

Supreme Court of the State of New York  
County of New York

CAROLINA ROMMEL,

*Plaintiff,*

*-against-*

AVROKO HOSPITALITY GROUP, INC. ,

*Defendant.*

Index No.  
Date purchased:

Plaintiff designates New York  
County as the place of trial.  
The basis of the venue is  
plaintiff's residence.

**Summons**

Plaintiff resides at  
15 Broad Street, Apt. 2108  
New York, NY 10005,  
New York County.

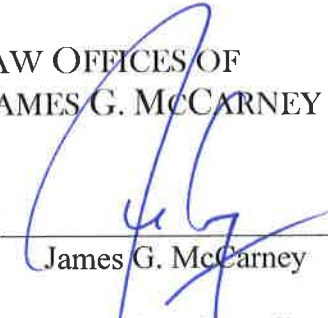
To the above-named defendant(s):

**You are hereby summoned** to answer the complaint in this action and to serve a copy of the answer on plaintiff's attorneys within twenty (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, judgment will be taken against you by default for the relief demanded in the complaint.

Defendant's address:

AvroKO Hospitality Group, Inc.  
210 Elizabeth Street  
New York, New York, 10012

LAW OFFICES OF  
JAMES G. MCCARNEY

By   
James G. McCarney

*Attorneys for Plaintiff*  
29 Broadway, 27<sup>th</sup> Floor  
New York, NY 10006  
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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

CAROLINA ROMMEL,

*Plaintiff,*

-against-

AVROKO HOSPITALITY GROUP, INC.,

*Defendant.*

**VERIFIED  
COMPLAINT**

Plaintiff Carolina Rommel, by her attorneys, the Law Offices of James G. McCarney, for her verified complaint against defendant AvroKO Hospitality Group, Inc. (AvroKO”) alleges:

1. Plaintiff resides at 15 Broad Street, Apt. 2108, New York, NY 10005, in the City, County and State of New York.

2. Upon information and belief, defendant AvroKO is a corporation formed under the laws of the State of Delaware with its principal office at 210 Elizabeth Street, New York, NY 10012, in the City, County and State of New York.

3. On or about October 18, 2011, and prior thereto, and at all relevant times, defendant AvroKO owned, operated, controlled, and together with its agents, servants and/or employees, managed and maintained, the restaurant Public at 210 Elizabeth Street in the City, County and State of New York (“Public”).

4. On the evening of October 18, 2011, while lawfully present to dine at Public, plaintiff, through no fault of her own, bit into a rock contained in a warm lentil salad that had been served to her by defendant.

5. As a result, two of plaintiff's teeth cracked and a third tooth was damaged causing her to sustain severe and permanent bodily injuries.

6. The above-mentioned occurrence, and the results thereof, were caused by the negligence, carelessness and recklessness of the defendant, its servants, agents, employees and/or licensees in their ownership, operation, control, management and maintenance of Public in that the defendant, among other things, caused, created, allowed and permitted the existence of a condition which constituted a danger to persons lawfully dining at Public; failed to take necessary steps and measures to have prevented the hazardous and dangerous condition; failed to give plaintiff adequate notice of or warning of said condition; knew, or should have known with the exercise of reasonable care and caution, testing, observation and inspection, that the aforementioned said dangerous and hazardous condition existed; failed to properly hire, supervise, manage, direct and control the actions of its employees, agents, servants, contractors and subcontractors; violated all applicable rules, codes, statutes, ordinances and regulations in effect at the time of the occurrence; and was otherwise negligent, careless and reckless.

7. Upon information and belief, defendant had both actual and constructive notice of said hazardous and dangerous condition due to prior occurrences involving foreign objects improperly contained in the food served at Public.

8. No negligence on the part of plaintiff contributed to the occurrence alleged herein in any manner whatsoever.

9. As a direct and proximate result of the defendant's negligence, carelessness, and recklessness, plaintiff was caused to sustain serious personal injuries

and was rendered sick, sore, lame and disabled, experiencing great pain and suffering, and was required to seek dental treatment and be confined to her own home and bed, unable to attend to her vocation and has been caused to spend various and diverse sums for dental services, all to her detriment.

10. Plaintiff's injuries have been exacerbated by the unique nature of her employment and her preexisting medical condition. As a high fashion model, plaintiff's physical appearance is essential to her ability to work. Plaintiff is afflicted with dermatographic urticaria, which has resulted in abnormal swelling due to trauma in the affected areas both at the time of the occurrence and incident to the multiple dental procedures to which plaintiff has been subjected as a direct and proximate cause of defendant's negligence. These injuries required plaintiff to cancel modeling engagements and prevented her from being employed in her field.

11. The aforesaid accident and the injuries and damages ensuing therefrom were the direct and proximate cause and caused wholly and solely by reason of the negligence, recklessness and carelessness of the defendant, its agents, servants, employees, contractors and subcontractors, without any negligence on the part of the plaintiff in any way contributing thereto.

12. By reason of the foregoing, plaintiff has been damaged and demands judgment against defendant in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter and which warrants the jurisdiction of this Court.

WHEREFORE, plaintiff Carolina Rommel has been damaged and demands judgment against defendant AvroKO Hospitality Group, Inc. in a sum which

exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this matter and which warrants the jurisdiction of this Court, together with costs and disbursements, and such other and further relief as is just and proper.

**PLAINTIFF DEMANDS TRIAL BY JURY.**

Dated: New York, New York  
September 19, 2014

**LAW OFFICES OF  
JAMES G. McCARNEY**

By:   
James G. McCarney

29 Broadway, 27<sup>th</sup> Floor  
New York, New York 10006  
(212) 797-1338  
[jmccarney@mccarneylaw.com](mailto:jmccarney@mccarneylaw.com)

*Attorneys for Plaintiff*

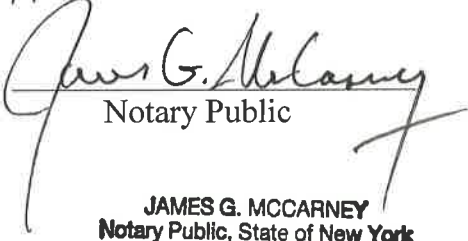
**VERIFICATION**

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

CAROLINA ROMMEL, being duly sworn, deposes and says: that she is the plaintiff in the foregoing verified complaint; that the pleading is true to the knowledge of the deponent, except as to matters alleged on information and belief, and that as to those matters she believes them to be true.

  
\_\_\_\_\_  
Carolina Rommel

Sworn to before me on this  
19<sup>th</sup> day of September, 2014

  
\_\_\_\_\_  
Notary Public

**JAMES G. MCCARNEY**  
Notary Public, State of New York  
No. 02MC4758966  
Qualified in Nassau County  
Commission Expires May 31, 2014