

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

Index No.

SHIRA NAHUM

Plaintiff,

**VERIFIED
COMPLAINT**

- against -

**LASERKLINIC, LLC, MORGAN OSTAD
SARA COHEN, NEW YORK STATE
ATTORNEY GENERAL ANDREW CUOMO.**

Defendant.

The plaintiff, by her attorneys, Jon B. Felice & Associates, P.C., as and for her
Complaint in this action, hereby alleges:

1. Plaintiff Shira Nahum is an individual who resides at 130 Lennox Avenue.,
New York, New York 10026(hereinafter "plaintiff").

2. Defendant LASERKLINIC, LLC is a DOMESTIC Limited Liability
Company conducting business at several addresses including but not limited to 2818
Steinway Street, Suite 301, Astoria , New York and 31-24 Steinway Street, Astoria, New
York 11103.

3. That defendant Morgan Ostad, upon information and belief, is a supervisor and
independent contractor of LaserKlinik, LLC who works at the above-stated premises in
Astoria, and defendant Sara Cohen, upon information and belief, is an employee or
independent contractor of Laserklinik, LLC who works at the above-stated premises in
Astoria.

4. That defendant New York State Attorney General Andrew Cuomo, with offices located at 120 Broadway, New York, New York 10271 , is named as defendant herein to protect the citizens of the State of New York from deceptive business practices and false advertising by defendants and to enjoin them from continuing their business without proper protections, disclosures and warnings to consumers.

FACTUAL HISTORY OF THE CLAIMS

5. That the defendant LaserKlinik LLC (hereinafter "LLC") advertises on the internet including but not limited to laser hair removal, laser skin tightening, laser vein removal, laser tattoo removal, laser acne removal, photo facials, cellulite reduction, chemical peels, microdermabrasion, smartlipo, botox, etc.

6. That in connection with hair laser removal, the defendant LaserKlinik LLC, represented hair can be removed from all parts of the body, including th legs, arms, back and that following hair removal, "you can return to normal activity right away" and that there are "few side effects" including "slight reddening...these effects typically last for several hours or less" and that Laser hair removal safely and effectively treats all skin types as well as tanned skin" and that "we use a broad range of lasers that have proven effectiveness for all types of skin colors."

7. That defendant LLC further represented "LaserKlinik has the most professional and friendly staff in the industry and all of our medical treatments are performed by our plastic surgeon medical director."

8. That in or about March, 2009, in reliance upon the representations made and the

services that were offered on the internet by the LLC, plaintiff made an appointment and met with the LLC and their supervisor ,defendant Morgan Osad.

9. That at no time was the plaintiff ever advised of the possibility of long lasting damage to the skin, permanent marks or long-lasting pain and suffering.

10. That upon information and belief, any and all laser hair removal procedures are required to be done by licensed hair removal specialist.

11. That the defendants represented that all laser hair removal procedures were done by licensed hair removal specialist.

12. That the plaintiff relied upon the representations of the defendants and proceeded to engage their services beginning in March, 2009.

13. That plaintiff paid the defendant LLC two thousand five hundred dollars as a deposit for the removal of hair on her arms, stomach and back.

14. That during the first procedure on her arms, in March 2009, plaintiff complained of the pain, including burning and extreme redness of her skin during the procedure.

15. That defendant LLC and supervisor Ostad told the plaintiff not to worry and that the redness would go away and that ice would take away all of the pain.

16. That plaintiff was going to stop payment on the check and cease further treatment, however, the defendant Ostad assured plaintiff that "everything would be fine" and that when she came back for the remaining procedures, that they would use a different machine, which would be less painful and have less damage to the plaintiff's

skin.

17. That based upon their representations and promises, plaintiff went back a second time in April, 2009 to have laser hair removal on her back and stomach.

18. That the alleged licensed person who conducted the second procedure was defendant Sara Cohen and she stated that the prior skin irritation and damage was a result of using the wrong machine, "for bright skin", as opposed to a different machine for "darker skin."

19. That during the second procedure, similar to the first, plaintiff complained throughout the process and indicated that she was in terrible pain and that something must be wrong since the skin was getting extremely red, irritated and damaged.

20. That defendant Cohen continued with the procedure despite the repeated warnings from plaintiff that something seemed wrong and in view of the pain and suffering she was enduring.

21. That upon information and belief, the defendants improperly used their machines and kept the laser in the same place for too long and did not follow required procedures and protocol given the plaintiff's skin type and skin color.

22. That upon information and belief, the defendants Ostad and Cohen may not be licensed for hair laser removal.

23. That upon information and belief, the defendant LLC did not have proper staff, supervision or screening of its employees/contractors and were negligent in hiring unqualified persons to work at the LASERKLINIC LLC and who were not properly certified or trained as required by law in New York.

24. That since the two procedures in March and April 2009, plaintiff's skin has never healed and remains permanently discolored, red, irritated, scarred and the plaintiff is permanently disfigured on her arms, back and stomach.

25. That during the last year, plaintiff has endured tremendous pain and suffering, embarrassment, discomfort, anxiety, depression, loss of appetite and has been substantially limited in activities, life and enjoyment.

26. That plaintiff's skin continues to remain polka dotted and is noticeably scarred to such an extent that any lay person can immediately see that something is very wrong and that the skin is terribly damaged, permanently damaged and that it has not and will not heal.

27. That plaintiff continues to suffer pain and to have depression, anxiety and loss of appetite, loss of the ability to concentrate, lack of desire to have sex or be seen without her clothes, pain and suffering, and all do to the defendant's actions, jointly and severally.

28. That the defendants' action have irreparably harmed the plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION

29. Plaintiff repeats and realleges each of the allegations stated hereinabove as though stated herein in their entirety with all of the same force and effect.

30. That the defendants have acted in a negligent or grossly negligent manner in treating the plaintiff as stated herein.

31. That the defendants each owed a duty of reasonable care and professional conduct and to undertake the procedures in a medically sound manner.

32. That the defendants each breached that duty to the plaintiff which resulted in foreseeable harm and which actually caused such harm to the plaintiff.

33. That plaintiff has been damaged by the defendants in an amount to be determined at the time of trial but in no event less than a million dollars..

34. That based upon the egregious conduct, negligence and gross negligence, plaintiff seeks punitive damages against the defendants in the sum of 5,000,000.00, or in such amount as the court deems appropriate given the unconscionable and grossly negligent actions of each of the defendants.

AS AND FOR A SECOND CAUSE OF ACTION

35. Plaintiff repeats and realleges each of the allegations stated hereinabove as though stated herein in their entirety with the same force and effect.

36. That the defendants each made fraudulent representations about the risks involved in the procedures and failed to provide adequate notice to plaintiff of potential problems, with the intent to deceive the plaintiff and omit required warnings, thereby depriving her of the right to give informed consent to the procedures and damaging her.

37. That plaintiff relied upon the willful representations made to her including but not limited to that the procedure had no risk, that the reddening would go away in a few hours, that ice would solve the problem, that her skin was fine and that different machines could be used without any scarring or pain to plaintiff.

38. That plaintiff reasonably relied upon such statements, which proved to be false, and suffered damages as a direct result of the defendants' false representations.

39. That based upon the willful conduct of defendants, jointly and severally, plaintiff seeks damages in the sum of 1,000,000.00, plus punitive damages in the sum of \$5,000,000.00.

AS AND FOR A THIRD CAUSE OF ACTION

40. Plaintiff repeats and realleges each and every allegation stated hereinabove as though stated herein in their entirety with all of the same force and effect.

41. That the plaintiff's body has been permanently disfigured do to the actions of each of the defendants.

42. That as a result of the appearance of her body, plaintiff can not conduct her life in a normal manner and is self-conscience to be naked or to expose her skin to anyone.

43. That plaintiff was unable to maintain a relationship with her companion do to the mental anguish she would suffer and the humiliation each time she would attempt to disrobe.

44. That the mental anguish, psychological damage and depression suffered by the plaintiff was a direct and foreseeable result of the defendants' actions.

45. That plaintiff has become withdrawn, irritable, lost focus, endured pain and mental suffering do to the defendants' collective acts.

46. That based upon the defendant's negligent infliction of emotional distress plaintiff has been damaged in the sum of 1,000,000 and seeks punitive damages in the sum of 5,000,000.00.

AS AND FOR A FOURTH CAUSE OF ACTION

47. Plaintiff repeats and realleges each of the allegations stated hereinabove as

though stated herein in their entirety with the same force and effect.

48. That the representations and agreements between the parties created a binding contract.

49. That the defendants, jointly and severally, have breached that contract by failing to provide the services that were promised and in the manner that was represented by defendants.

50. That based upon the breach of contract, plaintiff has been damaged in an amount to be determined at trial, but in no event less than 1,000,000.00.

51. That based upon the egregious nature of defendants' actions, plaintiff seeks punitive damages in the sum of 5,000,000.00 as a punishment and deterrence from defendants continuing to conduct business in and unfair and egregious manner.

AS AND FOR A FIFTH CAUSE OF ACTION

52. Plaintiff repeats and realleges each and every allegation stated hereinabove as though stated herein in their entirety with all of the same force and effect.

53. That upon information and belief, the defendants have engaged in deceptive business practice in violation of New York State Law.

54. That the deception comes from making false advertisements and false statements to lure potential customers with the intent to mislead them, obtain money from them, knowing full well the substantial risks that exist and which they willfully omitted telling their customers including plaintiff so as to benefit themselves financially.

55. That based upon the deceptive business practice, plaintiff seeks damages in the sum of 1,000,000.00 plus punitive damages in the sum of 5,000,000.00.

56. That based upon the foregoing, plaintiff seeks a permanent injunction, enjoining the defendants from continuing to conduct their business in New York State without full and proper disclosure.

57. That the defendant Andrew Cuomo, as New York State Attorney General, is named as a defendant herein , for the purpose of protecting the citizens of the State of New York from deceptive business practices from defendants and to take such action as needed to prevent future disfigurement of citizens of the State, while the defendants make a profit and to assure that proper disclosure and warnings are made of risks to persons of the State engaging the services of defendants, and further to investigate and enjoin the defendants from doing business in the state without proper licensing and disclosures to consumers.

WHEREFORE, plaintiff seeks judgment against the defendants jointly and severally, as follows:

1. On the first cause of action for negligence and/or gross negligence for damages in the sum of 1,000,000.00, plus 5,000,000.00 in punitive damages.

2. On the second cause of action for fraud, including fraudulent representations and false advertising in the sum of 1,000,000.00 plus punitive damages in the sum of 5,000,000.00

3. On the third cause of action for negligent infliction of emotional distress in the sum of 1,000,000.00 plus punitive damages in the sum of 5,000,000.

4. On the fourth cause of action, for breach of contract in the sum of 1,000,000.00

plus punitive damages in the sum of 5,000,000.00

5. On the fifth cause of action, for deceptive business practices in the sum of 1,000,000.00 plus punitive damages in the sum of 5,000,000 AND for an injunction, barring the defendants from conducting business in New York State without proper licensing, disclosures and warnings of potential risks to customers.

6. For such other and further relief as the court deems just and proper including awarding all attorneys fees, costs and expenses incurred by plaintiff by virtue of defendants' conduct.

Yours, etc.

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