

Sally Broad Esq., Attorney for Olean General Hospital Caught Red Handed Committing Fraud Upon the Court

OLEAN GENERAL HOSPITAL - Discover just how Corrupt the Cattaraugus County Supreme Court is, but how far...



★ Violation of Patient's HIPAA Rights Multiple Times



★ Medical Malpractice

★ Altered Documents by Olean General Hospital's Attorney

★ Violation of Federal Billing Law



★ Nepotism and Patronage



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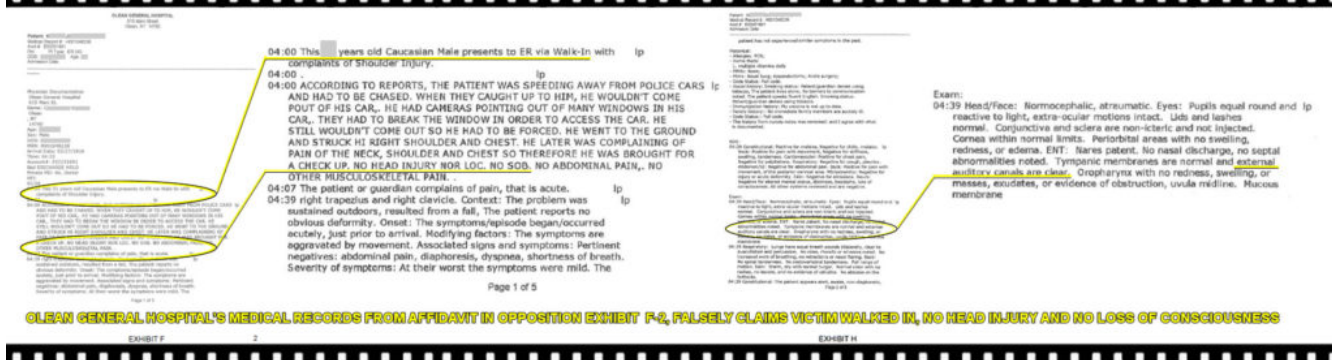
Attorney for Olean General Caught Red Handed Filing Altering Evidence in Lawsuit Against Hospital.

In 2016 a victim of the corruption that permeates Cattaraugus County through [multi generational nepotism](#) and friends was brought to the Olean General Hospital (OGH) after his car was blocked in and his window was shot out by former Ellicottville Police Officer Cori Kowalski. The event was videotaped. Or we should say parts of it were, they too were illegally edited.

The victim was carrying the certified copies of a court of appeal that he had just received from another victim of county corruption. The victim, a local constitutional rights advocate was then violent pulled from his car, thrown to the ground rendering him unconscious. He was then stomped upon by the criminals masquerading as cops. When the victim regained consciousness, he could feel the pressure of what appeared to be the jackboot of one of the criminals. It was a dark, rural county road in the dead of winter. One only needs to turn on the nightly news to see that people have had enough because corrupt cops are not being held accountable. They get a free pass, including murder, [especially in this county](#). However, the worst was yet to come....

The victim was taken to OGH with blood still following from his ear restrained to the stretcher. Upon entry to OGH the victim reported that he was knocked out. He was then wheeled into one of the emergency rooms. He was attended to by one Doctor Louis G Prumbs. "M.D."

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A CAT scan was taken of his shoulder due to the pain he was experiencing. However, no CAT scans were ordered or taken for his head injury. The victim left OGH with the blood flow pattern still present in handcuffs and 'escorted' by the same criminal that had just assaulted him.

The victim found his way home after being held against his will, went to sleep. When he awoke he had large spans of memory missing and in severe pain. While he was sitting down his left ear started itching. It was then he discovered a dried pattern of blood emanating from his left ear. He took pictures. About one week later the victim experienced a stroke, or stroke like symptoms.

The victim obtained certified copies of the medical reports, which included Dr. Prumbs. NO MENTION OF HIS HEAD INJURIES ANYWHERE. Nothing... It also stated that there was not reported loss of consciousness (LOC). The reports also stated the the victim had walked in.

So, the victim started researching Dr. Prumbs. Dr. Prumbs has a list of medical malpractice lawsuits spanning decades. The victim would discover the Prumbs was not even listed on the Olean General Hospital website in violation of [New York Pub Health L § 24, part 6 \(d\)](#). Who was trying to hide what?

[Click here to review the lawsuits.](#) The names of the people who sued Prumbs and OGH are redacted. The last lawsuit occurring in 2019. This information was acquired at the Cattaraugus County Clerks office that is publicly accessible to We the People, i.e. you.

During a follow-up the victim described the symptoms. The victim eventually had an appointment scheduled with specialists at ECMC. However, unknown person(s) would cancel the appointment. Who wanted to hide what?

The victim frantically contacted ECMC to reschedule the original appointment, which he managed to do so. However, it was about one year later. As time progressed some of the symptoms diminish. They say

time heals all wounds... not with neurological injuries.

So the victim files a lawsuit against Prumbs, OGH and others claiming, in part, malpractice for failure to document, diagnose and treat the victim's head injuries among a host of other injuries including violation of federal law.

Sally Broad, the Attorney for OGH demanded that the victim provided them with an answer to their Bill of Particulars. A Bill of Particulars is a detailed, formal, written statement of charges or claims by a plaintiff or the prosecutor given upon the defendant's formal request to the court for more detailed information. It can be in affidavit form, which the victim's answer was. The victim also included exhibits with his 'verified answer'. The Bill of Particulars dated February 6, 2019. It was a total of 55 pages including one compact disk. 15 pages was the verified answer and the remaining 40 were exhibits. The exhibits included the medical reports of Prumbs that made no mention of the victim's head injuries and the photographic evidences that clearly showed that victim did sustain head injuries.

The Bill of Particulars was divided basically into three sections;

1. The verified answer that detailed the reasons for the lawsuit
2. The pictures of the victims head injuries
3. The medical reports of Prumbs that were directly contradicted by the pictures, therefore, 2 and 3 being the primary fact in dispute for a jury to decide.

Remove either 2 or 3 from the equation, guess what? The suing party failed to provide the evidentiary facts or materials to rebut the Prumbs' medical malpractice.

According to the court, when a party sues, they have to [prove a contradiction](#), a fact in dispute for the jury to decide. When a motion to dismiss is filed a party suing has to provide evidence that there is a fact in dispute. In a medical malpractice action, the victim, in opposition to a defendant physician's summary judgment motion, must submit evidentiary facts or materials to rebut the prima facie showing by the defendant physician that he was not negligent in treating plaintiff so as to demonstrate the existence of a triable issue of fact (*Fileccia v Massapequa Gen. Hosp.*, 63 N.Y.2d 639, affg 99 A.D.2d 796; *Neuman v Greenstein*, 99 A.D.2d 1018; *Buonagurio v Drago*, 65 A.D.2d 830, lv denied 46 N.Y.2d 708), and to prove it is a triable matter the party suing must show it is an accepted standard of care in the medical community. In this matter Prumbs' actions are supported by the hospital records however it is rebutted with factual proof plaintiff's claim of malpractice in the form of photographs of the Plaintiff entering the hospital, being treated in the hospital leaving the hospital with his head injuries not treated in any manner. (*Witt v Agin*, 67 N.Y.2d 919, affg 112 A.D.2d 64; *Winegrad v New York Univ. Med. Center*, 64 N.Y.2d 851, supra; *Fileccia v Massapequa Gen. Hosp.*, 63 N.Y.2d 639, affg 99 A.D.2d 796, supra; *Neuman v Greenstein*, 99 A.D.2d 1018, supra).

Fast forward, the victim is allowed to file another amended complaint by the court to add additional claims, the court also asks the victim to supply a supplemental bill of particulars verified answer to support his additional claims, which he does. This Bill of Particulars answer is ten pages with two CD's. When the answer references evidence, it only refers to the CD. It does not even mention the word 'exhibit'.

So the 2nd amended complaint and supplemental Bill of Particulars verified answer, dated July 29, 2019, was submitted. Like clockwork the defendants file their Motions to Dismiss. Defendant OGH filed theirs with exhibits. They would allege in their Motion that the victim was only allowed to add two additional claims, the transcript proved otherwise. It was a total of 271 pages. The Motion itself was 16 pages long. The rest was exhibits. Attached as exhibits were both the February 6, 2019 and July 29, 2019 Bill of Particulars answers.

The February 6, 2019 Bill of Particulars answer was attached as Exhibit D. The July 29 2019 Bill of Particulars answer was attached as Exhibit G.

Plaintiff would discover that Sally Broad had altered the Bill of Particulars. She had removed some of the pictures, the double billing federal crime evidence and ALL OF THE MEDICAL RECORDS of the victim. Remember what we said about a party suing a doctor has to prove that there is/are facts in dispute? By Broad removing the medical records the record would show that the victim did not present a fact(s) in dispute for the jury to decide.

This is fraud upon the court. Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. *Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985). When Extrinsic Fraud occurs it typically is accompanied by Demurrers, Motion for Summary Judgment and other means of avoiding Discovery regarding the Gravamen of the Complaint. The solution of the aggrieved party is usually a result of Declaratory Judgment without relief. A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court, *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999).

In *Matter of Holden*, 271 N.Y. 212, 216 (N.Y. 1936)

A judgment may be vacated when procured by fraud on the court but not for fraud between the original parties in some remote transaction. To justify a court in setting aside and vacating a judgment on the ground of fraud, the fraud complained of must have been practiced in the very act of obtaining the judgment. (*Mayor v. Brady*, [115 N.Y. 599, 614.](#))

“Undoubtedly fraud practiced on the court in the very act of procuring a judgment or order will justify a court in vacating such judgment or order. (Cf. 34 C.J. p. 282, where many cases are cited illustrating the rule.)” *Holden*, *supra*, at 218

In this matter concerning the victim the fraudulently altered documents that the attorney for Olean General Hospital was proffered to the court, not between the “between the original parties in some remote transaction”. This is the intrinsic versus extrinsic requirement for fraud upon the court. In *CDR Creances S.A.S. v. Cohen*, 15 N.E.3d 274, 284 (N.Y. 2014);

We adopt this standard and conclude that in order to demonstrate fraud on the court, the **nonoffending party must establish by clear and convincing evidence that the offending “party has acted knowingly in an attempt to hinder the fact finder's fair adjudication of the case and his adversary's defense of the action”** (*McMunn*, 191 F.Supp.2d at 445, citing *Skywark v. Isaacson*, 1999 WL 1489038, *14, 1999 U.S. Dist. LEXIS 23184, *50–51 [S.D.N.Y., Oct. 14, 1999, No. 96 Civ. 2815(JFK)], *affd.* 2000 WL 145465, 2000 U.S. Dist. LEXIS 1171 [S.D.N.Y., Feb. 9, 2000]). A court must be persuaded that the fraudulent conduct, **which may include proof of fabrication of evidence, perjury, and falsification of documents concerns “issues that are central to the truth-finding process”** (*McMunn*, 191 F.Supp.2d at 445).

Essentially, fraud upon the court requires a showing “that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's claim or defense” (*McMunn*, [191 F.Supp.2d at 445](#), quoting *Aoude*, [892 F.2d at 1118](#)).

A finding of fraud on the court may warrant termination of the proceedings in the nonoffending

party's favor (see e.g. *McMunn*, [191 F.Supp.2d at 462](#) [(defendant) deserves the harsh sanction of dismissal"]; *Shangold*, 2006 WL 71672, *5, 2006 U.S. Dist. LEXIS 748, *15 [plaintiffs' fabrication of evidence warrants dismissal]; *Hargrove v. Riley*, [2007 WL 389003, *11](#), [2007 U.S. Dist. LEXIS 6899, *37–39](#) [E.D.N.Y., Jan. 31, 2007, No. CV–04–4587 (DGT)] [same]; *DAG Jewish Directories*, 2010 WL 3219292, *5, 2010 U.S. Dist. LEXIS 82388, *17 [same]). For “when a party lies to the court and [its] adversary intentionally, repeatedly, and about issues central to the truth-finding process, it can fairly be said that [the party] has forfeited [the] right to have [the] claim decided on the merits” (*McMunn*, [191 F.Supp.2d at 445](#)). Therefore, once a court concludes that clear and convincing evidence establishes fraud on the court, it may strike a pleading and enter a default judgment.

In victims matter the attorney for Olean General Hospital altered two separate documents of the victim, *i.e. the Bills of Particulars*, that victim had served them with. They then proffered them to the court and in doing so also pointed to the importance of the Bill of Particulars in alleging the victim had failed to state a claim. Broad made this a material fact;

36. Furthermore, to the extent that plaintiff may argue that he cured the deficiencies in his pleading with the service of his bill of particulars, it is well established that the “purpose of the bill of particulars is to amplify the pleadings ..., and [it] ‘may not be used to supply allegations essential to a cause of action that was not pleaded in the complaint’ ”. *Paterra v. Arc Dev. LLC*, 136 AD3d 474, 475 (1st Dept. 2016) (emphasis added; citations omitted).

37. As such, plaintiff’s complaint fails to state a cause of action for medical malpractice and plaintiff’s First and Fourth “claims” should be dismissed.

When the victim raised the fraud in his Motion to Renew/Reargue that defendants had committed with their Motion to Dismiss, the defendant moved the have via a cross motion to have Plaintiff’s Motion to Renew/Reargue ‘removed’ from the record in an attempt to cover up the fraud upon the court defendants committed. To add insult to injury, the attorney for OGH would attach to their cross motion a realtered version of the victim’s July 29, 2019 verified Bills of Particulars answer to assist them in their attempted coverup. OGH would also allege that the victim had made defamatory towards the attorney and defendants, however Sally Broad refused to quote or reference any of the alleged defamatory statements. “the particular [defamatory] words that were said, who said them and who heard them, when the speaker said them, and where the words were spoken.” *Glazier v Harris*, 99 AD3d 403, 404, which Defendant failed to do so.

They would also allege that the victim was harassing them. The victim had only seen the defendants once, on February 27, 2016. He has not personally seen or personally communicated with them since. If the court were to issue an order to remove the victims Motion to Reargue/Renew, the cover up would be complete because the evidence of the fraud upon the court would be removed by the court from the record.

Sally Broad would also demand the victim be held to a higher standard than herself, who is not a licensed attorney and acting pro-se. The fraud upon the court is now in front of the judge. What will he do? much more to come...

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