

NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

TUCKER COBURN,

Plaintiff,

-against-

NEW YORK - PRESBYTERIAN HOSPITAL; and  
DARIUS A. PADUCH, M.D.,

Defendants.

Index No.:

**SUMMONS**

Plaintiff designates New York  
County as the place of trial.

The basis of venue is the location in  
which a substantial part of the events  
or omissions giving rise to plaintiff's  
claims occurred.

**Adult Survivors Act Proceeding**  
(S66 §214-j)


TO THE ABOVE-NAMED 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 attorneys within 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, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 5, 2023

Respectfully Yours,

PFAU COCHRAN VERTETIS AMALA PLLC

By   
\_\_\_\_\_  
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NEW YORK STATE SUPREME COURT  
NEW YORK COUNTY

TUCKER COBURN,

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-against-

NEW YORK - PRESBYTERIAN HOSPITAL; and  
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**COMPLAINT**

**Adult Survivors Act Proceeding**  
(S66 §214-j)

Plaintiff Tucker Coburn, by and through his attorneys, Mallory C. Allen and Vincent T. Nappo of the law firm Pfau Cochran Vertetis Amala PLLC, respectfully alleges for his complaint the following:

**I. INTRODUCTION**

1. This complaint is based on Defendant Darius A. Paduch’s sexual assault and exploitation of Plaintiff Tucker Coburn when he was a patient at Defendant New York - Presbyterian Hospital.

**II. PROCEEDING IN ACCORDANCE WITH CPLR 214-J**

2. This complaint is filed pursuant to the Adult Survivors Act (ASA), 2022 Sess. Law News of N.Y. (S. 66A) and CPLR 214-j. The enactment of the ASA allows Plaintiff to pursue restorative justice in New York State for the sexual abuse he suffered at the hands of Dr. Darius Paduch when he was a patient at New York – Presbyterian Hospital.

**III. PARTIES**

3. Plaintiff Tucker Coburn is an adult male who currently resides in the State of New York.

4. As an adult, Tucker Coburn was a victim of one or more criminal sex acts in the State of New York at the hands of defendant New York - Presbyterian Hospital's doctor, defendant Dr. Darius Paduch, including sex acts that would constitute a sexual offense that revive Plaintiff's claims against Defendants under the Adult Survivors Act, such as NY Penal Laws 130.52 and 130.60. Those revived claims, as well as others, form the basis for this lawsuit.

5. Upon information and belief, Defendant Dr. Darius A. Paduch ("Dr. Paduch") is an adult male who resides in Hudson County, New Jersey and practiced medicine in New York, New York.

6. At all relevant times Defendant New York - Presbyterian Hospital ("New York-Presbyterian Hospital") was a New York not-for-profit corporation organized under New York law with its principal place of business in New York, New York.

7. At all relevant times defendant New York - Presbyterian Hospital conducted business as "New York - Presbyterian," "New York - Presbyterian Hospital," "New York - Presbyterian/Weill Cornell Medical Center," "New York - Presbyterian/Weill Cornell," and "Weill Cornell Medical Center." All such entities are collectively referred to herein as "New York - Presbyterian Hospital."

8. At all relevant times defendant New York - Presbyterian Hospital used defendant Dr. Paduch as one of its employees, agents, or servants, including as a doctor at its medical facilities and locations where he provided services to adults and minors on behalf of defendant New York - Presbyterian Hospital for its material benefit. Dr. Paduch served as an Associate Professor of Reproductive Medicine and Urology at Weill-Cornell Medical Center, and was the Director of Sexual Health and Medicine in the Department of Urology.

9. To the extent that defendant New York - Presbyterian Hospital was, or operated as, a different entity, corporation, or organization when defendant Dr. Paduch used his position as a

doctor with New York - Presbyterian Hospital to sexually abuse Plaintiff Tucker Coburn, such entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in the caption and in this complaint as New York - Presbyterian Hospital.

10. To the extent that defendant New York - Presbyterian Hospital is a successor to a different entity, corporation, or organization that existed when defendant Dr. Paduch used his position as a doctor with New York - Presbyterian Hospital to sexually abuse Plaintiff, or that may be liable for defendant Dr. Paduch's sexual abuse Plaintiff in this lawsuit, including "New York - Presbyterian," "New York - Presbyterian Hospital," "New York - Presbyterian/Weill Cornell Medical Center," "New York - Presbyterian/Weill Cornell," and "Weill Cornell Medical Center," or any other entity, corporation, or organization that subsequently or eventually merged into defendant New York - Presbyterian Hospital, such predecessor entity, corporation, or organization is hereby on notice that it is intended to be a defendant in this lawsuit and is named in the caption and in this complaint as defendant New York - Presbyterian Hospital.

11. All such New York - Presbyterian Hospital-related entities, corporations, or organizations are collectively identified and referred to herein as "New York - Presbyterian Hospital."

#### **IV. JURISDICTION AND VENUE**

12. Venue is proper because defendant New York - Presbyterian Hospital is a not-for profit corporation authorized to transact business in New York with its principal office located in New York, New York.

13. Venue is proper because New York is the county in which a substantial part of the acts or omissions giving rise to Plaintiff's claim occurred.

14. The amount of damages sought exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**V. STATEMENT OF FACTS**

15. Plaintiff Tucker Coburn repeats and re-alleges the above allegations.

16. Upon information and belief, at all relevant times defendant New York - Presbyterian Hospital managed, maintained, supervised, operated, and controlled the medical facilities, locations, and equipment, of defendant New York - Presbyterian Hospital, New York-Presbyterian/ Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities, locations, and equipment that defendant Dr. Darius Paduch used to sexually abuse Plaintiff.

17. At all relevant times defendant New York - Presbyterian Hospital hired, managed, supervised, and controlled the doctors, nurses, medical personnel, administrators, and staff that worked and / or volunteered at its medical facilities and locations, including defendant Dr. Paduch and all other persons who worked and/or volunteered at New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by defendant Dr. Darius Paduch.

18. At all relevant times defendant New York - Presbyterian Hospital held itself out to the public as the owner of its medical facilities and locations, including the medical facilities and locations of New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by defendant Dr. Darius Paduch.

19. At all relevant times defendant New York - Presbyterian Hospital held out its agents, servants, and employees to the public as those who managed, maintained, supervised, operated, and controlled its medical facilities and locations, including the medical facilities and locations of New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical

Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by defendant Dr. Darius Paduch.

20. At all relevant times defendant New York - Presbyterian Hospital held out its agents, servants, and employees to the public as those who hired, managed, supervised, and controlled the doctors, nurses, medical personnel, administrators, and staff that worked and/or volunteered at its medical facilities and locations, including defendant Dr. Darius Paduch and all other persons who worked and / or volunteered at New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by Dr. Darius Paduch.

21. At all relevant times defendant New York - Presbyterian Hospital materially benefited from the operation of its medical facilities and locations, including New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by defendant Dr. Darius Paduch.

22. At all relevant times defendant Dr. Darius Paduch was a doctor of defendant New York - Presbyterian Hospital who worked and / or volunteered at its medical facilities and locations, including New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center, and the medical facilities and locations where Plaintiff was sexually abused by defendant Dr. Darius Paduch.

23. At all relevant times defendant Dr. Darius Paduch was an agent and employee of defendant New York-Presbyterian Hospital.

24. At all relevant times defendant New York - Presbyterian Hospital held defendant Dr. Darius Paduch out to the public, and to Plaintiff as its agent and employee.

25. At all relevant times defendant New York - Presbyterian Hospital held defendant Dr. Darius Paduch out to the public, and to Plaintiff as having been vetted, screened, and approved to serve as one of its agents and employees, and as a preeminent expert in his field.

26. At all relevant times defendant Dr. Darius Paduch was acting in the course and scope of his employment as an agent of defendant New York - Presbyterian Hospital.

27. At all relevant times defendant Dr. Darius Paduch was acting in the course and scope of his employment as an employee of defendant New York - Presbyterian Hospital.

28. At all relevant times defendant Dr. Darius Paduch had or used offices or examination rooms on the premises of defendant New York - Presbyterian Hospital and/or Weill Medical Center.

29. Defendant Dr. Darius Paduch used his position as an agent and employee of defendant New York - Presbyterian Hospital to sexually abuse Plaintiff while using its medical facilities, locations, and equipment.

30. Defendant New York - Presbyterian Hospital used defendant Dr. Darius Paduch to provide services to Plaintiff and others for its material benefit.

31. Defendant New York - Presbyterian Hospital had the right to supervise, manage, and control Dr. Darius Paduch when he provided services to Plaintiff and others on its behalf and for its material benefit.

32. Before defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use his position as its agent and employee to sexually abuse Plaintiff, defendant New York - Presbyterian Hospital knew or should have known that its employees or agents, including doctors, would use their position of authority to sexually abuse patients.

33. Before defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use his position as its agent and employee to sexually abuse Plaintiff, defendant New

York - Presbyterian Hospital knew or should have known that defendant Dr. Darius Paduch was using his position as its agent to sexually abuse patients. Indeed, upon information and belief, an employee complained about Dr. Paduch's inappropriate sexual behavior to Human Resources in 2012, but New York - Presbyterian Hospital failed to take any action to protect patients.

34. Before defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use his position as its agent and employee to sexually abuse Plaintiff, defendant New York - Presbyterian Hospital knew or should have known that defendant Dr. Darius Paduch would use his position as its agent to sexually abuse Plaintiff.

35. Defendant New York - Presbyterian Hospital took no steps to prevent defendant Dr. Paduch from using his position as its agent and employee to sexually abuse Plaintiff or the other patients that Dr. Paduch sexually abused.

36. Defendant New York - Presbyterian Hospital took no steps to prevent defendant Dr. Paduch from using the tasks, premises, and instrumentalities of his position as its agent and employee to sexually abuse Plaintiff, including its medical facilities, locations, and equipment at defendant New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, and Weill Cornell Medical Center.

37. From approximately June 2016 until January 2019, defendant Dr. Darius Paduch used his position as an agent and employee of defendant New York - Presbyterian Hospital to sexually abuse Plaintiff when Plaintiff was his patient and without his consent.

38. Plaintiff was in the care, custody, and control of defendant New York - Presbyterian Hospital when he was sexually abused by defendant Dr. Darius Paduch, while he was being "treated" using its medical facilities, locations, and equipment.



39. Defendant Dr. Darius Paduch's sexual assault of Plaintiff occurred in the examination rooms at defendant New York-Presbyterian Hospital, where defendant Dr. Darius Paduch worked as a physician and urologist.

40. Defendant Dr. Darius Paduch's sexual assault of Plaintiff occurred under the guise and pretext of Dr. Paduch providing "medical treatment" to Plaintiff, who was his patient.

41. Defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use his position as its agent and employee to sexually abuse Plaintiff.

42. Defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use his position as its agent and employee to sexually abuse and exploit Plaintiff in multiple ways, including encouraging Plaintiff to view pornography; convincing Plaintiff that his "medical treatment" required defendant Dr. Darius Paduch to fondle Plaintiff's penis, measure his erections, and masturbate Plaintiff. In the context of this abuse, Dr. Darius Paduch pressed his erect penis against Plaintiff, and demonstrated evidence of his own sexual arousal to Plaintiff.

43. In approximately January 2017, a concerned nurse with New York - Presbyterian Hospital asked if Plaintiff would speak to another patient who was also abused by Dr. Paduch – indicating that this nurse believed that Plaintiff, too, had been sexually abused. Despite this knowledge, New York - Presbyterian Hospital did nothing to investigate or prevent the continued sexual abuse of patients.

44. Indeed, in approximately September 2020, Plaintiff wrote to New York - Presbyterian Hospital to inform them that he had been sexually abused by Dr. Paduch, and that he had reported the abuse to the police. New York - Presbyterian Hospital failed to even respond to Plaintiff's notification.

45. Defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to use the tasks, premises, and instrumentalities of his position as its agent and employee to

sexually abuse Plaintiff, including its medical facilities, locations, and equipment at defendant New York - Presbyterian Hospital, New York - Presbyterian/ Weill Cornell Medical Center, Weill Cornell Medical Center.

46. Defendant New York - Presbyterian Hospital allowed defendant Dr. Darius Paduch to sexually abuse Plaintiff using property that was owned, operated, and/or controlled by defendant New York - Presbyterian Hospital, including its medical facilities, locations, and equipment at defendant New York - Presbyterian Hospital, New York - Presbyterian/ Weill Cornell Medical Center, Weill Cornell Medical Center.

47. Defendant New York - Presbyterian Hospital knew or should have known that its negligent conduct would inflict severe emotional and psychological distress, as well as personal physical injury, on others, including Plaintiff, and he did in fact suffer severe emotional and psychological distress and personal physical injury because of its wrongful conduct.

48. By reason of the wrongful acts and omissions of defendants New York - Presbyterian Hospital and Dr. Darius Paduch as detailed herein, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil, a severe shock to his nervous system, physical pain and mental anguish, and emotional and psychological damage.

49. Upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

## **VI. CAUSES OF ACTION**

### **A. FIRST CAUSE OF ACTION - NEGLIGENCE**

50. Plaintiff Tucker Coburn re-alleges the paragraphs set forth above.

51. Defendant New York - Presbyterian Hospital had a duty to take reasonable steps to protect Plaintiff Tucker Coburn from foreseeable harm when Plaintiff was in its care, custody, and control, including when Plaintiff was a patient at defendant New York - Presbyterian Hospital and was receiving treatment using its medical facilities, locations, and equipment.

52. Defendant New York - Presbyterian Hospital breached the foregoing duty by failing to exercise reasonable care to prevent defendant Dr. Darius Paduch from sexually abusing Plaintiff when Plaintiff was in its care, custody, and control, including when the Plaintiff was a patient of defendant New York - Presbyterian Hospital and was receiving treatment using its medical facilities, locations, and equipment.

53. Defendant New York - Presbyterian Hospital also had a duty to take reasonable steps to prevent defendant Dr. Darius Paduch from using the tasks, premises, and instrumentalities of his position of authority as its agent and employee to sexually abuse Plaintiff, including its medical facilities, locations, and equipment at defendant New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center.

54. Defendant New York - Presbyterian Hospital breached the foregoing duty by failing to exercise reasonable care to prevent defendant Dr. Darius Paduch from using the tasks, premises, and instrumentalities of his position as its agent to sexually abuse Plaintiff, including its medical facilities, locations, and equipment at defendant New York - Presbyterian Hospital, New York-Presbyterian/Weill Cornell Medical Center, Weill Cornell Medical Center.

55. Defendant New York - Presbyterian Hospital breached the foregoing duties by failing to exercise reasonable care in supervising defendant Dr. Darius Paduch when he was using its tasks, premises, and instrumentalities, including failing to investigate complaints and concerns about his behavior; failing to exercise reasonable care in training its other agents and employees to supervise defendant Dr. Darius Paduch, including recognizing signs that he was using his

position to sexually abuse patients; failing to exercise reasonable care in supervising Plaintiff while the Plaintiff was in its care, custody, and control, including allowing defendant Dr. Darius Paduch to have unsupervised contact with Plaintiff; and, failing to warn Plaintiff that defendant Dr. Darius Paduch may pose a danger to Plaintiff in that he might use his position to sexually abuse him.

56. As a direct and proximate result of the wrongful acts and omissions of defendant New York-Presbyterian Hospital, defendant Dr. Darius Paduch was able to use his position as its agent to sexually abuse Plaintiff.

57. As a direct and proximate result of the wrongful acts and omissions of defendant New York-Presbyterian Hospital, Plaintiff sustained physical and psychological injuries, including but not limited to, severe emotional and psychological distress, humiliation, fright, dissociation, anger, depression, anxiety, family turmoil and loss of faith, a severe shock to his or her nervous system, physical pain and mental anguish, and emotional and psychological damage, and, upon information and belief, some or all of these injuries are of a permanent and lasting nature, and Plaintiff has and/or will become obligated to expend sums of money for treatment.

#### **B. SECOND CAUSE OF ACTION - ASSAULT**

58. Plaintiff Tucker Coburn re-alleges the paragraphs set forth above.

59. In committing and threatening to commit the sexual assault and exploitation described herein, defendant Dr. Darius Paduch had the real and apparent ability to cause imminent harmful or offensive bodily contact to Plaintiff and intentionally did a menacing act which threatened such contact to Plaintiff, when Plaintiff was his patient.

60. The sexual assault and exploitation, and threatened sexual assault and exploitation, by defendant Dr. Darius Paduch caused apprehension of such contact in Plaintiff.

61. The alleged conduct constituted assault.

62. As a direct and proximate result of that intentional harmful or offensive conduct, Plaintiff suffered general and special damages.

**C. THIRD CAUSE OF ACTION – BATTERY**

63. Plaintiff Tucker Coburn re-alleges the paragraphs set forth above.

64. In committing the sexual assault and exploitation described herein, defendant Dr. Darius Paduch touched Plaintiff, a patient, without Plaintiff's informed consent and with the intention of causing harmful or offensive bodily contact to Plaintiff.

65. The alleged conduct constituted battery.

66. As a direct and proximate result of that intentional harmful or offensive contact, Plaintiff suffered general and special damages.

**D. FOURTH CAUSE OF ACTION - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

67. Plaintiff Tucker Coburn repeats and re-alleges all of his allegations above and below.

68. Defendant Dr. Darius Paduch engaged in reckless, extreme, and outrageous conduct by sexually assaulting and exploiting Plaintiff when Plaintiff was a patient under the guise of providing medical treatment.

69. Defendant Dr. Darius Paduch's misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard by defendant Dr. Paduch of the consequences that would follow.

70. Defendant Dr. Darius Paduch knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on Plaintiff, and Plaintiff did in fact suffer severe emotional and psychological distress and

personal physical injury as a result, including severe mental anguish, humiliation, and emotional and physical distress.

71. Defendant New York-Presbyterian Hospital engaged in reckless, extreme, and outrageous conduct by providing Dr. Paduch with access to patients – both minors and adults – including Plaintiff, despite knowing that he would likely use his position to groom and to sexually abuse patients, including Plaintiff. New York-Presbyterian Hospital’s misconduct was so shocking and outrageous that it exceeds the reasonable bounds of decency as measured by what the average member of the community would tolerate and demonstrates an utter disregard of the consequences that would follow.

72. As a result of this reckless, extreme, and outrageous conduct, Dr. Paduch gained access to Plaintiff and sexually abused him.

73. New York-Presbyterian Hospital knew that this reckless, extreme, and outrageous conduct would inflict severe emotional and psychological distress, including personal physical injury, on others, and Plaintiff did in fact suffer severe emotional and psychological distress and personal physical injury as a result, including severe mental anguish, humiliation and emotional and physical distress.

#### **VII. NO APPORTIONMENT OF LIABILITY**

74. Pursuant to CPLR 1603, the foregoing causes of action are exempt from the operation of CPLR 1601 by reason of one or more of the exemptions provided in CPLR 1602, including but not limited to, CPLR 1602(2), CPLR 1602(5), 1602(7) and 1602(11), thus precluding defendants from limiting their liability by apportioning some portion of liability to any joint tortfeasor.

#### **VIII. JURY DEMAND**

75. Plaintiff Tucker Coburn hereby demands a trial by jury.

**IX. PRAYER FOR RELIEF**

76. WHEREFORE, Plaintiff Tucker Coburn demands judgment against defendants New York - Presbyterian Hospital and Dr. Darius Paduch for his respective causes of action, together with compensatory and punitive damages, and the interest, cost and disbursements pursuant to his causes of action, and such other and further relief as the Court deems just and proper.

77. Plaintiff Tucker Coburn specifically reserves the right to pursue additional causes of action, other than those outlined above, that are supported by the facts pleaded or that may be supported by other facts learned in discovery.

Dated: April 5, 2023

Respectfully Yours,

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