborn infant until the evening when the nursing staff advised plaintiffs that this newborn infant was not their infant.

19. At such time the nursing staff advised plaintiffs that there had been a mistake which included a failure to properly match identification bands.

20. On or about March 26, 2009 this defendant hospital admitted through a spokesperson that a nurse responsible for this subject infant mix up was fired.

21. After being advised that this infant was not her own, plaintiffs asked the whereabouts of their infant and the defendant hospital advised that they did not know, further compounding the horror of this event.

22. Due to the negligence and carelessness of the defendant hospital it then took at least thirty (30) minutes to locate the whereabouts of Plaintiffs' infant.

23. To further compound their misery, anguish and suffering, plaintiffs then learned that indeed their infant was in critical care in the NICU.

24. By reason of the above negligence and carelessness on part of defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, its agents, staff, servants and employees, Plaintiffs were caused to sustain severe and permanent injuries

which include but are not limited to conscious pain and suffering, shock, mental anguish, emotional anguish, stress disorder, and depression.

25. By reason of the above, Plaintiffs have sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A SECOND CAUSE OF ACTION**  
**(MEDICAL MALPRACTICE)**

26. Plaintiffs repeat and reallege each and every allegation set forth above with the same force and effect as if more fully set forth at length herein.

27. That on or about January 31, 2009 defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, its agents, servants, staff and employees were negligent, careless and deviated from good and accepted medical practice, nursing practice and hospital practice by means of but not limited to: failing to have a proper protocol in place to prevent a newborn infant from being given to a mother and/or family other than its own; in failing to at all times know the whereabouts of plaintiffs newborn infant now known as Kamira Ijanay Steele; in failing to properly adhere to any such protocol that was in place to prevent the foregoing; in failing to timely and properly check identification bracelets so as to ensure that there was a match between the infant and the mother to whom the infant was brought; in failing to at all times be fully aware and cognizant as to the whereabouts of plaintiff's newborn infant; in negligently failing to know the whereabouts of plaintiffs' infant now known as in failing to check and re-check identification bands; in failing to have a proper identification protocol in place; in failing to comply with and adhere to any identification protocol that was in place; in failing to have proper safeguards in place to prevent the newborn mix up; in negligently complying with and adhering to rules and regulations, policy and protocol of Joint Commission on Accreditation of Healthcare Organization.

28. Through no fault of their own, plaintiffs were caused to be furnished with the wrong baby for nearly an entire day at the subject hospital.

29. That the nursing staff advised, represented and told plaintiffs the newborn infant brought to their room was their baby for which plaintiff SHAQUANA BROWN had just given birth on or about January 31, 2009.

30. Plaintiffs spent a day with this newborn infant.

31. Plaintiff SHAQUANA BROWN breastfed this newborn infant.

32. Plaintiffs bonded with this newborn infant.

33. For a day, plaintiffs remained with this newborn infant until the evening when the nursing staff advised plaintiffs that this newborn infant was not their infant.

34. At such time the nursing staff advised plaintiffs that there had been a mistake which included, but was not limited to, a failure to properly match identification bands.

35. On or about March 26, 2009 this defendant hospital admitted through a spokesperson that a nurse responsible for this newborn infant mix up was fired.

36. After being advised that this infant was not their own, plaintiffs asked the whereabouts of their infant, and the defendant hospital advised that they did not know further compounding the horror of this event.

37. Due to the negligence and carelessness of the defendant hospital it then took at least thirty (30) minutes to locate the whereabouts of plaintiffs' infant.

38. To further compound their misery, anguish and suffering, Plaintiffs then learned that indeed their infant was in critical care in the NICU.

39. By reason of the above negligence, carelessness and malpractice on part of defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, its agents, staff, servants and employees, Plaintiffs were caused to sustain severe and

permanent injuries which include but are not limited to conscious pain and suffering, shock, mental anguish, emotional anguish, stress disorder, and depression.

40. By reason of the above, Plaintiffs have sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION**  
**(NEGLIGENT SUPERVISION/TRAINING/HIRING)**

41. Plaintiffs repeats and realleges each and every allegation set forth above with the same force and effect as if more fully set forth at length herein.

42. Defendant, **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, owed a duty to Plaintiff **SHAQUANA BROWN** and to plaintiff **TERRELLE STEELE**, to hire, train, and supervise its agents, servants, staff and employees such that said individuals would be wholly and entirely familiar with the process by which to ensure that newborn infants were always matched with and given only to their respective mothers and/or respective family members.

43. Defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, by its agents, servants, staff and employees, was negligent in hiring and supervising and training its staff.

44. Defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, by its agents, servants, staff and employees, was negligent in promulgating rules and regulations, protocol, procedure and/guidelines for the purpose of preventing the mix up of newborn infants, i.e. to prevent a newborn infant from being given to anyone other than its own family.

45. Defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL**

**CENTER**, by its agents, servants, staff and employees, was negligent in adhering to its own rules and regulations, protocol, procedure and/guidelines, which upon information and belief existed at the time, and which pertained to ensuring that newborn infants were given to no one other than its own family.

46. Defendant, **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER** by its agents, servants, staff, and employees, was negligent in hiring, supervising, and reviewing credentials of its staff and employees including but not limited to nursing staff and hospital staff and in failing to set proper standards to prevent mix up of infants after birth.

47. That at all times hereinafter mentioned, the Defendant, **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, by its agents, servants, and/or employees was negligent in failing to periodically review the performance and qualifications of its staff.

48. Upon information and belief, and at all times hereinafter mentioned, defendant, **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER** negligently breached their statutory and common-law duties owed to Plaintiffs.

49. As a direct and proximate result of the foregoing negligence of defendant **BROOKDALE UNIVERSITY HOSPITAL AND MEDICAL CENTER**, by its agents, servants, staff and employees, plaintiffs sustained serious and permanent injuries including but not limited to severe conscious pain and suffering, shock, stress disorder, nightmares, depression, anxiety, mental and emotional anguish as a result thereof, and that the aforementioned negligence was a proximate cause of plaintiff's injuries.

50. By reason of the above, Plaintiff **SHAQUANA BROWN** and plaintiff

**TERRELLE STEELE** has sustained damages, both general and special, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION  
(NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS)**

51. Plaintiffs repeats and realleges each and every allegation set forth above with the same force and effect as though set forth herein at length.

52. At all times hereinafter mentioned, the defendant, Defendant was negligent and careless causing plaintiffs to be given the wrong infant for a day.

53. At all times hereinafter mentioned, defendant was negligent and careless in failing to at all times know the whereabouts of plaintiffs' newborn infant, now known as Kamira Ijanay Steele.

54. At all times hereinafter mentioned, Defendant was negligent and careless in failing to at all times being able to communicate to plaintiffs the whereabouts of their newborn infant, now known as Kamira Ijanay Steele.

55. At all times hereinafter mentioned, Defendant was negligent and careless by failing to know the whereabouts of plaintiffs' infant at the time that said defendant advised plaintiff that the infant she had spent the day with was not her own.

56. In permitting plaintiffs to be in a state of panic, shock, and fear for at least thirty (30) minutes while this defendant hospital sought to figure out the whereabouts of plaintiff's newborn infant, now known as Kamira Ijanay Steele.

57. The aforesaid acts and/or omissions and/or dilatory conduct and delay on the part of defendant was a direct and proximate cause of the plaintiff **SHAQUANA BROWN's** severe and permanent injuries which include but are not limited to severe conscious pain and suffering, shock, stress disorder, nightmares, depression, anxiety, mental and emotional

anguish as a result thereof, and that the aforementioned negligence was a proximate cause of plaintiff's injuries.

58. The aforesaid acts and/or omissions and/or dilatory conduct and delay on the part of defendant was a direct and proximate cause of the plaintiff **TERRELLE STEELE's** severe and permanent injuries which include but are not limited to severe conscious pain and suffering, shock, stress disorder, nightmares, depression, anxiety, mental and emotional anguish as a result thereof, and that the aforementioned negligence was a proximate cause of plaintiff's injuries.

59. That defendant knew or should have known that their negligence and carelessness would cause plaintiffs profound emotional distress and mental anguish.

60. That the negligence of the defendant did cause plaintiffs to suffer profound emotional distress and mental anguish in that through their negligence and carelessness plaintiffs were furnished with the wrong baby and caused to be uncertain as to the whereabouts of their own baby for which plaintiff Shaquana Brown had given birth that very day.

61. That the negligence of the defendant did cause plaintiffs to suffer profound emotional distress and mental anguish in that through their negligence and carelessness plaintiff was caused to wait at least thirty minutes after in panic, shock and fear not knowing where their newborn infant was after having been advised that the baby that she had spent the day with was not her own.

62. By reason of the foregoing negligence of defendants herein, Plaintiffs have sustained great pain, agony, injury, suffering, disability, mental anguish and emotional distress.

63. By reason of defendants negligence herein, plaintiffs sustained severe injuries and damages and demands judgment in an amount and award that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**AS AND FOR A FIFTH CAUSE OF ACTION  
(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS)**

64. Plaintiffs repeat and reallege each and every allegation set forth above with the same force and effect as though set forth herein at length.

65. The foregoing actions and inactions on the part of Defendant amounted to extreme, outrageous, and utterly intolerable conduct designed or intended to inflict emotional distress on the plaintiffs, or was otherwise done with reckless disregard.

66. Defendant intended to inflict and/or were substantially certain that the plaintiffs would suffer severe emotional distress given the herein described actions and inactions on the part of the defendant.

67. Defendant further intended to inflict and/or were substantially certain that the plaintiffs would suffer severe emotional distress if caused to be given the wrong baby and if caused to be uncertain as to the whereabouts of their own infant.

68. By reason of the above foregoing acts by the defendants, Plaintiffs were caused to sustain great pain, agony, injury, suffering, disability, mental anguish and emotional distress.

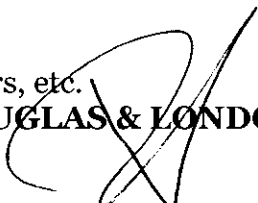
69. By reason of the above, Plaintiffs have sustained severe emotional and mental distress, injuries and damages, and demands an amount, that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiffs demand judgment against the Defendant herein in an amount which exceeds the jurisdictional limitations of all lower courts which would otherwise have jurisdiction over this action on the First, Second, Third, Fourth and Fifth causes of action alleged herein, together with interest, costs and disbursements of this action, attorneys fees, and such other relief that the court may deem just and proper. Plaintiff further seeks and demands Punitive and exemplary damages for the wanton acts of the Defendant who demonstrated a complete disregard and indifference to the safety and

welfare of the general public and to the Plaintiffs herein, in an amount sufficient to punish the Defendants and deter similar conduct.

Dated: New York, New York  
April 21, 2009

Yours, etc.  
**DOUGLAS & LONDON, P.C.**



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