

CI2021-17724

Index #: EF2021-0729

SUPREME COURT OF NEW YORK  
COUNTY OF TOMPKINS-----X  
JOEL WOOD and KATY WOOD, :

Plaintiffs, :

-v.- :

KPH HEALTHCARE SERVICES, INC. :  
a/k/a KINNEY DRUGS, :Defendant. :  
-----X

INDEX NO.:

SUMMONSTO: KPH Healthcare Services, Inc.  
29 East Main Street,  
Gouverneur, NY 13642

**YOU ARE HEREBY SUMMONED** to answer the Verified Complaint in this action and to serve a copy of your verified answer, or, if the Verified Complaint is not served with this Summons, to serve a notice of appearance, on the plaintiff's attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after service is complete if this Summons is not personally delivered to you within the State of New York).

**YOU ARE HEREBY NOTIFIED** that should you fail to answer, a judgement will be taken against you by default for the relief demanded in the Verified Complaint.

Dated: October 7, 2021

**P.C. LAW OFFICES OF SHELDON KARASIK,**  
Attorneys for Plaintiffs

By: /s/ Sheldon Karasik  
Sheldon Karasik, Esq.  
1127 Fordham Lane  
Woodmere, New York 11598  
Direct Dial: (917) 587-8153  
Email: [sgklawfirm@gmail.com](mailto:sgklawfirm@gmail.com)

SUPREME COURT OF NEW YORK  
COUNTY OF TOMPKINS-----X  
JOEL WOOD and KATIE WOOD,

Plaintiffs,

-v.-

KPH HEALTHCARE SERVICES, INC.  
a/k/a KINNEY DRUGS,Defendant.  
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INDEX NO.:

VERIFIED COMPLAINT

Plaintiffs JOEL WOOD and KATIE WOOD, by their attorneys, THE LAW OFFICES OF SHELDON KARASIK, P.C., as and for their Verified Complaint against Defendant KPH HEALTHCARE SERVICES, INC. a/k/a KINNEY DRUGS state as follows:

THE PARTIES

1. Plaintiff JOEL WOOD ("Mr. Wood") is an individual residing in Tioga County, New York.
2. Plaintiff KATIE WOOD ("Ms. Wood") is an individual residing in Tioga County, New York.
3. Defendant KPH HEALTHCARE SERVICES, INC. ("Kinney") is a corporation organized pursuant to the laws of the State of New York and maintaining its corporate offices at 29 East Main Street, Gouverneur, New York, 13642, and duly registered to do business, and doing business actively as the retail pharmacy chain "Kinney Drugs," in the State of New York, County of Tompkins, among other places.

**JURISDICTION AND VENUE**

4. This Court has personal jurisdiction over Defendant because it is located in New York, residing in New York, licensed to do business in New York and/or are actively transacting business in New York.

5. Venue is proper because Defendant operates the pharmacy location at issue in this action in Tompkins County, State of New York, and the cause of action arose there.

**BACKGROUND**

6. Mr. Wood was licensed by the State of New York on or about July 24<sup>th</sup>, 2013 as a pharmacist.

7. Ms. Wood was licensed by the State of New York on or about July 24<sup>th</sup>, 2013 as a pharmacist.

8. Mr. Wood became employed by Kinney as a pharmacist working at its Kinney Drugs Store #100 located at 2255 North Triphammer Road, Ithaca, NY 14850, in January 2014.

9. Ms. Wood became employed by Kinney as a pharmacist working at its Kinney Drugs Store #73 located at 130 Main St., Moravia, NY 13118, on or about July 24<sup>th</sup>, 2013.

10. Both Mr. and Ms. Wood performed their duties in exemplary fashion throughout their employment and were not subject to any disciplinary measures for poor performance, dereliction of duty, or anything else prior to being terminated on May 19, 2021 (Mr. Wood) and on June 8, 2021 (Ms. Wood).

11. For approximately five months prior to their termination, Plaintiffs were required to administer the COVID-19 vaccine as part of their job duties. During that time, based on research and study, Plaintiffs began developing concerns over the safety of the vaccine generally

and, in particular, the appropriateness of giving it to younger persons. Specifically, these concerns included but were not limited to: vaccine shedding; the lack of the required informed consent on the recipient's part since the package insert was blank and no long term data as to its safety existed; the lack of FDA approval for any COVID-19 vaccine (and the failure to disclose that fact to recipients); the lack of data showing its effectiveness in stopping transmission of the virus; and the risk of adverse reactions to the vaccine.

12. Plaintiffs' growing concerns over administering the vaccine also derived from their familiarity with the November 18, 2005, New York State Department of Education, Office of the Professions Guidelines (the "November Guidelines") applicable to pharmacists, which state in pertinent part that: "Pharmacists have a professional responsibility to ensure that their patients obtain properly ordered and therapeutically appropriate medications in a timely manner and with appropriate counseling from a pharmacist."

13. In light of what Plaintiffs came to learn, they reasonably believed that continuing to vaccinate people under the above circumstances constituted the improper quality of patient care.

14. Therefore, on May 5, 2021, Mr. Wood called Defendant's ethics line to express his concerns anonymously over having to administer the vaccine. He did not leave a name for fear of retaliation or termination. It was his hope and expectation that Defendant would start to investigate the concern he expressed and at least issue a statement somewhat revising its position on the vaccine. However, nothing was apparently done by Defendant in response to Plaintiff's call to the ethics line.



15. As a result of Defendant's unwillingly to acknowledge Plaintiffs' ethics line call via company wide email, memorandum or anything else, on May 9, 2021, Mr. Wood also sent an email to Defendant's media relations department and included various documents supporting the growing concerns Plaintiffs had over administration of the vaccine. Plaintiffs did not receive any response from the media relations department.

16. On various occasions, Plaintiff Joel Wood expressed these concerns to his supervisor. Specifically, on May 12<sup>th</sup>, 2021 Mr. Wood and Ms. Wood spoke with Southern Regional Manager Neil Tierson. Mr. Wood stated "I am not comfortable administering covid-19 shots any further to children and people 50 years and younger. I have safety concerns about the covid-19 shot. I have heard about adverse reactions in most patient populations. I was left un-settled after submitting a VAERS report for a twenty-year-old post covid-19 shot." Ms. Wood expressed her safety concerns in administering the covid-19 shot to minors under the age of 18 due to unknown risks, the apparent lack of substantial benefits, the lack of long-term data and the inability to give full informed consent. During that and other conversations on or about May 13<sup>th</sup>, 2021, Mr. Wood was told by Mr. Tierson that Defendant appreciates his concerns and personal beliefs but cannot go down the path of pharmacists not providing essential services. In addition, Defendant specifically instructed Mr. Wood and Ms. Wood not to provide any of the foregoing information to vaccine recipients and instead to actively mislead such persons so they would believe the vaccine and vaccination process lacked significant risks. Plaintiffs were also told that they must continue to administer the vaccine. In fact, their supervisor, Mr. Tierson, stated on May 14<sup>th</sup>, 2021 that they would be fired if they did not administer the vaccine. Mr. Tierson

subsequently spoke to the Human Resources Department and advised Rich McNulty that Plaintiffs expressed an unwillingness to administer the vaccine.

17. Mr. and Ms. Wood repeatedly threatened to disclose the failure to provide informed consent to patients, and the violation of the November Guidelines, and did actually disclose it, to supervisors and regulatory officials. Such actions included, but were not limited to, Mr. Wood sending on May 10, 2021 an e-mail to the U.S. Occupational Health and Safety Administration ("OSHA") expressing his concerns. On May 11, 2021, OSHA acknowledged receipt of this communication in writing but stated that it lacked jurisdiction over COVID-19 related matters. Plaintiffs subsequently followed up with the New York Attorney General's office, and the New York Board of Pharmacy, also to no avail.

18. In response to these and other actions and threats of actions by Mr. and Ms. Wood, Kinney terminated Mr. Wood's employment on May 19, 2021 and Ms. Wood's employment on June 8, 2021. Mr. Wood's termination letter falsely stated that : "Voluntary – Disliked working with public." After receiving correspondence from Mr. Wood objecting to this blatant falsehood, Defendant issued a revised termination letter stating "terminated – personal reasons."

19. Plaintiff Katie Wood's termination letter, like Joel Wood's revised termination letter, stated: "terminated personal reasons". Plaintiffs were in fact each terminated in retaliation for expressing safety and health concerns over the vaccine to their employer and to public bodies.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**(New York Labor Law §741)**

20. Plaintiffs repeat, reiterate and re-allege each and every allegation set forth in the preceding paragraphs as if set forth more fully and at length herein.

21. Plaintiffs were terminated because they disclosed and threatened to disclose to a supervisor and to public bodies, an activity, policy or practice of the Defendant that they, in good faith, reasonably believed constituted the improper quality of patient care, and because they objected to and refused to participate in an activity, policy or practice of the Defendant that they, in good faith, reasonably believed constituted the improper quality of patient care and the inability to provide full informed consent.

22. Mr. and Ms. Wood threatened to complain about this policy and practice to Kinney supervisors, to New York State regulators and to federal regulators, and they did make such complaints.

23. In response to these complaints and the threats thereof, Defendants retaliated against Plaintiffs by terminating their employment.

24. As a result of their terminations, Mr. and Ms. Wood suffered damages.

25. Plaintiffs' terminations violated New York Labor Law §741.

**WHEREFORE**, Plaintiffs respectfully pray that this Court grant the following relief against the Defendant:

A. Enter judgment declaring that the named Defendant violated New York Labor Law §741.

B. Enter judgment against the named Defendant reinstating Plaintiffs to their former positions as pharmacists.

C. Enter judgment against the named Defendant and grant an award of compensatory damages, punitive and/or exemplary damages, attorneys' fees, pre and post-judgment interest, in an amount, in excess of the jurisdictional limits of any other court, to be determined at trial by the jury; and award Plaintiffs whatever further relief as this Honorable Court deems just, equitable and proper.

Dated: October 9, 2021

**LAW OFFICES OF SHELDON  
KARASIK, P.C.**  
Attorneys for Plaintiffs

By: /s/ Sheldon Karasik  
Sheldon Karasik, Esq.  
1127 Fordham Lane  
Woodmere, New York 11598  
Direct Dial: (917) 587-8153  
Email: sgklawfirm@gmail.com



VERIFICATION

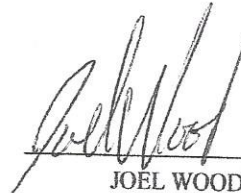
STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF TIOGA

The undersigned, JOEL WOOD, shows:

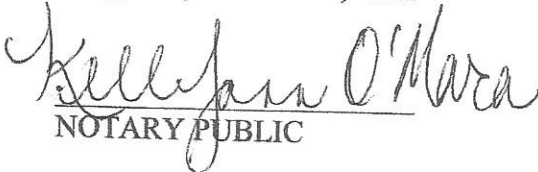
Deponent is JOEL WOOD, Plaintiff in the above-entitled action. Deponent has read the foregoing Verified Complaint dated October 9, 2021, and states that, to deponent's knowledge, the same is true except as to matters herein stated to be alleged upon information and belief; as to those matters, deponent believes them to be true.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: October 9, 2021

  
JOEL WOOD

Sworn to before me this  
9 th day of October, 2021

  
NOTARY PUBLIC

KELLYANN OMARA  
NOTARY PUBLIC STATE OF NEW YORK  
CORTLAND  
LIC. #010M4960087  
COMM. EXP. JANUARY 2, 2022

VERIFICATION

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STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF TIOGA

The undersigned, KATIE WOOD, shows:

Deponent is KATIE WOOD, Plaintiff in the above-entitled action. Deponent has read the foregoing Verified Complaint dated October 9, 2021, and states that, to deponent's knowledge, the same is true except as to matters herein stated to be alleged upon information and belief; as to those matters, deponent believes them to be true.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: October 9, 2021

Katie Wood  
KATIE WOOD

Sworn to before me this  
9 th day of October, 2021

Kellyann O'Mara  
NOTARY PUBLIC

KELLYANN OMARA  
NOTARY PUBLIC STATE OF NEW YORK  
CORTLAND  
LIC. #01OM4960087  
COMM. EXP. JANUARY 2, 2022

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Application for Index Number

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## TOMPKINS COUNTY

## Nature of Action or Proceeding

Mandatory E-File*	Consensual E-Filing Permitted
<input type="checkbox"/> Commercial	<input type="checkbox"/> CPLR Art. 70
<input type="checkbox"/> Real Property	<input type="checkbox"/> CPLR Art. 78
<input type="checkbox"/> Other Real Property	<input type="checkbox"/> Election Law
<input type="checkbox"/> Special Proceedings	<input type="checkbox"/> Matrimonial
<input type="checkbox"/> Torts	<input type="checkbox"/> Consumer Credit Transactions as defined in CPLR 105(f)**
<input type="checkbox"/> Foreclosure – Non-Residential	<input type="checkbox"/> Residential Foreclosure actions as defined in RPAPL §1304 **
<input type="checkbox"/> Insurance	<input type="checkbox"/> Name Change
<input type="checkbox"/> Tax Certiorari - Commercial	<input type="checkbox"/> Mental Health
<input type="checkbox"/> Medical, Dental Malpractice	<input type="checkbox"/> Mental Hygiene
<input type="checkbox"/> Contract	
<input type="checkbox"/> Asbestos	
If you have checked one of these boxes and need assistance, please contact the (646)386-3033	

\*Unrepresented litigants may commence these actions in paper form in the Tompkins County Clerk's Office

\*\*except initial filing of commencement papers by a represented party, which is mandatory

## Title of Action or Proceeding

,Plaintiff(s)

VS

,Defendant(s)

Name and Address of Plaintiffs Attorney

Name and Address of Defendants Attorney