

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

Index No.:
Date Purchased:

SUMMONS

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MICHELLE NELSON

Plaintiff designates New York
County as the place of trial.

Plaintiff,

The basis of venue is:
Plaintiff's Residence

-against-

CONSOLIDATED EDISON OF NEW YORK AND
KAORU DEMLER MURMATSU


Plaintiff resides at:
12 East 116 Street, Apt# 2A
New York, NY 10029
County of New York

Defendants.
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To the above named Defendants:

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 attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. 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
March 17, 2014



MICHAEL S. LAMONSOFF, ESQ.
LAW OFFICES OF MICHAEL S. LAMONSOFF,
PLLC
Attorneys for Plaintiff
MICHELLE NELSON
80 Maiden Lane, 12th Floor
New York, New York 10038
(212) 962-1020
Our File No. 21979

TO: SEE RIDER ATTACHED HERETO

RIDER

CONSOLIDATED EDISON OF NEW YORK
4 Irving Place
New York, NY 10003

KAORU DEMLER MURMATSU
52 East End Avenue, #21A,
New York, NY 10028

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

-----X
MICHELLE NELSON

Plaintiff,

-against-

Index No.:
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CONSOLIDATED EDISON OF NEW YORK AND
KAORU DEMLER MURMATSU

VERIFIED COMPLAINT

Defendants.
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Plaintiff, by her attorneys, **LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC**,
complaining of the Defendants, respectfully alleges, upon information and belief, as follows:

1. That at the time of the commencement of this action, Plaintiff **MICHELLE NELSON** resided in the County of New York, State of New York.
2. That the cause of action alleged herein arose in the County of New York, City and State of New York.
3. That this action falls within one or more of the exemptions set forth in CPLR §1602, specifically §1602(2)(iv), (7) & (11).
4. That at all times herein mentioned, Defendant **CONSOLIDATED EDISON OF NEW YORK** was and still is a public utility duly organized and existing under and by virtue of the laws of the State of New York.
5. That at all times herein mentioned, Defendant **CONSOLIDATED EDISON OF NEW YORK** was and still is a public utility duly authorized to do business in the State of New York.

6. That at all times hereinafter mentioned, Defendant **CONSOLIDATED EDISON OF NEW YORK** maintained a principal place of business in the County of New York, State of New York, located at 4 Irving Place, New York, NY 10003.

7. That at all times hereinafter mentioned, Defendant **KAORU DEMLER MURMATSU** resided at 52 East End Avenue, in the County of New York, State of New York.

8. That on March 12, 2014, and at all times herein mentioned, Defendant **CONSOLIDATED EDISON OF NEW YORK** provided natural gas service to 1646 Park Avenue in the County, City and State of New York.

9. That on March 12, 2014, and at all times herein mentioned, Defendant **KAORU DEMLER MURMATSU** owned the premises located at 1646 Park Avenue in the County, City and State of New York.

10. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises' natural gas service lines were operated by Defendant **CONSOLIDATED EDISON OF NEW YORK**.

11. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises natural gas service lines were managed by Defendant **CONSOLIDATED EDISON OF NEW YORK**.

12. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises were managed by Defendant **KAORU DEMLER MURMATSU**.

13. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises' natural gas service lines were controlled by Defendant **CONSOLIDATED EDISON OF NEW YORK**.

14. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises were controlled by Defendant **KAORU DEMLER MURMATSU**.

15. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises' natural gas service lines were maintained by Defendant **CONSOLIDATED EDISON OF NEW YORK**.

16. That on March 12, 2014, and at all times herein mentioned, the aforesaid premises were maintained by Defendant **KAORU DEMLER MURMATSU**.

17. That at all times hereinafter mentioned, the Defendant **CONSOLIDATED EDISON OF NEW YORK** repaired the aforesaid premises natural gas service lines.

18. That at all times hereinafter mentioned, the Defendant **KAORU DEMLER MURMATSU** repaired the aforesaid premises.

19. On March 12, 2014 Plaintiff **MICHELLE NELSON** was lawfully at the address known as 12 East 116th Street, in the County, City and State of New York.

20. That on March 12, 2014, while Plaintiff was lawfully at the address known as 12 East 116th Street, in the County, City and State of New York, Plaintiff was caused to fall and sustain severe and permanent injuries.

21. The above mentioned occurrence and the results thereof, were caused by the negligence of the Defendants and/or said Defendants' servants, agents, employees and/or licensees in the ownership, operation, management, maintenance and control of the premises known as 1646 Park Avenue, New York, New York and the resulting explosion thereat.

22. That at all times hereinafter mentioned, Defendants, their agents, servants and/or employees, were under a duty to keep the aforementioned premises in a safe, proper and secure manner, and in good repair.

23. That at all times hereinafter mentioned, Defendants, their agents, servants and/or employees, were under a duty to keep the aforementioned premises' natural gas service lines in a safe, proper, and secure manner, and in good repair.

24. That at all times hereinafter mentioned, Defendants, their agents, servants and/or employees, were negligent in that they breached such duty.

25. That Defendants were negligent in the ownership, operation, management, control, maintenance, repair and/or construction of the aforesaid premises and its natural gas services lines, such that on March 12, 2014 the aforesaid premises were in a dangerous and defective condition.

26. That Defendants, their servants, agents and/or employees caused the aforesaid dangerous and defective condition.

27. That Defendants, their servants, agents and/or employees had actual and/or constructive notice of the aforesaid dangerous and defective condition.

28. That, upon information and belief, Defendants had actual notice of this defective condition for at least fifteen (15) days prior to March 12, 2014.

29. That no negligence on the part of the Plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

30. That Defendant were negligent under the theory of *res ipsa loquitur*.

31. That by reason of the foregoing, Plaintiff **MICHELLE NELSON** was caused to sustain serious injuries and to have suffered pain, shock, mental anguish; that these injuries and their

effects will be permanent; and as a result of said injuries Plaintiff has been caused to incur, and will continue to incur, expenses for medical care and attention; and, as a further result, Plaintiff was, and will continue to be, rendered unable to perform Plaintiff's normal activities and duties and has sustained a resultant loss therefrom.

32. That by reason of the foregoing, Plaintiff **MICHELLE NELSON** was damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants herein, in a sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with the costs and disbursements of this action.

Dated: New York, New York
March 17, 2014

Yours, etc.



MICHAEL S. LAMONSOFF, ESQ.
LAW OFFICES OF MICHAEL S. LAMONSOFF,
PLLC
Attorneys for Plaintiff
MICHELLE NELSON
80 Maiden Lane, 12th Floor
New York, New York 10038
(212) 962-1020
Our File No. 21979

ATTORNEY'S VERIFICATION

MICHAEL S. LAMONSOFF, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC, attorneys of record for Plaintiff Michelle Nelson. I have read the annexed **COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

I make the foregoing affirmation because Plaintiff is not presently in the county wherein I maintain my offices.

DATED: New York, New York
 March 17, 2014



MICHAEL S. LAMONSOFF

Index No.
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MICHELLE NELSON

Plaintiff,

-against-

CONSOLIDATED EDISON OF NEW YORK AND KAORU DEMLER MURMATSU

Defendants.

SUMMONS AND COMPLAINT

LAW OFFICES OF MICHAEL S. LAMONSOFF, PLLC

Attorneys for Plaintiff

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