APPENDIX

18-2905

Sun v. City of New York

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPEALLATE PROCEDURE 32.1 AND THIS COURTS LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3rd day of March, two thousand twenty.

PRESENT: ROBERT A. KATZMANN,
Chief Judge,

AMALYA L. KEARSE,
JOSEPH F. BIANCO
Circuit Judges.

LINGFEI SUN,

Plaintiff-Appellant,

v. 18- 2905

City of New York, New York City Health
And Hospital Corporation, Elmhurst Hospital
Sergeant Joseph Cunningham,
Dr. Yuanfang Chen, Dr. Samuel Sostre,
Dr. Shanwan Chen, Dr. Mihai Iordache,
Dr. Yun Li, Dr. Hyekyung Lee,
Dr. Richard Wang, Youdu Li, Qiyin Li,
Linngor Tsang,

Defendants-Appellees,

New York Police Department, P.O. Steven
Grattan, P.O. Neil Zuber, P.O. Terrance
Connelly, P.O. Hugo Dominguez, Jennifer
Shaw, John Due Tenant,

Defendants.[1]

FOR PLAINTIFF-APPELLANT: LINGFEI SUN,
Pro Se,

Elmhurst, NY,

---

[1] The Clerk of Court is directed to amend the caption to conform to the above.

FOR DEFENDANTS-APPELLEES:

Eva L. Jerome, Jane L. Gordon, for Zachary W. Carter, Corporation Counsel of the City of New York, New York, NY.

Appeal from a judgment of the United States District Court for the Eastern District of New York (Dearie, *J.*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is **AFFIRMED** in part, **VACATED** in part, and **REMANDED** with instructions to dismiss surviving state law claims without prejudice.

Appellant Lingfei Sun, proceeding pro se, appeals the district court's judgment dismissing her 42 U.S.C. §1981 and §1983 and state law claims against a collection of defendants. Sun's claims arose from incidents that allegedly took place in August 2003, January 2005, March 2005, and July 2005, during which police officers removed her from her apartment and brought her to Elmhurst Hospital, where she was confined against her will. In 2006, Sun filed two actions in state court concerning these events, and the underlying federal action was filed in 2007. The district court stayed the federal action pending resolution of the state court proceeding, then lifted the stay on April 18, 2017. Defendants moved to dismiss all of Sun's claims on claim preclusion ground, and the district court granted the motion in a decision entered on September 12, 2018. Sun timely appealed. We assume the parties' familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

Sun appeals the district court's judgment insofar as it dismissed her claims against the following defendant-appellees: The New York City Health and Hospital Corporation ("HHC") and Elmhurst Hospital, where Sun was allegedly confined; Doctors Yuanfang Chen, Samuel Sostre, Shanwan Chen, Mihai Jordache, Yun Li, Hyekyung Lee, and Richard Wang, who were allegedly employed by Elmhurst and involved in Sun's confinement; NYPD Sergeant Joseph Cunningham, who was allegedly involved in removing from her apartment during one of the incidents above; Qiyin Li, Youdu Li, and Linngor Tsang, who are private individuals who were allegedly involved in Sun's removal from her apartment; and the City of New York.

Beginning with HHC, Elmhurst Hospital, Yuanfang Chen, Shanwan Chen, Mihai Iordache, Yun Li, Hyekyung Lee, and Richard Wang, we hold that the district court properly granted defendants' motion to dismiss on claim preclusion grounds. Sun raised identical claims against each of these defendants in state court in connection with her treatment at Elmhurst, and in an order dated August 3, 2011, the state court dismissed the claims after finding that some of Sun's claims were time barred and others were meritless. Because "a final judgment on the merits of an action precludes the parties from relitigating issues that were or could have been raised in that action,' *Duane Reade, Inc. v. St. Paul Fire & Marine Ins. Co.*, 600 F.3d 190, 195 (2d Cir.

2010),[2] Sun was not permitted to renew these claims in federal court.[3]

Likewise, Sun is precluded from bring her claims against Samuel Sostre. Although the August 3, 2011 order did not dismiss Sun's claims against Sostre-indeed, it appears that Sostre was never served in the state court action-the doctrine of collateral estoppel bars Sun's claims against Sostre in the instant case. "Under New York law, collateral estoppel prevents a party from relitigating an issue decided against that party in a prior adjudication." *Fucksberg & Fuchsber v, Galizia*, 300 F. 3d 105, 109 (2d Cir. 2002). "It may be invoked to preclude a party from raising an issue (1) identical to an issue already decided (2) in a previous proceeding in which that party had a full and fair opportunity to litigate." *Id.* Because the claims against Sostre are identical to those brought against the other doctors at Elmhurst, and because those latter claims were dismissed in a proceeding during which Sun had a full and fair opportunity to litigate, Sun's claims against Sostre also fail.

Sun is not precluded from bring her claims against Cunningham, who was allegedly involved in removing Sun from her apartment during the January 2005 incident. Although the state dismissed similar claims in an order dated July 2, 2013, the dismissal was based on Sun's failure to seek a default

---

[2] Unless otherwise indicated, in quoting cases, all internal quotation marks, alterations, emphases, footnotes, are and citations are omitted.

[3] "A dismissal on statute of limitations grounds is considered a dismissal on the merits for claim preclusion purposes and bars a second action." *Karmel v. Delfino*, 740 N.Y.S.2d 373, 374 (2d Dep't 2002).

judgment within one year, *see* N.Y.C.P.L.R. §3215(c), and "[a] dismissal under [§3215 (c)] ... is not on the merits unless the court specifically notes that it is a merits dismissal ... and does not bar a new action between the parties on the same cause of action," *Shepard v. St. Agnes Hosp.,* 446 N.Y.S.2d 350, 352 (2d Dep't 1982); *see e.g., Rodrigues v. Samaras,* 987 N.Y.S.2d 78, 81 (2d Dep't 2014). The state court's July 2, 2013 order did not state that its §3215 (c) dismissal was on the merits. Nonetheless, dismissal of Sun's claims against Cunningham in the present action was appropriate because Sun's complaint alleges only that Cunningham "made false arrest and falsely imprisonment of the plaintiff." Special App's 18. These allegations are conclusory and fail to state a claim. *See Interpharm, Inc. v. Wells Fargo bank, Nat. Ass'n,* 655 F.3d 136, 141 (2d Cir. 2011). Sun's claims against the City of New York likewise fail because she does not allege any municipal policy, custom, or practice that caused her injury. *See Monell v. Dep't of Soc. Servs.,* 436 U.S. 658, 690-91 (1978).

Ordinarily, we would not approve of dismissing a pro se complaint without giving the plaintiff an opportunity to amend "at least once when a liberal reading of the complaint gives any indication that a valid claim might be stated." *Chavis v. Chappius,* 618 F. 3d 162, 170 (2d Cir. 2010). Leave to amend may be denied, however, where it appears that amendment would be futile or result in undue prejudice. *See Ruotolo v. City New York,* 514 F.3d 184, 191 (2d Cir. 2008). Given the lengthy history of this litigation and Sun's failure to clarify either the role that Cunningham allegedly played in the January 2005 incident or the basis for municipal liability, we conclude that this case presents an exceptional

circumstance in which leave to amend is inappropriate.

Finally, with respect to Qiyin Li, Youdu Li, and Linngor Tsang, we respectfully disagree with the district court, which held that Sun's claims precluded. As with Sostre, it appears that these defendants were never served and that Sun's claims against them were never dismissed in state court. In contrast with Sostre's situation, however, the state court did not address identical (or even similar) claims to those brought against Qiyin Li, and Linngor Tsang. In any event, it was appropriate to dismiss the federal claims that Sun brought against these defendants. Sun's claims under 42 U.S.C. §1981 fail because Sun never alleged any cognizable from of discrimination. *See Mian v. Donaldson, Lufkin & Jenrette Sec. Corp.*, 7 F.3d 1085, 1087 (2d Cir. 1993) (per curiam). And Sun's claims under §1983 fail because there is no allegation that Qiyin Li, Youdu Li, or Linnor Tsang acted under color of state law. *See Hollander v. Copacabana Nightclub*, 624 F. 3d 30, 33 (2d Cir. 2010) (per curiam).[4]

This leaves Sun's state law claim against Qiyin Li, Youdu Li, and Linngor Tsang. "[I]n the usual case in which all federal-law claims are eliminated before trial, the balance of factors to be considered ... will point to toward declining to exercise jurisdiction over the remaining state-law claims." *Carnegie-Mellon Univ. v. Cohill,* 484 U.S. 345, 350 n. 7 (1988). Because all of Sun's federal claims were properly dismissed,

---

[4] We conclude, moreover, that granting leave to amend would be inappropriate for reasons similar to those discussed in the context of Sun's claim against Cunningham and the City of New York.

"we vacate that portion of the district court's order dismissing with prejudice [Sun's] appealed state-law claims and remand the case with instructions to dismiss those claims without prejudice," *Kolari v. New York-Presbyterian Hosp.*, 455 F. 3d 118, 119 (2d Cir. 2006).

We have considered all of Sun's remaining arguments and find them to be without merit. Accordingly, the judgment of the district court is **AFFIRMED**, except insofar as dismissed with prejudice Sun's state law claims against Qiyin Li, Youdu Li, and Linngor Tsang. The dismissal of those state law claims is **VACATED,** and the case is **REMANDED** with instructions to dismiss those claims without prejudice.

FOR THE COURT:

Catherine O' Hagan Wolfe, Clerk of Court

UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27th day of April, two thousand twenty.

Docket No: 18-2905

LINGFEI SUN,

Plaintiff-Appellant,

v.

City of New York, New York City Health and Hospitals Corporation, Elmhurst Hospital, Sergeant Joseph Cunningham, Dr. Yuanfang Chen, Dr.Samuel Sostre, Dr. Shanwan Chen, Dr. Mihai Iordache, Dr.Yun Li, Dr. Hyekyung Lee, Dr. Richard Wang, Youdu Li, Qiyin Li, Linngor Tsang,

Defendants -Appellees,

New York Police Department, P.O. Steven Grattan, P.O. Neil Zuber, P.O. Terrance Connelly, P.O. Hugo Dominguez, Jennifer Shaw, John Doe Tenant,

Defendants.

ORDER

Appellant, Lingfei Sun, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O' Hagan Wolfe, Clerk

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---

07 CV 04868 (RJD) (CLP)

LINGFEI SUN,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

DEARIE, District Judge:

MEMORANDUM & ORDER

OVERVIEW

Plaintiff, Lingfei Sun, bring this action, pro se, pursuant to 42 U.S.C. §§ 1981 and 1983. She alleges violations of the First, fourth, Eight, and Fourteenth Amendments and claim malicious prosecution, false arrest, false imprisonment, intentional infliction of emotional distress, and assault and battery based on four separate periods of involuntary hospitalization and treatment at Elmhurst Hospital. Defendants move to dismiss on the basis of claim preclusion. Defendants' motion to dismiss is granted.

BACKGROUND

On November 21, 2007, Plaintiff commenced this action against Defendants the City of New York, the

New York City Health and Hospital Corporation ("HHC"), Elmhurst Hospital, former Police Officer Steven Grattan, Police Officer Neil Zuber, Police Officer Terrance Connelly, Police Officer Hugo Dominguez, Police Officer Sgt. Cunningham, Yuanfang Chen M.D., Samuel S. Sostre M.D., Chen Shanwan M.D., Mihai Iordache M.D., Li Yun M.D., Richard Wang M.D., Hyekyung Lee M.D., Youda Li, Qiyin Li, Linngor Tsang, and John Doe ("Defendants"). [1] See Compl. ¶ ¶ 1-5. [2] . These allegations stem from four separate incidents in, August 2003[3], January 2005, March 2005, and July 2005, in which Police Officers entered Plaintiff's home, placed her in custody, and transported her to Elmhurst Hospital, where she was involuntarily admitted for periods ranging from 5 to 59 days. Id.

Prior to filing this action, Plaintiff brought two similar suits, arising from the same incidents, in New York Supreme Court, Queens County. The first suit,

---

[1] Plaintiff also named the New York City Police Department ("NYPD") and Jennifer Shaw as Defendants, but on March 23, 2009, this Court dismissed Defendant NYPD because it is not a suable entity, and dismissed Defendant Shaw, without prejudice, based on Plaintiff's failure to timely serve her with process. See ECF No.33.

[2] Plaintiff did not number the paragraphs in her original verified complaint. All references are to the numbered copy of the complaint attached to the Defendants' motion. (See Kiran H. Rosenklide Decl., Ex. A.) After briefing closed on the present motion, Plaintiff amended her complaint to reflect the full names of four individual Defendant Police Officers now named in the case (Officers Grattan, Zuber, Connelly, Dominguez). See ECT Nos. 30, 32.

[3] This Court dismissed all claims relating to the alleged August 2003 incident as time barred on March 23, 2009. See ECF No. 33.

hereinafter referred to as the "First Action," filed on March 31, 2006, related to three incidents of involuntary hospitalization that occurred in August 2003, January 2005 and March 2005. Sun v. City of New York, No. 5240/06 (N.Y. Sup. Ct.2006). The second suit, hereinafter referred to as the "Second Action," filed on September 8, 2006, related to the Plaintiff's hospitalization in July 2005. Sun v. City of New York, No. 19895/06 (N.Y. Sup. Ct. 2006). On March 23, 2009, this Court stayed the instant action pending the state court's final decision on the merits on both Plaintiff's state court actions. See Dkt. No. 33.

On December 3, 2010, the Supreme Court, Queens County consolidated the First and Second Action. See Sun v. City of New York, 99 A.D.3d 673 (N.Y. App. Div. 2012). The Supreme Court granted summary judgment on behalf of several of the named Defendants[4] on August 3, 2011. Id. On July 2, 2013, the Supreme Court dismissed all remained claims against the City of New York, NYPD, and individual Police Officers. See Sun v. City of New York, 131 A.D.3d 1015 (N.Y. App. Div. 2015). The Appellate Division affirmed the dismissal of the consolidated action in 2015. Id. The New York Court of Appeals denied leave to appeal and the United States Supreme Court declined to hear the case. Sun v. City of New York, 27 N.Y. 3d 904 (N.Y. 2016)

[4] The summary judgment motions were on behalf of Defendants HHC, Elmhurst Hospital, Yuanfang Chen, Chen Shanwan, Mihai Ioardche, Li Yun, Richard Wang and Hyekyung Lee. To obtain dismissal, Defendants established that Plaintiff's involuntary commitment complied with New York Mental Hygiene Law.

(unpublished); Sun v. City of New York, 137 S. Ct. 681 (2017).

On April 18, 2017, this Court granted Plaintiff's motion to reopen this case upon notice of final decision in the parallel state actions. See Dkt. No. 47. On November 13, 2017, Defendants filed the present motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). See Defendants' Memorandum of Law in Support of their Motion to dismiss ("Def. Mot."); ECF Nos. 61-64. Defendants argue that the prior state court proceedings implicated the same Defendants and confronted the same underlying facts as this federal action; therefore, this Court cannot adjudicate the claims upon which the state court has entered final judgment on the merits. Def. Mot. at 4, 6. The question now before this Court is whether the Plaintiff's present claims are precluded by the state court's decision.

DISCUSSION

In order to survive a motion to dismiss, Plaintiff must allege sufficient facts, tacked as true, "to state a claim to relief that is plausible on its face." Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)(quoting Bell Atlantic Corp. v. Twombly. 550 U.S. 544, 570 (2007)). "Dismissal under Fed. R. Civ. P. 12(b)(6) is appropriate when a defendant raise claim preclusion ... and it is clear from the face of the complaint...that the plaintiff's claims are barred as matter of law." Mudholkar v. Univ. of Rochester, 261 F. App'x 320, 322 (2d Cir. 2008)(quoting Conopco, Inc. v. Roll Int'l, 231 F.3d 82, 86 (2d Cir. 2000)).

"Under the doctrine of claim preclusion, a final judgment on the merits of an action precludes the parties or their privies from relitigating issues that

were or could have been raised in the action." Id. at 321 (quoting Allen v. McCurry, 449 U.S. 90, 94 (1980)). Claim preclusion prevents a party "from litigating any issue or defense that could have been raised or decided in a previous suit, even if the issue or defense was not actually raised or decided" in that previous suit. Clarke v. Frank, 960 F. 2d 1146, 1150 (2d Cir. 1992); see also, e.g., Taylor v. Sturgell, 553 U.S. 880, 892 (2008); EDP Med. Computer Sys. Inc. v. United States, 480 F.3d 621, 626 (2d Cir. 2007); Legnani v. Alitalia Linee Aeree Italiane S.p.A., 400 F.3d 139, 141 (2d Cir. 2005); Murphy v. Gallagher, 761 F.2d 878, 879 (2d Cir. 1985).

The Full Faith and Credit Statute, 28 U.S.C. § 1738, requires federal courts to "give to a state-court judgment the same preclusive effect as would be given that judgment under the law of the State in which the judgment was rendered." Migra v. Warren City Sch. Dist. Bd. Of Ed. 465 U.S. 75, 81 (1984); *accord* O'Connor v. Pierson, 568 F.3d 64, 69 (2d Cir. 2009)("the claims in the instant case and the state-court case arose out the same transaction, or series of connected transactions, and are therefore the same for purposes of the *res judicata* inquiry"); see also McKithen v. Brown, 481 F.3d 89, 104 (2d Cir. 2007)("[O]nce a claim is brought to a final conclusion, all other claims arising out of the same transaction or series of transaction are barred...")(quoting O'Brien v. City of Syracuse, 54 N.Y.2d 353, 357 (1981)).

New York law determines the preclusive effect of the state court judgment rendered in Queens County in this case. Id. "Whether or not the first judgment will have preclusive effect depends in part on whether the same transaction or connected series of transaction is at issue, whether the same evidence is

need to support both claims, and whether the facts essential to the second were present in the first." N.L.R.B. v. United Technoligies Corp., 706 F.2d 1254, 1260 (2d Cir. 1983); Waldman v. Village of Kiryas Joel, 207 F.3d 105 (2d Cir. 2000). To support an argument of claim preclusion, "a party must show that (1) the previous action involved an adjudication on the merits; (2) the previous action involved the plaintiff's or those in privity with them; (3) the claims asserted in the subsequent action were, or could have been, raised in the prior action." Monahan v. New York City Dep't of Corr., 214 F.3d 275, 285 (2d Cir. 2000).

Here, Defendants correctly point out that: (1) there was a final judgment on the merits in the prior action(s); (2) the parties in the state action and this federal action are identical; and (3) the instant claims were raised or could have been raised in the state action because the parties and the factual circumstances underlying both cases are the same. Id.

"'[A] judgment of a court having jurisdiction of the parties and of the subject matter operates as *res judicata*" Saud v. Bank of New York, 929 F.2d 916, 919 (2d Cir. 1991) (quoting Morris v. Jones, 329 U.S. 545, 550-51 (1947)). The Queens County Supreme Court had jurisdiction over the Plaintiff's claim, as the parties are citizens of New York. As already explained, after consolidating the First and Second Action by Plaintiff, the Supreme Court, Queens County granted summary judgment on behalf of some of the Defendants and later dismissed all remaining claims. The Appellate Division affirmed the dismissal, New York's Court of Appeals denied leave to appeal, and ultimately the United State Supreme

Court declined to hear the case. The Appellate Division reasoned that "[t]he Supreme Court properly directed dismissal of the [P]laintiff's cause of action" – allegations from the August 2003 incident were untimely and Plaintiff failed "to set forth any alleged tortuous conduct on the part of the City Defendants" relative to the later incidents. Sun, 131 A.D.3d at 1016. Thus, the state court dismissal constitutes a final judgment on the merits for purpose of claim preclusion.

Likewise, all of the Defendants in the present action were named as Defendants in one (or both) of the two state actions. There is no dispute that the Plaintiff brought all three of the actions against the Defendants, alleging the same conduct by the same individuals in each suit.

Finally, Defendants correctly argue that the Plaintiff as already raised or could have raised all claims arising out of the episodes at her home and at Elmhurst Hospital. Plaintiff attempts to bring claims from the same exact transactions and encounters that were at issue in her state court actions. The sole difference is that the Plaintiff now alleges federal causes of action, which she could brought in her state cases. In evaluating claim preclusion, "there [i]s no mechanical formula to be applied in determining whether two claims are truly duplicative.... the determination hinges upon the factual predicate of the several claims asserted." Berlitz Schools of Languages of Am., Inc. v. Everest House, 619 F.2d 211, 215 (2d Cir. 1980). Regardless of the legal theories advanced--here: §§1981 and 1983 claims, as opposed to state law claims-- "when the factual predicate upon which the claims are based are substantially identical, the claims are deemed to be

duplicative for purposed of res judicata." Id. Plaintiff's federal causes of action arise from the same "factual predicate" as those raised and dismissed in state court. Thus, this court must "give to [the] state-court judgment...preclusive effect." Migra, 465 U.S. at 81.

CONCLUSION

The Plaintiff's federal and state law claims in the present action are precluded since they were raised, or could have been raised, in the previous state court actions. Defendants' motion to dismiss is granted as to all claims.

SO ORDERED

Dated: Brooklyn, New York.

September 11, 2018

s/ RJD

RAYMOND J. DEARIE

United State District Judge

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---

07 CV 04868 (RJD) (CLP)

LINGFEI SUN,

Plaintiff,

-against-

THE CITY OF NEW YORK, ET AL.,

Defendants.

JUDGMENT

A Memorandum and Order of Honorable Raymond J. Dearie, United States District Judge, having been filed on September 12, 2018, precluding Plaintiff's federal and state law claims, and granting Defendants' motion to dismiss as to all claims; it is

ORDERED AND ADJUDGED that Plaintiff's federal and state law claims in the present action are precluded since they were raised, or could have been raised, in the previous state court actions; and that Defendants' motion to dismiss is granted as to all claims.

Dated: Brooklyn, NY
September 13, 2018

Douglas C. Palmer
Clerk of Court

By: /s/ *Jaliza Poveda*
Deputy Clerk

2006/5240 AFFTS.NOTICE OF MOTION (Page 187 of 655)

Elmhurst H[redacted]tal Center
New York City Health and Hospital Corporation

Progress Record

Ling [illegible]
SUN, LING [redacted]I
21425711441
2571144 08/02/03
B.01/01/1958 ER

Date & Time	Title/ Discipline	Problems/ Issues	Progress Notes - Include Opinions of Health Care team members. - Relate Documentation to the current problem. - New problems require a priority, goal and outcome - to be documented in the body of the progress note
8-2	CSW	Collateral	= withdrawn; loose job (multiple times);
			works p/t @ Sears; landlady reported
No. 246011			pt walking c̄ eyes closed.
STATE OF NEW YORK			Pt holding 2 pillows calling them
COUNTY OF QUEENS, SS: I, AUDREY I. PHEFFER, COUNTY CLERK,			her children. Pt's children live in
QUEENS COUNTY, DO HEREBY CERTIFY			~~children c̄ boyfriend~~
THAT I HAVE COMPARED THIS COPY WITH THE			The boyfriend won't allow contact
ORIGINAL FILED OR RECORDED IN MY OFFICE			c̄ children.
ON 8-9-11			Pt is paranoid. "everyone
AND THAT IT IS A CORRECT TRANSCRIPT			wants to hurt her; govt in China
THEREFROM AND OF THE WHOLE OF THE ORIGINAL.			is watching her"
WITNESS MY HAND			Pt doesn't speak c̄ roommate;
AND SEAL OF SAID COUNTY AND COURT ON			pt misses children "very much" as
10-16-2012			per roommate.
			Pt urinates on herself; pt refused
[signature]			to Δ her soiled clothing.
8/2/03 1015	RN/[illegible]	[illegible]	Pt. is in 4 pt restraints since
			0945 hr. continues to be agitated,
			screaming, making noises, restless, pulling
			on her restraints. Ativan 2 mg was
			given stat x1 as per M.D. order.
			Will continue to observe & provide
			supportive care. [signature] RN
8/2/03 1615	RN/[illegible]	Admission note	Pt. s/p Head CT Scan was done around
			1400 hr. Result is neg. Pt is being admitted
			to A6-10 as per M.D. order via wheelchair
			escorted by an Aide. [signature] RN

ELM 100

Continue notes on other side

MT SINAI ELMHURST FACULTY PRAC GRP
PO BOX 12013
NEWARK NJ 07101

ADDRESS SERVICE REQUESTED

STATEMENT DATE	PAY THIS AMOUNT	ACCT.#
11/22/03	310.00	2571144

(800)317-4409 SHOW AMOUNT PAID HERE $

ADDRESSEE REMITS TO

LING FEI SUN
64-42 BOOTH ST
APT# PH
FLUSHING NY 11374

MT SINAI ELMHURST FACULTY PRAC GRP
PO BOX 12013
NEWARK NJ 07101

☐ Please check box if above address is incorrect or insurance information has changed, and indicate change(s) on reverse side.

STATEMENT

PLEASE DETACH AND RETURN TOP PORTION WITH YOUR PAYM

DATE	DESCRIPTION	AMOUNT
	Services for LING FEI SUN # 2571144	
	Rendered by JERRY J LASSER, M.D	
	MEDICINE	
08/05/03	93010 ELECTROCARDIOGRAM REPORT	60.00
	Rendered by BERNARD OHELMAN M.D	
	RADIOLOGY	
08/02/03	70450 26 CT HEAD/BRAIN W/O DYE	250.00

If you are covered by health insurance, please call our office today. Our Customer Service Representatives will be happy to assist you. If insurance coverage is other than Medicare or Medicaid, please provide any specific claim forms your carrier may require. Services were rendered by Mt Sinai/Elmhurst Faculty Group Practice. Our dedicated Customer Service Representatives are available Monday through Friday 9AM to 4PM. Please call us at 800/317-4409 should you have any questions about your statement.

ACCOUNT NUMBER	STATEMENT DATE	RESPONSIBLE PARTY	BALANCE DUE
2571144	11/22/03	LING FEI SUN	310.00

*ASTERISK(S) ITEMS ARE PENDING INSURANCE RESPONSIBILITY. ALL OTHER ITEMS ARE GUARANTOR RESPONSIBILITY.

(800)317-4409
MT SINAI ELMHURST FACULTY PRAC GRP
PO BOX 12013
NEWARK NJ 07101
(718)517-1197

PAGE 1 OF 1

CURRENT	31-60 DAYS	61-90 DAYS	91-120 DAYS	OVER 121 DAYS	BALANCE DUE
	310.00				310.00

At a Mental Health Part of the Supreme Court, held in and for the County of Queens, 80-45 Winchester Boulevard, State of New York, on the 22nd day of March, 2005.

INDEX #500268/2005

PRESENT: HON. JANICE A. TAYLOR

Justice Janice A. Taylor

In the Matter of Retention of

LING FEI SUN

A Patient Admitted to

ELMHURST HOSPITAL CENTER

ORDER

A notice requesting a hearing on the question of need for involuntary care and treatment having been made to the Director of Elmhurst Hospital Center pursuant Section 9.39 of the Mental Hygiene Law, and the Director of Elmhurst Hospital Center having forwarded a copy of such notice to the Supreme Court, Queens County, and the Court having fixed a date for hearing thereon, and notice thereof having duly been served upon all persons entitled thereto pursuant to the Mental Hygiene Law, and a hearing having been held before me on the 22nd day of March, 2005, in the presence of the above-named patient, Mental Hygiene Legal Service, Sidney Hirschfeld, Esq., by Ronald Caveglia, Esq., counsel for the patient, and the above-named hospital having

appeared by John McDermott, Esq., Office of Legal Affairs of the New York City Health and Hospitals Corporation, and no relatives having appeared on behalf of the above-named patient,

Now upon reading and filling the said application, the attached exhibits, if any, the facts presented and testimony taken before me, and due deliberation having been had it is hereby

ORDERED that the application is granted and the patient is discharged forthwith.

JUSTICE OF THE SUPREME COURT

HON. JANICE A. TAYLOR

ATTORNEY SERVICE CO., OF N.Y., INC.

Process Servers
20 VESEY STREET
NEW YORK, NY 10007

PHONE NO. 212-233-3508-9
FAX NO. 212-587-8225

DATE 3/29/06

Ling Fei SUN
PO Box 737823
Elmhurst NY 11373

CHARGES ARE TO BE PAID BY THE 15TH OF THE MONTH

Date		Postage	Photocopy	Subpoena Fee	File Charge	Service Charge	Total
	Serve 6 Process on 1) NYC Police Dept 2) City of NY office of Comptroller 3) NYC Health + Hospitals Corporation 4) Jennifer Shaw female 5) LINNGOV Tsang-(Linda female) 6 YOUDU Li — male 7) QIYIN Li — female						350 00

Pd ~~to~~ non-refundable
3/29/06

Request for receipted bill must be accompanied by stamped, self-addressed envelope.

ATTORNEY SERVICE CO., OF N.Y., INC.

Process Servers
20 VESEY STREET
NEW YORK, NY 10007

PHONE NO. 212-233-3508-9
FAX NO. 212-587-8225

DATE 4/17/06

LINGFEI SUN

CHARGES ARE TO BE PAID BY THE 15TH OF THE MONTH

Date		Postage	Photocopy	Subpoena Fee	File Charge	Service Charge	Total
	- cSOSTRE P.O. 26912 P.O. 22027 SGT Cunningham Y f. CHEN MD SS SOSTRE MD 4 S CHEN MD 6@50 each = 300						

Request for receipted bill must be accompanied by stamped, self-addressed envelope.