

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

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EBRAHIM NOORANI,

Index:

Plaintiff(s),

-against-

SUMMONS

DYLAN'S CANDYBAR, LLC,

Basis of Venue:  
Defendant's Address

Defendant(s).

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To the above named Defendant(s):

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 the 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.

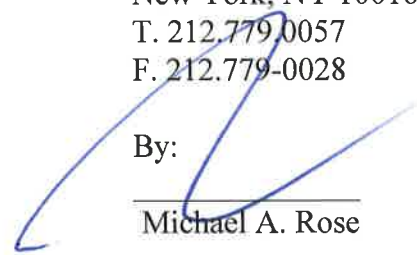
Defendant's (Place of Business) Address: 1011 Third Avenue, New York NY

Dated: New York, New York  
May 14, 2014

Yours, etc.

HACH & ROSE, LLP  
Attorneys for Plaintiff(s)  
EBRAHIM NOORANI  
185 Madison Avenue, 14<sup>th</sup> Floor  
New York, NY 10016  
T. 212.779.0057  
F. 212.779-0028

By:



Michael A. Rose

To: DYLAN'S CANDYBAR, LLC  
c/o Corporation Service Company  
80 State Street  
Albany NY 12207

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

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EBRAHIM NOORANI,

Index No.

Plaintiff(s),

-against-

VERIFIED COMPLAINT

DYLAN'S CANDYBAR, LLC,

Defendant(s),

-----X

Plaintiff, by his attorneys, HACH & ROSE, LLP, complaining of the defendant herein, respectfully shows to this Court, and allege as follows:

**AS AND FOR A FIRST CAUSE OF ACTION  
ON BEHALF OF PLAINTIFF(S)**

1. That at all times mentioned herein, and on April 4, 2013, the defendant, DYLAN'S CANDYBAR, LLC, is and was a foreign business entity, duly authorized to do business in the State of New York;
2. That at all times mentioned herein, and on April 4, 2013, the defendant, DYLAN'S CANDYBAR, LLC, is was and has been a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York;
3. That at all times mentioned herein the defendant, DYLAN'S CANDYBAR, LLC, is, was and has been a domestic partnership and/or other domestic business entity doing business in the State of New York;

4. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, transacted business within the State of New York; regularly did or solicited business within the State of New York or engaged in other persistent courses conduct and/or derived substantial revenue from goods used or consumed or services rendered in the State of New York and expected or should have reasonably expected its acts to have consequences within the State of New York and/or derived substantial revenue from interstate or international commerce;
5. That at all times mentioned herein, and on April 4, 2013, the defendant, DYLAN'S CANDYBAR, LLC, was the owner of the land and structures located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;
6. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, was the managing agent of the land and structures located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;
7. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, was the lessee of the land and structures located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;
8. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, was the lessor of the land and structures located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;
9. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, operated the premises located at Dylan's Candy Bar, 1011 Third Avenue, New York

NY;

10. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, controlled the premises located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;

11. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, maintained the premises located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;

12. That at all times mentioned herein, the defendant, DYLAN'S CANDYBAR, LLC, possessed and/or occupied the premises located at Dylan's Candy Bar, 1011 Third Avenue, New York NY;

13. That on April 4, 2013, EBRAHIM NOORANI, was lawfully present at Dylan's Candy Bar, 1011 Third Avenue, New York NY;

14. That on or about, April 4, 2013 while present as a patron of Dylan's Candy Bar, 1011 Third Avenue, New York NY plaintiff was seriously injured when he bit into white chocolate which had a screw in it;

15. That the above occurrence was caused solely by and through the negligence of the defendants, their agents servants and/or employees, herein, without any negligence on the part of the plaintiff contributing thereto;

16. That the defendants, and/or each of them had both actual and constructive notice of the dangerous and defective conditions and practices complained of herein;

17. That the defendant created the defective and dangerous condition;

18. Plaintiff asserts an exemption from the abolition of joint and several liability pursuant to Article 16 of the C.P.L.R.;

19. That the defendants, and/or each of them, and/or their agents, servants, associates and/or employees were negligent, careless and reckless, in that they:

- A) Negligently, carelessly and recklessly, failed and omitted to properly, shore, equip, guard, arrange, operate and conduct their activities at the aforementioned premises, so as to provide reasonable and adequate protection and safety to the persons therein, and more particularly to the plaintiff herein;
- B) Failed and omitted to properly train & inspect their employees at the aforementioned premises;
- C) Failed and omitted to properly and adequately coordinate the activities of their employees with patrons and more particularly the plaintiff;

20. That as a result of the negligence of the defendant, plaintiff, EBRAHIM NOORANI, became, still is and for a long time to come, will be sick, sore, lame, bruised, injured, disabled and wounded in and about the various parts of his head, limbs, body, blood vessels and surrounding tissues, and has suffered severe and extreme mental shock, anguish and psychic injuries, and that plaintiff was otherwise injured, and upon information and belief, said injuries are permanent. That by reason

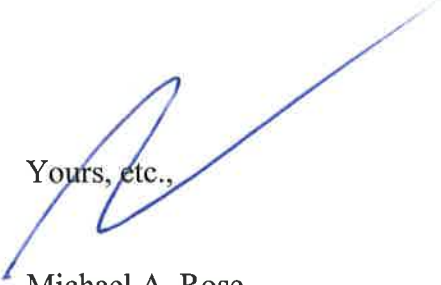
of the foregoing, the plaintiff was obligated to and did necessarily employ medical aid, hospital services, medicinals and medical supplies in an attempt to cure the aforesaid injuries, and has been prevented from his usual duties and will be so prevented for a long time to come;

21. That by reason of the foregoing, the plaintiff, EBRAHIM NOORANI, has been damaged in an amount exceeding the jurisdictional limits of all lower courts of the State of New York;

WHEREFORE, the plaintiff, EBRAHIM NOORANI, demands judgment against the defendant, DYLAN'S CANDYBAR, LLC, in an amount exceeding the jurisdictional limits of all lower courts of the State of New York, on the First Cause of Action, together with interest, costs and disbursements of this action.

Dated: New York, New York  
May 14, 2014

Yours, etc.,



Michael A. Rose  
HACH & ROSE, LLP  
Attorney for Plaintiff(s)  
185 Madison Avenue, 14<sup>th</sup> Floor  
New York, New York 10016  
T.212.779.0057  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
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EBRAHIM NOORANI,

Plaintiff(s),

-against-

DYLAN'S CANDYBAR, LLC,

Defendant(s).  
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**SUMMONS AND COMPLAINT**  
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**HACH & ROSE, LLP**

Attorneys for Plaintiff(s)

**EBRAHIM NOORANI**

185 Madison Avenue, 14<sup>th</sup> Floor

New York, NY 10016

Tel. (212) 779-0057

Fax. (212) 779-0028