

STATE OF NEW YORK

SUPREME COURT COUNTY OF [Insert County]

[Insert Caption]

Plaintiff

VERIFIED BILL OF PARTICULARS

Index No: [Insert Index Number]

vs.

RJI No: [Insert RJI]

Defendant

Plaintiffs, [Insert Plaintiff(s) Name(s)], Individually, and [Insert Name] as Administrator of the Estate of [Insert Name of Decedent], by and through their attorneys, [Name of Law Firm] as and for a verified bill of particulars in response to the demand of Defendants, [Insert Name(s) of Defendant(s)], state as follows:

1. The date and approximate time of day of each occurrence complained of in this action.

ANSWER:

a) Plaintiff [Insert Decedent's Name] died at the [Insert Hospital Name] in the morning of [Insert Time]. He was listed in the relevant records as being admitted at [Insert Time] pm on [Insert Date], although his actual admission to the floor was later.

2. The approximate location where each occurrence took place.

ANSWER:

Plaintiff [Insert Decedent's Name] died at the [Insert Defendant Hospital's Name], [Insert Address].

3. Each and every act of omission and commission constituting the negligence with which the plaintiff(s) charge the answering defendant(s).

ANSWER:

Plaintiff objects to this demand as being improper in that it calls for evidentiary material or information in the form of, or to be gleaned from, expert testimony and, therefore, such demand is overly broad, improper and beyond the scope of a bill of particulars. *Dellaglio v. Paul*, 250 A.D.2d 806, 673 N.Y.S.2d 212 (2d Dep't 1998); *Heyward v. Ellenville Cmty. Hosp.*, 215 A.D.2d 967, 627 N.Y.S.2d 167 (3d Dep't 1995); *Patterson v. Jewish Hosp. & Med. Ctr. of Brooklyn*, 94 Misc. 2d 680, 405 N.Y.S.2d 194 (Sup. Ct., Kings Co.), *aff'd*, 65 A.D.2d 553, 409 N.Y.S.2d 124 (2d Dep't 1978).