

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

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VERNON STEWARD and HEATHER
FAULDING,

Plaintiff^s,

- against -

AMERICAN MUSEUM OF THE MOVING
IMAGE,

Defendant.

-----X

Index No.
Date Purchased:

Plaintiff(s) designates:
SUFFOLK COUNTY
County as the place of trial

The basis of the venue is:
Plaintiff's residence

SUMMONS

Plaintiff(s) reside at:
333 Park Avenue
New York, New York 10010

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 the 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: New York, New York
August 18, 2014

Defendants addresses:

AMERICAN MUSUEM OF THE MOVING IMAGE
36-01 35TH Avenue
Astoria, New York 11106



PAUL N. ARIDA, P.C.
Attorney for Plaintiff
26 Broadway, 17th Floor
New York, NY 10004
(212) 363-3345

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

-----X

VERNON STEWARD and HEATHER
FAULDING,

Plaintiffs,

- against -

AMERICAN MUSEUM OF THE MOVING
IMAGE,

Defendant.

-----X

VERIFIED COMPLAINT

Index No.
Date Purchased:

Plaintiffs by their attorney PAUL N. ARIDA, P.C., upon information and belief and
at all times hereinafter allege:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times hereinafter mentioned, Plaintiffs resided and still reside at 333 Park Avenue, New York, New York..
2. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. That Defendant AMERICAN MUSEUM OF THE MOVING IMAGE is still a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.

4. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was a duly organized foreign corporation authorized to do business in the State of New York.

5. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was a partnership duly organized and existing under and by virtue of the laws of the State of New York.

6. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was a proprietorship duly organized and existing under and by virtue of the laws of the State of New York.

7. That Defendant AMERICAN MUSEUM OF THE MOVING IMAGE still is a proprietorship and/or partnership duly organized and existing under and by virtue of the laws of the State of New York.

8. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was doing business as the MUSEUM OF THE MOVING IMAGE at premises located at 36-01 35th Avenue, Astoria, New York.

9. That Defendant AMERICAN MUSEUM OF THE MOVING IMAGE is still doing business as the MUSEUM OF THE MOVING IMAGE at premises located at 36-01 35th Avenue, Astoria, New York.

10. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE owned the premises located at 36-01 35th Avenue, Astoria, New York, in which the MUSEUM OF THE MOVING IMAGE was located..

11. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was the lessor of the premises located at 36-01 35th Avenue, Astoria, New York in which the MUSEUM OF THE MOVING IMAGE was located.

12. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE was the lessee of the premises located at 36-01 35th Avenue, Astoria, New York at which the MUSEUM OF THE MOVING IMAGE was located.

13. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees managed the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

14. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees maintained the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

15. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees operated the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

16. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees controlled the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

17. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees supervised the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

18. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees inspected the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

19. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees constructed the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

20. That on April 15, 2014, Defendant AMERICAN MUSEUM OF THE MOVING IMAGE by its agents, servants and/or employees designed the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

21. That on April 15, 2014, Plaintiff VERNON STEWARD was lawfully at the aforesaid premises known as the MUSEUM OF THE MOVING IMAGE located at 36-01 35th Avenue, Astoria, New York.

22. That on April 15, 2014, while Plaintiff VERNON STEWARD was at the aforesaid premises on the Third Floor, he was caused to trip over a baby/infant who was on the floor causing him to fall to the floor.

23. As a result of the above, Plaintiff VERNON STEWARD was injured.

24. As a result of the above, Plaintiff VERNON STEWARD was seriously injured.

25. That the aforesaid occurrence was due to the carelessness, recklessness, negligence, acts of omission and commission of the Defendant and their agents, servants and/or employees.

26. This action falls within one or more of the exceptions set forth in CPLR § 1602.

27. By reason of the foregoing, Plaintiff VERNON STEWARD has been damaged in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

AS AND FOR A SECOND CAUSE OF ACTION

28. Plaintiff repeats, reiterates and realleges each and every allegation contained hereinabove in paragraphs 1 through 28, inclusive as if hereinafter set forth at length.

29. That the premises referred to hereinabove where the incident occurred, constituted a public and private nuisance and a trap for the unaware and more particularly the Plaintiff VERNON STEWARD herein.

30. By reason of the foregoing, Plaintiff VINCENZO VACCARO has been damaged in the sum of ONE MILLION (\$1,000,000.00) DOLLARS.

31.

AS AND FOR A THIRD CAUSE OF ACTION

32. Plaintiff repeats, reiterates and realleges each and every allegation contained hereinabove in paragraphs 1 through 31, inclusive as if hereinafter set forth at length.

33. That on and before April 15, 2014, Plaintiff HEATHER FAULDING was and still is the wife of Plaintiff VERNON STEWARD.

34. By reason of the aforesaid, Plaintiff HEATHER FAULDING has been deprived of the consortium of her husband, including but not limited to his services, love, companionship, affection, society and solace, all to her damage in the sum of TWO HUNDRED AND FIFTY THOUSAND (\$250,000.00) DOLLARS.

WHEREFORE, Plaintiffs demand judgment against the Defendant on the causes of action herein alleged as follows:

FIRST CAUSE OF ACTION - ONE MILLION (\$1,000,000.00) DOLLARS;

SECOND CAUSE OF ACTION - ONE MILLION (\$1,000,000.00) DOLLARS;

THIRD CAUSE OF ACTION - TWO HUNDRED AND FIFTH THOUSAND (\$250,000.00) DOLLARS, together with interest from the 15th day of April, 2014, together with the costs and disbursements of this action.

Dated: New York, New York
August 18, 2014

Yours etc.



PAUL N. ARIDA, P.C.

Attorney for Plaintiffs

26 Broadway, 17th Floor

New York, NY 10004

(212) 363-3345

VERIFICATION

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

PAUL N. ARIDA, P.C., an attorney-at-law, duly admitted to practice in the Courts of this State, affirms under the penalties of perjury that;

I am the attorney of record representing the plaintiffs in the above entitled action. That I have read the foregoing Verified *SUMMONS + COMPLAINT* and know the contents thereof, and upon information and belief, deponent believes the matters alleged therein to be true.

- PLAINTIFFS VERIFICATION TO FOLLOW -

The source of deponent's information and the grounds of his belief are communications, papers, reports and investigations contained in the file.

Dated: New York, New York

AUGUST 18, 2014

Paul N. Arida