

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

-----X  
AJANAFFY NJEWADDA AND SHEIK AHMAD  
TEJAN WADDA

Petitioner(s),

-against-

SHOWTIME NETWORKS INC., NEW YORK CITY  
TRANSIT AUTHORITY, CBS OUTDOOR AMERICAS INC  
THE METROPOLITAN TRANSIT AUTHORITY and  
THE CITY OF NEW YORK

Defendant(s).  
-----X

Index No.

Date Purchased:

SUMMONS

Plaintiffs Designate  
Bronx County As  
Place of Trial


The Basis of Venue is  
Plaintiffs Residence

Plaintiffs Reside at  
1296 Sheridan Ave #5B  
Bronx, NY 10456

*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(s) 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.

Dated: Queens, NY  
June 19, 2014

  
\_\_\_\_\_  
**Rehan Nazrali.**  
Attorneys for Plaintiff(s)  
78-27 37<sup>th</sup> Avenue #9  
Jackson Heights, NY 11372  
(347) 642-4633

CLERK  
COUNTY  
BRONX

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**Defendants' Last Known Addresses:**

NEW YORK CITY TRANSIT AUTHORITY  
130 Livingston St, Brooklyn, NY 11201

METROPOLITAN TRANSIT AUTHORITY  
347 Madison Avenue, NY, NY 10017-3739

CBS OUTDOOR AMERICAS INC.  
405 Lexington Ave #1400, New York, NY 10017

SHOWTIME NETWORKS INC.  
1633 Broadway, New York, NY 10019

THE CITY OF NEW YORK  
100 Church Street, 4<sup>th</sup> Floor NY, NY 10007

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

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AJANAFFY NJEWADDA AND SHEIK AHMAD  
TEJAN WADDA

Index No.

Petitioner(s),

-against-

**VERIFIED COMPLAINT**

SHOWTIME NETWORKS INC., NEW YORK CITY  
TRANSIT AUTHORITY, CBS OUTDOOR AMERICAS INC.,  
THE METROPOLITAN TRANSIT AUTHORITY, and  
THE CITY OF NEW YORK

Defendant(s).

-----X

Plaintiffs, AJANAFFY NJEWADDA and SHEIK AHMAD TEJAN WADDA, by their attorney,  
Rehan Nazrali Esq., complaining of the defendants, respectfully shows to this Court and alleges,  
upon information and belief, as follows:

PARTIES

1. At the time of the commencement of this action Plaintiff SHEIK AHMAD TEJAN WADDA (hereinafter WADDA) is a resident of the Bronx County in the City of New York in the State of New York.
2. At the time of the commencement of this action Plaintiff AJANAFFY NJEWADDA (Hereinafter NJEWADDA) is and was a resident of the Bronx County in the City of New York in the State of New York and the Country of Gambia.
3. That at all relevant times hereto Plaintiffs are husband and wife.
4. The cause of action herein alleged arose in the State and City of New York, County of New York.

5. At all times relevant hereto defendant SHOWTIME NETWORKS INC. (hereinafter "Showtime") is a Foreign Corporation organized and existing under the laws of a state other than New York.
6. At all times relevant hereto, defendant SHOWTIME is a Foreign Corporation duly authorized and licensed to do business in the State of New York.
7. At all times relevant hereto, defendant SHOWTIME is a Foreign Corporation doing business in the State of New York with its principal place of business at 1633 Broadway, New York, New York 10019.
8. At all times relevant hereto defendant NEW YORK CITY TRANSIT AUTHORITY (hereinafter "NYCTA") was and is a duly incorporated Municipal Agency established and existing under the laws and ordinances of the State of New York.
9. The Defendant, NYCTA was and still is a domestic municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.
10. At all times relevant hereto defendant CBS OUTDOOR AMERICAS INC., NETWORKS INC. (hereinafter "CBS OUTDOOR") is a Foreign Corporation organized and existing under the laws of a state other than New York.
11. At all times relevant hereto, defendant CBS OUTDOOR is a Foreign Corporation duly authorized and licensed to do business in the State of New York.
12. At all times relevant hereto, defendant CBS OUTDOOR is a Foreign Corporation doing business in the State of New York with its principal place of business in New York State at 405 Lexington Ave #1400, New York, NY 10017

13. At all times relevant hereto defendant METROPOLITAN TRANSIT AUTHORITY (hereinafter "MTA") was and is a duly incorporated Municipal Agency established and existing under the laws and ordinances of the State of New York.

14. The Defendant, MTA was and still is a domestic municipal corporation duly organized and existing under and by virtue of the laws of the State of New York

15. At all times relevant hereto defendant THE CITY OF NEW YORK (hereinafter "CITY") was and is a duly incorporated Municipality established and existing under the laws and ordinances of the State of New York.

16. The Defendant CITY, was and still is a domestic municipal corporation duly organized and existing under and by virtue of the laws of the State of New York.

CONDITIONS PRECEDENT

17. On August 15<sup>th</sup>, 2012 plaintiffs' Notice of Claim was duly filed with the NYCTA and the Comptroller's office of the City of New York; said Notice of Claim was filed within 90 days after the causes of action had accrued.

18. On September 6<sup>th</sup>, 2013 plaintiffs' Notice of Claim was duly filed with the CITY and the Comptroller's office of the City of New York; said Notice of Claim was filed within 90 days after the causes of action had accrued.

19. On September 19<sup>th</sup>, 2013 plaintiffs' Notice of Claim was duly filed with the MTA and the Comptroller's office of the City of New York; said Notice of Claim was filed within 90 days after the causes of action had accrued.

20. More than Thirty (30) days have elapsed since the filing of said Notices of claim and this matter has not been settled or otherwise disposed of.

21. That the Defendants NYCTA, MTA and CITY have failed, neglected and refused to pay, settle, compromise or adjust the Plaintiff's claim.
22. That on or about October, 1 2013 a 50-h hearing was actually held at the offices of the New York City Transit Authority 130 Livingston Street, Brooklyn, NY 11201 before an employee, agent, and/or representative of the Defendant, NYCTA.
23. Defendants MTA and CITY did not demand or request a statutory hearing, however, plaintiffs were and are ready willing able to attend same should a request or demand be made by said defendants.
24. The plaintiffs have complied with all the conditions precedent to the commencement of this cause of action.
25. This action has been commenced within one year and ninety days after plaintiff's various causes of action have accrued.

AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF PLAINTIFFS AS AGAINST DEFENDANT SHOWTIME FOR INTENTIONALLY CREATING AND OR PRODUCING AND THEREAFTER PLACING A TRIPING AND OR FALLING HAZARD IN AND OR ON OR ABOUT A COMMON PUBLIC WALKWAY THEREBY CREATING AND OR CAUSING A DANGEROUS CONDITION FOR PEDESTRIANS THERETO

26. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-25 of the summons and complaint as though fully plead and re-alleged in their entirety below.
27. That on or about June 20, 2013, Plaintiff was lawfully present in defendants NYCTA, MTA and CITY subway station known as the "S" shuttle 42nd Street Grand Central Subway Station and was descending the stairway located in front of the turnstiles through which she entered when she became concerned with the whereabouts of her husband who was with her but, apparently had not made it through the turnstiles as yet.

28. That she turned around and attempted to ascend the staircase to ascertain his whereabouts, when she saw and was confronted with, under the steps thereto, a semi sub-merged but dramatically oversized photograph, poster and or wrap-around advertisement of the actor Michael C Hall, who portrays himself as DEXTER, a Showtime series about a serial killer.
29. That the photograph, extending the full length of the steps from the top of the platform to the bottom, depicted a shocking, and menacing face of a Caucasian man (DEXTER) exhibiting an expression of fear or shock and was covered, draped or enwrapped in cellophane/ plastic wrap.
30. That the sight of photograph startled, shocked and overwhelmed Plaintiff NJEWADDA, causing her to panic and become fearful, which fright, fear and anxiety caused her to panic and lose her balance on the steps thereto resulting in her falling and down the steps to the bottom thereof.
31. That as a result of this fall, the Claimant suffered personal physical injuries to her right foot and ankle to be sick, lame and disabled thereof requiring her to seek medical attention thereto
32. That at all times relevant hereto, defendant SHOWTIME, a wholly-owned subsidiary of CBS Corporation, that owns and operates the premium subscription television network SHOWTIME(R), creates, designs, prepares, authorizes and determines the location and placement of its own advertisement and marketing, on billboards, signs, television and other media in the State of New York.
33. At all times relevant hereto, SHOWTIME creates, designs, prepares and authorizes the location and placement of its own advertisement and marketing, on billboards, signs,

television and other media in the State of New York and in particular such aforesaid advertising relating to the DEXTER television series.

34. At all relevant times hereto, defendant SHOWTIME their agents, servants, employees and/or subcontractors did contract with and obtain the right and or license from Defendants NYCTA, MTA and CITY to place its ads on and in said defendants public property.
35. At all relevant times hereto, defendant SHOWTIME their agents, servants, employees and/or subcontractors had a duty to insure that any ads that were placed on said public property, and in particular under the stairway of the "S" shuttle 42nd Street Grand Central Subway Station were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.
36. At all times relevant hereto, SHOWTIME intentionally and deliberately authorized the aforesaid placement of the disturbing, provocative, shocking and fear inducing advertisement of Dexter at or under and on the 42nd St. Grand Central Subway Station stairway with the intentional aim or purpose of inducing a violent, disturbing and shocking reaction in commuters and pedestrians thereto as they traversed up and down the stairs at the aforesaid location.
37. That as a result of placing such and add at said location Defendant SHOWTIME intentionally and deliberately created and or caused a dangerous tripping and or falling hazardous condition to exist at said location, which hazard was the cause of Plaintiffs accident and resultant injuries thereto.
38. That as a result of the culpable, intentional conduct and performance of defendant SHOWTIME, and through no fault, negligence or culpable conduct of her own, the plaintiff



NJEWADDA was caused to be shocked, frightened, disturbed and disoriented and thereby caused to lose her balance and fall and suffer serious and permanent injury.

39. That by reason of the aforesaid, the Plaintiff NJEWADDA was injured in mind and body and still suffers, and upon information and belief, will continue to suffer great mental and physical pain and be rendered sick, sore lame and so remains by the actions of the aforesaid Defendant, their agents, servants and employees.

40. That by reason of the foregoing, Plaintiff WADDA, as a direct and proximate result of the aforesaid loss to his spouse, was caused to lose the services of his wife which caused him to lose substantial periods of time from his normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses.

41. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF PLAINTIFFS AS AGAINST DEFENDANT SHOWTIME FOR NEGLIGENTLY CREATING AND OR PRODUCING AND THEREAFTER PLACING A TRIPING AND OR FALLING HAZARD IN AND OR ON OR ABOUT A COMMON PUBLIC WALKWAY THEREBY CREATING AND OR CAUSING A DANGEROUS CONDITION FOR PEDESTRIANS THERETO

42. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-41 of the complaint as though fully plead and re-alleged in their entirety below.

43. At all relevant times hereto, defendant SHOWTIME their agents, servants, employees and/or subcontractors did contract with and obtain the right and or license from Defendants NYCTA, MTA and CITY to place its ads on and in said defendants public property.

44. At all relevant times hereto, defendant SHOWTIME their agents, servants, employees and/or subcontractors had a duty to insure that any ads that were placed on said public property, and in particular under the stairway of the "S" shuttle 42nd Street Grand Central Subway Station were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.

45. That at all times relevant hereto, the defendant SHOWTIME their agents, servants, employees and/or subcontractors were negligent in failing to maintain the aforementioned stairway in a safe condition; were negligent in the use and placement of a particular type and form of shock advertising in or on a public stairway which was the proximate cause of plaintiffs injuries; were negligent in the placement of aforesaid violently shocking ad insofar as defendant SHOWTIME failed to take into account and or conduct the proper studies respecting the potential falling risks and hazards posed and presented by placing said ad in, on or under a pedestrian stairway; were negligent in that they caused persons traversing thereto to become disturbed, dislocated, displaced and fall; were negligent in that they failed to warn persons traversing thereto of the potential falling and or tripping hazards presented or posed by such placement of said ad in said location; that defendant was negligent in allowing the stairwell thereto to become unsafe and hazardous for an unreasonably long period of time, longer than the exercise of due care and caution would permit; and in all other ways the defendant were negligent, reckless, careless, and derelict in their duties to keep the stairwell and walkway areas free from walking and traversing dangers and or hazards that interfere with or impede the consistent safe flow of pedestrian traffic.

46. That at all times mentioned Defendants SHOWTIME, their agents, servants, employees and/or subcontractors did cause, permit, create and/or allow a dangerous, hazardous, defective, unsafe and/or unfit condition to become and remain in and or about the subject stairwell thereto by the negligent placement of said dangerous, hazardous and shocking ad.

47. That at all times mentioned defendants SHOWTIME, their agents, servants, employees and/or subcontractors had actual and/or constructive notice of said condition in the subject stairwell thereto.

48. That as a result of said occurrence, Plaintiff NJEWADDA sustained serious, severe and permanent injuries to her mind and body, some of which, upon information and belief, are permanent with permanent effects of pain disability, disfigurement and loss of body function. Further, Plaintiff NJEWADDA was confined to bed and home, incurred numerous medical expenses, bills and lost wages, will be liable for medical expenses in the future, was caused to suffer extreme mental and physical pain and will continue to suffer therefrom and was caused to lose substantial periods of time from her normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses.

49. The aforementioned occurrence and serious physical injuries resulting to the Plaintiff NJEWADDA were caused solely and wholly due to the negligence, carelessness and recklessness of the defendants, their agents, servants, employees and/or subcontractors without any negligence, carelessness or recklessness on the part of the plaintiff contributing thereto.

50. That by reason of the foregoing, plaintiff WADDA, as a direct and proximate result of the aforesaid loss to his spouse, was caused to lose the services of his wife which in turn caused him to lose substantial periods of time from his normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses

51. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

52. The limitations on liability set forth in Article 16 of the CPLR do not apply, and one or more of the exceptions set forth in CPLR Section 1602 apply herein.

AS AND FOR A THIRD CAUSE OF ACTION FOR NEGLIGENCE ON BEHALF OF PLAINTIFFS AS AGAINST DEFENDANT NEW YORK CITY TRANSIT AUTHORITY

53. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-52 of the complaint as though fully plead and re-alleged in their entirety below

54. At all relevant times hereto defendant NYCTA owns, operates, controls, directs, maintains, manages and supervises Public Transportation, including but not limited to subways in the five Boroughs and Counties of the City of New York.

55. At all relevant times hereto, defendant NYCTA had a duty to operate, control, direct, maintain, manage and supervise the common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in subways in the County of New York, and in particular, the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, in order to insure that the same were safe, secure and, hazard-free for all persons

and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto

56. At all relevant times hereto, defendant NYCTA was responsible for the training of its servants, employees, agents and other principals in the proper methods, manners, techniques and procedures required to operate, control, direct, maintain, manage and supervise the common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in the County of New York, and in particular, the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, in order to insure that the same were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.
57. At all times relevant hereto defendant NYCTA licenses, leases, rents and permits the use of said public spaces to and for commercial and other types of public advertising.
58. That at all times mentioned Defendants NYCTA, their agents, servants, employees and/or subcontractors did contract with, license, lease, rent and permit defendant SHOWTIME, its agents, employees, servants and subcontractors the right to place dangerous, hazardous, unsafe and shocking advertising in the public space under the stairway of the S" shuttle 42nd Street Grand Central Subway Station.
59. That at all relevant times in permitting and allowing defendant SHOWTIME to place said ads in said location defendant NYCTA, their agents, servants, employees and/or subcontractors failed in their training and or were improperly trained insofar as same acted negligently in permitting and allowing placing of said ad at said location which did cause,

permit, create and/or allow a dangerous, hazardous, defective, unsafe and/or unfit condition to become and remain in and or about the subject station's subway stairway.

60. That at all times mentioned defendants NYCTA, their agents, servants, employees and/or subcontractors had actual and/or constructive notice of said condition in the subject Station thereto.

61. That as a result of said occurrence, Plaintiff sustained serious, severe and permanent injuries, was confined to bed and home, and incurred numerous medical expenses, bill, loss wages and will be liable for medical expenses in the future and was caused to suffer extreme mental and physical pain and will continue to suffer therefrom.

62. The aforementioned occurrence and serious physical injuries resulting to the Plaintiff were caused solely and wholly due to the negligence, carelessness and recklessness of the defendant NYCTA their agents, servants, employees and/or subcontractors without any negligence, carelessness or recklessness on the part of the plaintiff contributing thereto.

63. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

64. The limitations on liability set forth in Article 16 of the CPLR do not apply, and one or more of the exceptions set forth in CPLR Section 1602 apply herein.

AS AND FOR A FOURTH CAUSE OF ACTION FOR NEGLIGENCE ON BEHALF OF  
PLAINTIFFS AS AGAINST DEFENDANT CBS OUTDOOR AMERICAS INC

65. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-64 of the complaint as though fully plead and re-alleged in their entirety below

66. At all relevant times hereto the Defendant CBS OUTDOOR is one of the largest lessors of advertising space on out-of-home advertising structures and sites across the U.S. Their portfolio primarily consists of billboard displays, which are predominantly located in densely populated major metropolitan areas and along high-traffic expressways and major commuting routes.
67. Furthermore, defendant CBS OUTDOOR has a number of exclusive multi-year contracts that allow them to operate advertising displays in municipal transit systems where their customers are able to reach millions of commuters on a daily basis, including in some of the most heavily trafficked locations such as Grand Central Station and Times Square in New York City.
68. At all relevant times hereto, defendant CBS OUTDOOR their agents, servants, employees and/or subcontractors did contract with and obtain the right and or license from Defendants SHOWTIME to place its ads on and in defendants NYCTA, MTA and CITY public property.
69. That at all relevant times defendant CBS OUTDOOR did pursuant to its contractual obligations thereto with Defendants SHOWTIME, NYCTA, MTA and CITY did place the aforesaid ad under the aforesaid stairway of the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station.
70. At all relevant times hereto, defendant CBS OUTDOOR, their agents, servants, employees and/or subcontractors had a duty to insure that any ads that were placed by them on said public property, and in particular under the stairway of the "S" shuttle 42nd Street Grand Central Subway Station were safe, secure and, hazard-free for all persons and pedestrians

traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.

71. That at all times relevant hereto, the defendant CBS OUTDOOR, their agents, servants, employees and/or subcontractors were negligent in failing to maintain that the aforementioned ad was safe to place under said stairway; were negligent in the use and placement of a particular type and form of shock advertising in or on a public stairway which was the proximate cause of plaintiffs injuries; were negligent in the placement of aforesaid violently shocking ad insofar as defendant CBS OUTDOOR failed to take into account and or conduct the proper studies respecting the potential falling risks and hazards posed and presented by placing said ad in or on a pedestrian stairway where persons thereto are traversing in a dynamic fashion on a steep, graduated decline thereby making them susceptible to becoming disturbed, dislocated displaced and falling; were negligent in that said defendant failed to warn persons traversing thereto of the potential falling and or tripping hazards presented or posed by such placement of said ad in said location; that defendant was negligent in allowing the stairwell thereto to become unsafe and hazardous for an unreasonably long period of time, longer than the exercise of due care and caution would permit; and in all other ways the defendant were negligent, reckless, careless, and derelict in their duties to keep the stairwell and walkway areas free from walking and traversing dangers and or hazards that interfere with or impede the consistent safe flow of pedestrian traffic.

72. That at all times mentioned Defendants CBS OUTDOOR, theirs agents, servants, employees and/or subcontractors did cause, permit, create and/or allow a dangerous, hazardous, defective, unsafe and/or unfit condition to become and remain in and or about



the subject stairwell thereto by the negligent placement of said dangerous, hazardous and shocking ad.

73. That at all times mentioned defendants CBS OUTDOOR, their agents, servants, employees and/or subcontractors had actual and/or constructive notice of said condition in the subject stairwell thereto.

74. That as a result of said occurrence, Plaintiff NJEWADDA sustained serious, severe and permanent injuries to her mind and body, some of which, upon information and belief, are permanent with permanent effects of pain disability, disfigurement and loss of body function. Further, Plaintiff NJEWADDA was confined to bed and home, incurred numerous medical expenses, bills and lost wages, will be liable for medical expenses in the future, was caused to suffer extreme mental and physical pain and will continue to suffer therefrom and was caused to lose substantial periods of time from her normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses.

75. The aforementioned occurrence and serious physical injuries resulting to the Plaintiff NJEWADDA were caused solely and wholly due to the negligence, carelessness and recklessness of the defendants, their agents, servants, employees and/or subcontractors without any negligence, carelessness or recklessness on the part of the plaintiff contributing thereto.

76. That by reason of the foregoing, Plaintiff WADDA, as a direct and proximate result of the aforesaid loss to his spouse, was caused to lose the services of his wife thereto which in turn caused him to lose substantial periods of time from his normal vocation and upon

information and belief that may continue in that way into the future and suffer similar losses.

77. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

78. The limitations on liability set forth in Article 16 of the CPLR do not apply, and one or more of the exceptions set forth in CPLR Section 1602 apply herein.

AS AND FOR A FIFTH CAUSE OF ACTION FOR NEGLIGENCE ON BEHALF OF PLAINTIFFS AS AGAINST DEFENDANT METROPOLITAN TRANSIT AUTHORITY

79. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-46 of the complaint as though fully plead and re-alleged in their entirety below

80. At all relevant times hereto defendant MTA manages, oversees and supervises the NYCTA respecting its, operation, control, direction, maintenance, management and supervision of Public Transportation, including but not limited to subways in the five Boroughs and Counties of the City of New York.

81. At all relevant times hereto, defendant MTA had a duty to insure that the NYCTA operated, controlled, directed maintained, managed and supervised the common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in subways in the County of New York, and in particular, the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, in order to insure that the same were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid

and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto

82. At all relevant times hereto, defendant MTA was responsible training its servants, employees, agents and other principals in the proper methods, manners, techniques and procedures required to operate, control, direct, maintain, manage and supervise the NYCTA in its duties to insure that common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in the County of New York, and in particular, the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.

83. At all times relevant hereto defendant MTA was negligent and failed in its duty with respect to the NYCTA in so far as the NYCTA, their agents, servants, employees and/or subcontractors did contract with, license, lease, rent and permit defendant SHOWTIME, its agents, employees, servants and subcontractors the right to place a dangerous, hazardous, unsafe and shocking advertising in the public space under the stairway of the S" shuttle 42nd Street Grand Central Subway Station.

84. That at all relevant times in permitting and allowing defendant NYCTA to place said defendant SHOWTIME'S ads in said location defendant MTA acted negligently in that placing of said ad at said location did cause, permit, create and/or allow a dangerous, hazardous, defective, unsafe and/or unfit condition to become and remain in and or about the subject subway station's stairway.

85. That at all times mentioned defendants MTA, their agents, servants, employees and/or subcontractors had actual and/or constructive notice of said condition in the subject Station thereto.
86. That as a result of said occurrence, Plaintiff NJEWADDA sustained serious, severe and permanent injuries, was confined to bed and home, and incurred numerous medical expenses, bill, loss wages and will be liable for medical expenses in the future and was caused to suffer extreme mental and physical pain and will continue to suffer therefrom.
87. That by reason of the foregoing, plaintiff WADDA, as a direct and proximate result of the aforesaid loss to his spouse, was caused to lose the services of his wife which in turn caused him to lose substantial periods of time from his normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses
88. The aforementioned occurrence and serious physical injuries resulting to the aforesaid Plaintiffs were caused solely and wholly due to the negligence, carelessness and recklessness of the defendant NYCTA their agents, servants, employees and/or subcontractors without any negligence, carelessness or recklessness on the part of the plaintiff contributing thereto.
89. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.
90. The limitations on liability set forth in Article 16 of the CPLR do not apply, and one or more of the exceptions set forth in CPLR Section 1602 apply herein.

AS AND FOR A SIXTH CAUSE OF ACTION FOR NEGLIGENCE ON BEHALF OF  
PLAINTIFFS AS AGAINST DEFENDANT CITY

91. The Plaintiffs WADDA and NJEWADDA, hereby incorporate by reference each and every preceding paragraph 1-89 of the complaint as though fully plead and re-alleged in their entirety below
92. At all relevant times hereto defendant CITY controls, directs, manages, oversees and supervises the MTA and NYCTA respecting their, operation, control, direction, maintenance, management and supervision of Public Transportation, including but not limited to subways, in the five Boroughs and Counties of the City of New York.
93. At all relevant times hereto, defendant CITY had a duty to insure that defendant MTA and NYCTA operated, controlled, directed maintained, managed and supervised the common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in subways in the County of New York, and in particular, the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, in a manner that was safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto
94. At all relevant times hereto, defendant CITY was responsible for training its servants, employees, agents and other principals in the proper methods, manners, techniques and procedures required to operate, control, direct, maintain, manage and supervise defendants MTA and NYCTA in their duties to insure that common areas, lobbies, stairwells, elevators and other areas and spaces open to the public in the County of New York, and in particular, the stairway under the "S" shuttle subway station located at the 42nd Street Grand Central Subway Station, were safe, secure and, hazard-free for all persons and pedestrians traversing thereto and thereupon so as to avoid and prevent tripping, slipping and other walking and or traversing hazards and dangers thereto.

95. At all times relevant hereto defendant CITY was negligent and failed in its duty with respect to defendants MTA and NYCTA in so far as defendants MTA and NYCTA, their agents, servants, employees and/or subcontractors did contract with, license, lease, rent and permit defendant SHOWTIME, its agents, employees, servants and subcontractors the right to place dangerous, hazardous, unsafe and shocking advertising in the public space under the stairway of the S" shuttle 42nd Street Grand Central Subway Station.
96. That at all relevant times in permitting and allowing defendant NYCTA and MTA to place said defendant SHOWTIME'S ads in said location defendant CITY acted negligently in that placing of said ad at said location did cause, permit, create and/or allow a dangerous, hazardous, defective, unsafe and/or unfit condition to become and remain in and or about the subject station's subway stairway.
97. That at all times mentioned defendants CITY, their agents, servants, employees and/or subcontractors had actual and/or constructive notice of said condition in the subject Station thereto.
98. That as a result of said occurrence, Plaintiff NJEWADDA sustained serious, severe and permanent injuries, was confined to bed and home, and incurred numerous medical expenses, bill, loss wages and will be liable for medical expenses in the future and was caused to suffer extreme mental and physical pain and will continue to suffer therefrom.
99. That by reason of the foregoing, Plaintiff WADDA, as a direct and proximate result of the aforesaid loss to his spouse, was caused to lose the services of his wife which in turn caused him to lose substantial periods of time from his normal vocation and upon information and belief that may continue in that way into the future and suffer similar losses.

100. The aforementioned occurrence and serious physical injuries resulting to the Plaintiffs were caused solely and wholly due to the negligence, carelessness and recklessness of the defendant CITY, their agents, servants, employees and/or subcontractors without any negligence, carelessness or recklessness on the part of the plaintiff contributing thereto.

101. The amount of damages sought in this action exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction.

102. The limitations on liability set forth in Article 16 of the CPLR do not apply, and one or more of the exceptions set forth in CPLR Section 1602 apply herein.

WHEREFORE, the Plaintiffs demands judgment against the defendants in an amount exceeding the monetary jurisdictional limits of any and all lower Courts which would otherwise have jurisdiction in an amount to be determined upon the trial of this action, together with the costs and disbursements of this action.

Dated: Queens New York  
June 19, 2014



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REHAN NAZRALI, Esq.  
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Jackson Heights, NY 11372  
Tel. 646-331-9378

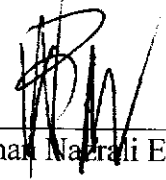
Attorney Verification

STATE OF NEW YORK     )  
  )  
COUNTY OF QUEENS    )

Rehan Nazrali Esq, being first duly sworn hereby deposes and affirms that:

1. I am the Plaintiff's Attorney in the within Action
2. I am over eighteen years of age and reside in Queens County of the City of New York
3. That pursuant to CPLR Section 3020, on account of the fact the Plaintiff resides in a different County than that where my office is located, to wit Bronx County, I am verifying this complaint
4. That I am an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms under the penalties of perjury and pursuant to CPLR section 2106 that I have read the foregoing Summons and Complaint and know the contents thereof, and that upon information and belief the same are true. The sources of your affirmants information and belief are oral statements, books and records furnished by the Plainiff and material contained in the office files.

Dated: June 19, 2014  
Jackson Heights, NY

  
\_\_\_\_\_  
Rehan Nazrali Esq



*Index No.*

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

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AJANAFFY NJEWADDA AND SHEIK AHMAD  
TEJAN WADDA

Plaintiffs

-against-

SHOWTIME NETWORKS INC., NEW YORK CITY  
TRANSIT AUTHORITY, CBS OUTDOOR AMERICAS INC.,  
THE METROPOLITAN TRANSIT AUTHORITY,  
THE CITY OF NEW YORK

Defendant(s).

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**VERIFIED COMPLAINT**

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**Rehan Nazrali.**  
Attorneys for Plaintiff(s)  
78-27 37<sup>th</sup> Avenue #9  
Jackson Heights, NY 11372  
(347) 642-4633

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To: ALL COUNSEL  
Attorney(s) for  
THE PETITIONER

Service of a copy of the within Verified Complaint

\_\_\_\_\_

Attorney(s) for Defendants

Counselor(s) : Please Take notice

**NOTICE OF ENTRY**

that the within is a (certified) true copy of a  
duly entered order in the office of the clerk of the within named court on

**NOTICE OF SETTLEMENT**

that an order for of which the within is a true copy will be presented for settlement to the HON. one of  
the justices of the within named Court at  
the within is a (certified) true copy of a duly entered