

SCANNED ON 7/28/2010  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
RONALD CLINDININ,

Plaintiff,

-against-

NEW YORK CITY HOUSING AUTHORITY,

Defendant.  
-----X

To the above named defendant:

Plaintiff designates  
New York County as  
place of trial **10109954**

The basis of venue  
is the location of  
occurrence.

**S U M M O N S**

Plaintiff resides at:  
868 Amsterdam Ave. (4B)  
New York, NY 10025

County of New York

**YOU ARE HEREBY SUMMONED** to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 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) and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
July 25, 2010

BREADBAR, GARFIELD & SCHMELKIN  
Attorney for Plaintiffs  
11 Park Place, 10th Floor  
New York, New York 10007  
(212) 227-8865

TO: **NEW YORK CITY HOUSING AUTHORITY**  
250 Broadway  
New York NY 10007

**FILED**  
**JUL 28 2010**  
**COUNTY CLERK'S OFFICE**  
**NEW YORK**

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

-----X  
RONALD CLINDININ,

Plaintiff,

**VERIFIED COMPLAINT**

-against-

NEW YORK CITY HOUSING AUTHORITY,

Defendant.  
-----X

16109954

Plaintiff, by his attorneys, BREADBAR, GARFIELD & SCHMELKIN, ESQS., hereby sets forth and alleges, upon information and belief, as follows:

1. That at all times hereinafter mentioned, and on September 18, 2009, the defendant was and still is a public housing, municipal authority duly organized and existing under and by virtue of the laws of the State of New York.

2. That at all times hereinafter mentioned, and on September 18, 2009, the plaintiff was and still is a resident of the Borough of Manhattan, City and State of New York.

3. That the plaintiff has complied with all of the conditions precedent to the commencement of the within action; plaintiff's Notice of Claim having been served upon the defendant, **NEW YORK CITY HOUSING AUTHORITY** within ninety (90) days of the date that the within cause of action was caused to accrue; an amended Notice of Claim having been served on the NEW YORK CITY HOUSING AUTHORITY on January 8, 2010, thirty (30) days have elapsed since the claim upon which the instant action is founded was presented to

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the authority for adjustment and the claim remains unpaid and unadjusted; that the plaintiff having testified at a 50-h New York City Housing Authority hearing on March 24, 2010; and that this action is being commenced herewith within one (1) year and ninety (90) days from the date that the within cause of action was caused to accrue on September 18, 2009.

4. That at all times hereinafter mentioned, and on September 18, 2009, the defendant owned the building located at 868 Amsterdam Avenue, New York, New York 10025.

5. That at all times hereinafter mentioned, and on September 18, 2009, the defendant, **THE NEW YORK CITY HOUSING AUTHORITY**, operated, maintained and controlled the aforementioned building including the hot water boiler for said building and the hot water system and its appurtances furnishing the water to the apartments in said building.

6. That at all times hereinafter mentioned, and on and prior to September 18, 2009, the aforementioned building was a multiple dwelling containing three or more apartment units in said building.

7. That at all times hereinafter mentioned, and on September 18, 2009, and prior thereto, the hot water boiler and hot water system in the aforementioned building was operated, controlled, maintained, inspected and repaired so that it functioned in a defective and unsafe manner in furnishing water to apartments in said building and more particularly to apartment 4B at 868 Amsterdam Avenue, New York City.

8. That on and prior to September 18, 2009, due to the defective nature of the hot water boiler and hot water system, water flowing into the bathtub in a bathroom of the apartment where plaintiff resided was excessively erratic, hot, scalding, giving off steam, with the water changing from cold and cool to scalding hot.

9. That on September 18, 2009, the plaintiff, sustained personal injuries to various parts of his body which were burned by scalding, excessively hot water and steam coming from the shower while plaintiff himself was not yet in the bathtub where the shower water flowed.

10. The occurrence and injuries to the plaintiff was caused solely as a result of the negligence of the defendant by and through its servants and agents and/or employees in the ownership, operation, maintenance, control, supervision, inspection and repair of the aforementioned hot water boiler and system in the building.

11. That, by reason of the foregoing, the plaintiff was injured; was rendered sick, sore, lame and disabled; has been unable to pursue his regular occupation and activities and his injuries are permanent.

12. That, by reason of the foregoing, the plaintiff has sustained damages in an amount in excess of the jurisdictional limits of all of the lower courts of the State of New York.

**WHEREFORE,** the plaintiff, **RONALD CLINDININ,** demands judgment against the defendant, **THE NEW YORK CITY HOUSING AUTHORITY** in an amount in excess of the jurisdictional limits of all of the

lower courts of the State of New York, together with interest, as well as the costs and disbursements of this action.

Dated: New York, New York  
July 25<sup>th</sup> 2010

Yours, etc.,

BREADBAR, GARFIELD & SCHMELKIN  
Attorneys for Plaintiff  
**RONALD CLINDININ**  
11 Park Place, 10th Floor  
New York, N.Y. 10007  
(212) 227-8865



RONALD CLINDININ,

-against-

Plaintiff,

NEW YORK CITY HOUSING AUTHORITY,

Defendant.

**SUMMONS AND VERIFIED COMPLAINT**

**BREADBAR, GARFIELD & SCHMELKIN**  
Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone  
11 PARK PLACE, 10TH FLOOR  
NEW YORK, N.Y. 10007  
TEL: (212) 227-8865

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: July 25th, 2010

Signature

Print Signer's Name

Martin R. Garfield

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

NOTICE OF ENTRY

that the within is a (certified) true copy of a entered in the office of the clerk of the within-named Court on 20

NOTICE OF SETTLEMENT

that an Order of which the within is a true copy will be presented for settlement to the Hon. \_\_\_\_\_, one of the judges of the within-named Court, on \_\_\_\_\_, at \_\_\_\_\_, M. 20

Dated:

**BREADBAR, GARFIELD & SCHMELKIN**  
Attorneys for Plaintiff(s)

Office and Post Office Address, Telephone  
11 PARK PLACE, 10TH FLOOR  
NEW YORK, N.Y. 10007

Attorney(s) for

To:

Check Applicable Box