

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

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TREVOR C. NOAH,

Plaintiff,

Index No.: 805381/2021

-against-

VERIFIED ANSWER

RILEY J. WILLIAMS III, M.D. and HOSPITAL FOR
SPECIAL SURGERY,

Defendants.

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Defendant RILEY J. WILLIAMS III, M.D., by his attorneys, HEIDELL,
PITTONI, MURPHY & BACH, LLP, upon information and belief, answers the Verified
Complaint herein as follows:

FIRST: Denies knowledge or information sufficient to form a belief as to the
allegations contained in the paragraph of the complaint designated “1” and otherwise begs
leave to refer all questions of law to the court and all questions of fact to the trier thereof.

SECOND: Denies knowledge or information sufficient to form a belief as to
the allegations contained in the paragraph of the complaint designated “2” and “3” except
admits that at times not specifically set forth in the Complaint the answering defendant was and
is a physician duly licensed to practice medicine in the State of New York with an office
located in the County, City and State of New York and otherwise begs leave to refer all
questions of law to the court and all questions of fact to the trier thereof.

THIRD: Denies knowledge or information sufficient to form a belief as to the
allegations contained in the paragraph of the complaint designated “4” through “10” and
otherwise begs leave to refer all questions of law to the court and all questions of fact to the
trier thereof.

FOURTH: Denies the allegations contained in the paragraph of the complaint designated "11" except admits that at certain times not specifically set forth in the Complaint the answering defendant had and has a certain professional relationship with HOSPITAL FOR SPECIAL SURGERY and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

FIFTH: Denies the allegations contained in the paragraph of the complaint designated "12" and "13" and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO A FIRST CAUSE OF ACTION

SIXTH: Answering the paragraph of the complaint designated "14" defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the complaint designated "1" through "13" with the same force and effect as if herein set forth at length.

SEVENTH: Denies the allegations contained in the paragraphs of the complaint designated "15" through "18" and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

EIGHTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the complaint designated "19," "23," "24," "25," and "26" except admits that at times not specifically set forth in the Complaint, the answering defendant rendered certain professional services to and for TREVOR C. NOAH in accordance with accepted standards of medical care and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

NINTH: Denies the allegations contained in the paragraphs of the complaint designated "20" except admits that at times not specifically set forth in the Complaint, the

answering defendant had and has a certain professional relationship with HOSPITAL FOR SPECIAL SURGERY and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

TENTH: Denies knowledge or information sufficient to form a belief as to the allegations contained in the paragraphs of the complaint designated “21” and “22” except admits that at times not specifically set forth in the Complaint that the answering defendant was and is Board Certified in Orthopedic Surgery and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

ELEVENTH: Denies the allegations contained in the paragraphs of the complaint designated “27” through “34” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO THE SECOND CAUSE OF ACTION

TWELFTH: Answering the paragraph of the complaint designated “35,” defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the complaint designated “1” through “34” with the same force and effect as if herein set forth at length.

THIRTEENTH: Denies the allegations contained in the paragraphs of the complaint designated “36” through “40” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

AS AND TO THE THIRD CAUSE OF ACTION

FOURTEENTH: Answering the paragraph of the complaint designated “41,” defendant repeats and realleges each and every denial and admission in answer to the paragraphs of the complaint designated “1” through “40” with the same force and effect as if herein set forth at length.

FIFTEENTH: Denies the allegations contained in the paragraphs of the complaint designated “42” through “46” and otherwise begs leave to refer all questions of law to the court and all questions of fact to the trier thereof.

SIXTEENTH: Any paragraph of the complaint not answered is deemed denied.

FOR A FIRST DEFENSE

FIRST: That whatever damages may have been sustained at the time and place alleged in the complaint by plaintiff were caused, in whole or in part, by the culpable conduct of plaintiff and without any negligence on the part of defendant. Damages, if any, are to be diminished proportionally to the culpable conduct of the plaintiff.

FOR A SECOND DEFENSE

SECOND: That as to the cause of action set forth in the complaint based upon alleged failure to obtain an informed consent, defendant pleads the defenses in Public Health Law, Section 2805-d.

FOR A THIRD DEFENSE

THIRD: The court does not have jurisdiction of the person of the defendant because defendant was not properly served with a copy of the summons and complaint.

FOR A FOURTH DEFENSE

FOURTH: That the equitable share of liability, if any, of defendant RILEY J. WILLIAMS III, M.D., shall be determined pursuant to the provisions of Article 16 of the CPLR.

FOR A FIFTH DEFENSE

FIFTH: That one or more of the causes of action in the complaint fail to state a cause of action upon which relief may be granted.

FOR A SIXTH DEFENSE

SIXTH: That this defendant reserves the right to amend its answers and/or affirmative defenses that may be determined applicable in the future by discovery in this matter.

FOR A SEVENTH DEFENSE

SEVENTH: This action is barred or defendant is entitled to a set-off against any award herein as plaintiff has previously recovered sums for all or part of the damages claimed herein.

FOR A EIGHTH DEFENSE

EIGHTH: Plaintiff has failed to mitigate his alleged damages.

FOR A NINTH DEFENSE

NINTH: The amount of alleged damages claimed by plaintiff should be reduced pursuant to CPLR §4545 to the extent of any collateral source benefits, remuneration or compensation plaintiff has received.

WHEREFORE, defendant RILEY J. WILLIAMS III, M.D. demands judgment dismissing the complaint herein, together with the costs and disbursements of this action.

Dated: White Plains, New York
January 6, 2022

Yours, etc.,

HEIDELL, PITTONI, MURPHY & BACH, LLP

By: 

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TO: JUSTIN BLITZ, ESQ.
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VERIFICATION

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

ROBERT B. GIBSON, deposes and says:

I am a partner of the firm of HEIDELL, PITTONI, MURPHY & BACH, LLP, attorneys for defendant **RILEY J. WILLIAMS III, M.D.**, in the above-entitled action.

I have read the forgoing VERIFIED ANSWER and know the contents thereof; it is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief; and so to those matters I believe it to be true. The sources of my information and the grounds of my belief are statements and documents relative to the matters referred to the annexed VERIFIED ANSWER.

The reason this verification is made by me and not by defendant, is because defendant **RILEY J. WILLIAMS III, M.D.** is not present within the County of Westchester which is where this attorney maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Papers and records of said defendant.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: White Plains, New York
January 6, 2022



ROBERT B. GIBSON, ESQ.