

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

-----X

ROBIN BROUILLETTE,

Plaintiff,

-against -

LISA KISTERMANN, JESSICA KISTERMANN,  
CRIME LONDON, JELKOM, SRL, JELKOM, SRL  
d/b/a CRIME LONDON,

Defendants.

-----X

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 Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after 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: Smithtown, New York  
May 4, 2015

Defendants' addresses:

LISA KISTERMANN  
87 Franklin Street  
New York, NY 10013

JESSICA KISTERMANN  
87 Franklin Street  
New York, NY 10013

CRIME LONDON  
Via Valentini, 7  
59 100 Prato (Po), Italy

Index No.

Date purchased:

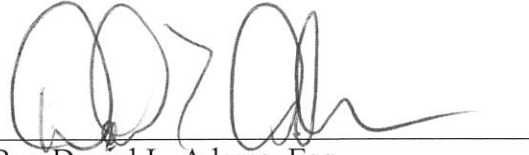
**SUMMONS**

The basis of venue is:  
Plaintiff's residence

Plaintiff resides at:  
87 Franklin Street  
New York, NY 10013

JELKOM, SRL,  
Via Valentini, 7  
59 100 Prato (Po), Italy

JELKOM, SRL d/b/a CRIME LONDON  
Via Valentini, 7  
59 100 Prato (Po), Italy

A handwritten signature in black ink, appearing to read 'D. Adams', written over a horizontal line.

By: Daniel L. Adams, Esq.  
DEVITT SPELLMAN BARRETT, LLP  
Attorneys for Plaintiff  
50 Route 111  
Smithtown, NY 11787  
(631) 724-8833  
File No.: PL7441DL

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

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ROBIN BROUILLETTE,

Plaintiff,

-against -

LISA KISTERMANN, JESSICA KISTERMANN,  
CRIME LONDON, JELKOM, SRL, JELKOM, SRL  
d/b/a CRIME LONDON,

Defendants.

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**VERIFIED COMPLAINT**

Plaintiff, ROBIN BROUILLETTE, by her attorneys, DEVITT SPELLMAN BARRETT  
LLP, complaining of the defendants above-named, alleges upon information and belief as  
follows:

1. That the subject incident occurred on March 25, 2015 [“Incident Date”] at  
approximately 11:45 P.M. [“Incident Time”].
2. That the subject incident occurred in the premises located at 87 Franklin Street,  
New York, N.Y. 10013 [“Incident Location”].
3. At the time and place of the incident, the defendants, LISA KISTERMANN and  
JESSICA KISTERMANN, caused the plaintiff, ROBIN BROUILLETTE, to be precipitated  
down a set of stairs, and made such contact with the plaintiff so as to cause the plaintiff to suffer  
physical injury, mental anguish, humiliation, embarrassment, and emotional injury.
4. That at the time of the incident, the defendants, LISA KISTERMANN and  
JESSICA KISTERMANN, were acting in furtherance of their duties with and for the other  
defendants and each other.

5. That at all times hereinafter mentioned, plaintiff was and still is a resident of the County of New York, State of New York.

6. That at all times hereinafter mentioned, defendant LISA KISTERMANN was and still is a resident of the County of New York, State of New York.

7. That at all times hereinafter mentioned, defendant JESSICA KISTERMANN was and still is a resident of the County of New York, State of New York.

8. That at all times hereinafter mentioned, defendant CRIME LONDON, is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.

9. That at all times hereinafter mentioned, defendant CRIME LONDON is a domestic limited liability company organized and existing under and by virtue of the laws of the State of New York.

10. That at all times hereinafter mentioned, defendant CRIME LONDON is a foreign corporation authorized to do business in the State of New York.

11. That at all times hereinafter mentioned, defendant CRIME LONDON regularly did business or solicited business in New York to promote and sell footwear and other fashion items under its Crime London brand, engaged in a persistent course of conduct in New York, derived substantial revenue from goods sold in New York, and derived substantial revenue from interstate or international commerce.

12. That at all times hereinafter mentioned, defendant JELKOM, SRL is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.

13. That at all times hereinafter mentioned, defendant JELKOM, SRL is a domestic limited liability company organized and existing under and by virtue of the laws of the State of New York.

14. That at all times hereinafter mentioned, defendant JELKOM, SRL is a foreign corporation authorized to do business in the State of New York.

15. That at all times hereinafter mentioned, defendant JELKOM, SRL regularly did business or solicited business in New York to promote and sell footwear and other fashion items under its Crime London brand, engaged in a persistent course of conduct in New York, derived substantial revenue from goods sold in New York, and derived substantial revenue from interstate or international commerce.

16. That at all times hereinafter mentioned, defendant JELKOM, SRL is a domestic corporation doing business as "CRIME LONDON."

17. That at all times hereinafter mentioned, defendant JELKOM, SRL is a domestic limited liability company doing business as "CRIME LONDON."

18. That at all times hereinafter mentioned, defendant JELKOM, SRL is a foreign corporation doing business as "CRIME LONDON."

19. That at all times hereinafter mentioned, defendant JELKOM, SRL d/b/a CRIME LONDON regularly did business or solicited business in New York to promote and sell footwear and other fashion items under its Crime London brand, engaged in a persistent course of conduct in New York, derived substantial revenue from goods sold in New York, and derived substantial revenue from interstate or international commerce.

20. That at all times hereinafter mentioned, defendant LISA KISTERMANN leased space within the premises located at 87 Franklin Street, New York, N.Y. 10013.

21. That at all times hereinafter mentioned defendant LISA KISTERMANN operated the premises located at 87 Franklin Street, New York, N.Y. 10013.

22. That at all times hereinafter mentioned defendant LISA KISTERMANN controlled the premises located at 87 Franklin Street, New York, N.Y. 10013.

23. That at all times hereinafter mentioned defendant LISA KISTERMANN maintained the premises located at 87 Franklin Street, New York, N.Y. 10013.

24. That at all times hereinafter mentioned, the defendant LISA KISTERMANN, her agents, servants and/or employees had the duty to use reasonable care in the ownership, operation, maintenance and control of the premises located at 87 Franklin Street, New York, N.Y. 10013.

25. That at all times hereinafter mentioned, defendant JESSICA KISTERMANN leased space within the premises located at 87 Franklin Street, New York, N.Y. 10013.

26. That at all times hereinafter mentioned defendant JESSICA KISTERMANN operated the premises located at 87 Franklin Street, New York, N.Y. 10013.

27. That at all times hereinafter mentioned defendant JESSICA KISTERMANN controlled the premises located at 87 Franklin Street, New York, N.Y. 10013.

28. That at all times hereinafter mentioned defendant JESSICA KISTERMANN maintained the premises located at 87 Franklin Street, New York, N.Y. 10013.

29. That at all times hereinafter mentioned, the defendant JESSICA KISTERMANN, her agents, servants and/or employees had the duty to use reasonable care in the ownership, operation, maintenance and control of the premises located at 87 Franklin Street, New York, N.Y. 10013.

30. That at all times hereinafter mentioned, defendant CRIME LONDON leased space within the premises located at 87 Franklin Street, New York, N.Y. 10013.

31. That at all times hereinafter mentioned defendant CRIME LONDON operated the premises located at 87 Franklin Street, New York, N.Y. 10013.

32. That at all times hereinafter mentioned defendant CRIME LONDON controlled the premises located at 87 Franklin Street, New York, N.Y. 10013.

33. That at all times hereinafter mentioned defendant CRIME LONDON maintained the premises located at 87 Franklin Street, New York, N.Y. 10013.

34. That at all times hereinafter mentioned, the defendant CRIME LONDON, its agents, servants and/or employees had the duty to use reasonable care in the ownership, operation, maintenance and control of the premises located at 87 Franklin Street, New York, N.Y. 10013.

35. That at all times hereinafter mentioned, defendant JELKOM, SRL leased space within the premises located at 87 Franklin Street, New York, N.Y. 10013.

36. That at all times hereinafter mentioned defendant JELKOM, SRL operated the premises located at 87 Franklin Street, New York, N.Y. 10013.

37. That at all times hereinafter mentioned defendant JELKOM, SRL controlled the premises located at 87 Franklin Street, New York, N.Y. 10013.

38. That at all times hereinafter mentioned defendant JELKOM, SRL maintained the premises located at 87 Franklin Street, New York, N.Y. 10013.

39. That at all times hereinafter mentioned, the defendant JELKOM, SRL, its agents, servants and/or employees had the duty to use reasonable care in the ownership, operation, maintenance and control of the premises located at 87 Franklin Street, New York, N.Y. 10013.

40. That at all times hereinafter mentioned, defendant JELKOM, SRL d/b/a CRIME LONDON leased space within the premises located at 87 Franklin Street, New York, N.Y. 10013.

41. That at all times hereinafter mentioned defendant JELKOM, SRL d/b/a CRIME LONDON operated the premises located at 87 Franklin Street, New York, N.Y. 10013.

42. That at all times hereinafter mentioned defendant JELKOM, SRL d/b/a CRIME LONDON controlled the premises located at 87 Franklin Street, New York, N.Y. 10013.

43. That at all times hereinafter mentioned defendant JELKOM, SRL d/b/a CRIME LONDON maintained the premises located at 87 Franklin Street, New York, N.Y. 10013.

44. That at all times hereinafter mentioned, the defendant JELKOM, SRL d/b/a CRIME LONDON, its agents, servants and/or employees had the duty to use reasonable care in the ownership, operation, maintenance and control of the premises located at 87 Franklin Street, New York, N.Y. 10013.

45. That at all times hereinafter mentioned defendant LISA KISTERMANN was a principal of CRIME LONDON.



46. That at all times hereinafter mentioned defendant LISA KISTERMANN was a principal of JELKOM, SRL.

47. That at all times hereinafter mentioned defendant LISA KISTERMANN was a principal of JELKOM, SRL d/b/a CRIME LONDON.

48. That at all times hereinafter mentioned defendant LISA KISTERMANN was an employee of CRIME LONDON.

49. That at all times hereinafter mentioned defendant LISA KISTERMANN was an employee of JELKOM, SRL.

50. That at all times hereinafter mentioned defendant LISA KISTERMANN was an employee of JELKOM, SRL d/b/a CRIME LONDON.

51. That at all times hereinafter mentioned defendant LISA KISTERMANN was an agent of CRIME LONDON.

52. That at all times hereinafter mentioned defendant LISA KISTERMANN was an agent of JELKOM, SRL.

53. That at all times hereinafter mentioned defendant LISA KISTERMANN was an agent of JELKOM, SRL d/b/a CRIME LONDON.

54. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was a principal of CRIME LONDON.

55. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was a principal of JELKOM, SRL.

56. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was a principal of JELKOM, SRL d/b/a CRIME LONDON.

57. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an employee of CRIME LONDON.

58. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an employee of JELKOM, SRL.

59. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an employee of JELKOM, SRL d/b/a CRIME LONDON.

60. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an agent of CRIME LONDON.

61. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an agent of JELKOM, SRL.

62. That at all times hereinafter mentioned defendant JESSICA KISTERMANN was an agent of JELKOM, SRL d/b/a CRIME LONDON.

**AS AND FOR A FIRST CAUSE OF ACTION  
(NEGLIGENCE AGAINST LISA KISTERMANN)**

63. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "62", with the same force and effect as if set forth at length herein.

64. That on March 25, 2015, while plaintiff ROBIN BROUILLETTE was lawfully on the aforementioned premises, she was injured by defendant LISA KISTERMANN due to the carelessness, recklessness and negligence of the defendants.

65. That the defendant LISA KISTERMANN, acted in a negligent, careless and reckless manner and became violent toward the plaintiff ROBIN BROUILLETTE and unintentionally caused the injuries hereinafter alleged.

66. That the defendant, LISA KISTERMANN, was reckless, careless and negligent in that she failed and omitted to apprehend and comprehend an imminent, dangerous, hazardous and perilous accident situation and failed to take the necessary steps to remedy same; the violent actions of the defendant, LISA KISTERMANN, while in close proximity to the plaintiff, and which actions were perpetrated without intending the result of said actions, caused and omitted to warn the plaintiff of the defendant's conduct; failed and omitted to use reasonable care in her conduct toward the plaintiff, although the defendant new or should have known that she was reckless, careless and negligent, and failed to understand and comprehend that her acts were likely to cause the plaintiff to be injured; and the defendant struck out wildly while she was in the immediate vicinity in close proximity of the plaintiff, thereby causing the injuries hereinafter alleged; the defendant, LISA KISTERMANN, was further reckless, careless and negligent in that she failed to take the necessary steps to avoid causing injuries to the plaintiff; failed to use reasonable care in her conduct toward the plaintiff, although she knew or should have known, that her actions were reckless, careless and negligent and that she failed to comprehend that her acts were likely to cause injury to the plaintiff in that the defendant, LISA KISTERMANN, wildly and violently struck the plaintiff numerous times, causing the injuries as hereinafter alleged.

1. That due to the negligence of the defendants, their agents, servants and or employees, the plaintiff ROBIN BROUILLETTE was caused to and did sustain serious and severe personal injuries; plaintiff suffered and will continue to suffer in the future, pain and

injury; has become sick, sore, lame and disabled; some of plaintiff's injuries are of a permanent nature; some of the injuries have caused plaintiff to expend sums of money and has incurred liability for medical treatment and medicine; has lost time from usual daily activities; will incur such expenses in the future.

2. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

3. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

4. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

**AS AND FOR A SECOND CAUSE OF ACTION  
(NEGLIGENCE AGAINST JESSICA KISTERMANN)**

5. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "68", with the same force and effect as if set forth at length herein.

6. That on March 25, 2015, while plaintiff ROBIN BROUILLETTE was lawfully on the aforementioned premises, she was injured by defendant JESSICA KISTERMANN due to the carelessness, recklessness and negligence of the defendants.

7. That the defendant LISA KISTERMANN, acted in a negligent, careless and reckless manner and became violent toward the plaintiff ROBIN BROUILLETTE and unintentionally caused the injuries hereinafter alleged.

8. That the defendant, LISA KISTERMANN, was reckless, careless and negligent in that she failed and omitted to apprehend and comprehend an imminent, dangerous, hazardous and perilous accident situation and failed to take the necessary steps to remedy same; the violent actions of the defendant, LISA KISTERMANN, while in close proximity to the plaintiff, and which actions were perpetrated without intending the result of said actions, caused and omitted to warn the plaintiff of the defendant's conduct; failed and omitted to use reasonable care in her conduct toward the plaintiff, although the defendant new or should have known that she was reckless, careless and negligent, and failed to understand and comprehend that her acts were likely to cause the plaintiff to be injured; and the defendant struck out wildly while she was in the immediate vicinity in close proximity of the plaintiff, thereby causing the injuries hereinafter alleged; the defendant, LISA KISTERMANN, was further reckless, careless and negligent in that she failed to take the necessary steps to avoid causing injuries to the plaintiff; failed to use reasonable care in her conduct toward the plaintiff, although she knew or should have known, that her actions were reckless, careless and negligent and that she failed to comprehend that her acts were likely to cause injury to the plaintiff in that the defendant, LISA KISTERMANN, wildly and violently struck the plaintiff numerous times, causing the injuries as hereinafter alleged.

9. That due to the negligence of the defendants, their agents, servants and or employees, the plaintiff ROBIN BROUILLETTE was caused to and did sustain serious and severe personal injuries; plaintiff suffered and will continue to suffer in the future, pain and injury; has become sick, sore, lame and disabled; some of plaintiff's injuries are of a permanent nature; some of the injuries have caused plaintiff to expend sums of money and has incurred

liability for medical treatment and medicine; has lost time from usual daily activities; will incur such expenses in the future.

10. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

11. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

12. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

**AS AND FOR A THIRD CAUSE OF ACTION  
(BATTERY AGAINST LISA KISTERMANN)**

13. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “74”, with the same force and effect as if set forth at length herein.

14. The plaintiff did not consent to the bodily contact made by the defendant, LISA KISTERMAN.

15. The defendant’s bodily contact with the plaintiff was offensive to the plaintiff.

16. As a result of the foregoing, plaintiff has been unreasonably harmed, and has incurred damages thereby.

17. That upon information and belief the defendants’ actions were intentional and/or willful, wantonly, deliberately and grossly negligent to such a degree and of such nature, as to

amount to conscious and reckless disregard of, or depraved indifference to the rights and safety of plaintiff in his person and property.

18. That plaintiff is entitled to an award of both compensatory and punitive damages.

19. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

20. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

**AS AND FOR A FOURTH CAUSE OF ACTION  
(BATTERY AGAINST JESSICA KISTERMANN)**

21. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “82”, with the same force and effect as if set forth at length herein.

22. The plaintiff did not consent to the bodily contact made by the defendant, JESSICA KISTERMAN.

23. The defendant’s bodily contact with the plaintiff was offensive to the plaintiff.

24. As a result of the foregoing, plaintiff has been unreasonably harmed, and has incurred damages thereby.

25. That upon information and belief the defendants’ actions were intentional and/or willful, wantonly, deliberately and grossly negligent to such a degree and of such nature, as to amount to conscious and reckless disregard of, or depraved indifference to the rights and safety of plaintiff in his person and property.

26. That plaintiff is entitled to an award of compensatory and punitive damages.

27. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

28. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

**AS AND FOR A FIFTH CAUSE OF ACTION  
(ASSAULT AGAINST LISA KISTERMANN)**

29. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “90”, with the same force and effect as if set forth at length herein.

30. That on the date of incident, the defendants LISA KISTERMANN made threats of violence and attempted to injure the plaintiff, made threatening gestures that put plaintiff in apprehension of immediate and subsequent harm.

31. As a result of the foregoing, plaintiff has been unreasonably placed in fear of immediate harm to her person, and has incurred damages thereby.

32. That plaintiff is entitled to an award of compensatory and punitive damages.

33. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

34. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.



**AS AND FOR A SIXTH CAUSE OF ACTION  
(ASSAULT AGAINST JESSICA KISTERMANN)**

35. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “96”, with the same force and effect as if set forth at length herein.

36. That on the date of incident, the defendants JESSICA KISTERMANN made threats of violence and attempted to injure the plaintiff, made threatening gestures that put plaintiff in apprehension of immediate and subsequent harm.

37. As a result of the foregoing, plaintiff has been unreasonably placed in fear of immediate harm to her person, and has incurred damages thereby.

38. That plaintiff is entitled to an award of compensatory and punitive damages.

39. That this action falls within one or more of the exceptions set forth in CPLR § 1602.

40. That by reason of the foregoing, plaintiff ROBIN BROUILLETTE has sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

**AS AND FOR A SEVENTH CAUSE OF ACTION  
(RESPONDEAT SUPERIOR, CRIME LONDON)**

41. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “102”, with the same force and effect as if set forth at length herein.

42. That defendant CRIME LONDON leased space in the subject premises for the use of defendants LISA KISTERMANN and JESSICA KISTERMANN.

43. That on or about the 25th day of March, 2015, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant CRIME LONDON.

44. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant CRIME LONDON.

45. That on or about the 25th day of March, 2015, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant CRIME LONDON.

46. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant CRIME LONDON.

47. The tortious conduct that was committed by CRIME LONDON'S agent/employee and which injured the plaintiff, was subsequently ratified by the defendant, and thus, the tortious conduct is imputable to the defendant under the doctrine of *respondeat superior*.

48. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

49. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

50. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

51. The tortious conduct that was committed by CRIME LONDON'S agent/employee was outrageous and oppressive and characterized by malice or wantonness justifying the imposition of punitive damages.

52. The imposition of punitive damages on CRIME LONDON for the outrageous tortious conduct of the defendant's agent/employee is justified on the following grounds: the defendant authorized and ratified the conduct, the defendant was reckless or wanton in retaining the agent/employee who committed the tort after knowledge of the agent/employee's proclivities

to engage in such conduct, and/or the agent/employee who committed the tort occupied a managerial position at the defendant company.

**AS AND FOR AN EIGHTH CAUSE OF ACTION  
(NEGLIGENCE, CRIME LONDON)**

53. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “102”, with the same force and effect as if set forth at length herein.

54. That at all times hereinafter mentioned, and upon information and belief, the defendants were responsible for maintaining, managing, operating and controlling the premises leased by CRIME LONDON, as well as the security thereof.

55. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by Defendant LISA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

56. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by Defendant JESSICA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

57. That the defendants, their agents, servants, lessees and/or employees or persons acting pursuant to their direction and control, were careless, reckless, negligent and/or grossly negligent in the ownership, operation, maintenance and control of the aforementioned premises; in failing to take minimal measures to prevent the injuries to the plaintiff herein when defendants had actual and constructive notice of the dangerous activity on the defendants’ premises,

including but not limited to drinking, excessive alcohol consumption and fighting; in allowing and permitting drunk and disorderly and aggressive behavior, at the aforementioned location; in allowing drunk, disorderly, aggressive individuals to become drunk disorderly and remain drunk and disorderly at the aforementioned premises; that defendant had actual and constructive notice of the individual defendants' propensity for violence, disorderly and threatening conduct and nature, but allowed said individuals to remain at the premises; in failing to take minimum measures to protect those upon the premises, including the plaintiff herein; in failing to adequately supervise the premises; in allowing drunk disorderly violent and physically threatening and violent individuals to become drunk, disorderly, or violent, and to remain upon the premises for an extended period of time, and to continue to become more threatening to those lawfully and legally upon the premises; in allowing and permitting the individual defendants with known violent propensities to enter and remain upon the aforementioned property without reasonable and adequate supervision therefore, in failing to have taken notice and/or to have timely and/or properly taken notice of said dangerous condition and take the necessary steps therefore to prevent the infliction of injuries to the plaintiff herein; in causing, permitting and allowing the aforementioned defective condition to exist despite having actual and construction notice; in failing and omitting to take the necessary safety precautions to avoid the occurrence herein.

58. That the defendants, their agents, servants and/or employees, were further reckless, careless and negligent in that they failed to supervise, operate, manage, secure and control the premises in a reasonably safe and secure condition; they allowed and permitted the premises to be, become and remain in a condition that was unsafe and dangerous to the lives and safety of those lawfully thereon; with actual notice and/or constructive knowledge thereof; failed

to provide security suitable and adequate under the circumstances, failed to employ and/or utilize adequately skilled and trained investigative and/or security personnel; failed to properly train, advise, instruct the defendants herein, in maintain and controlling the premises in order to keep same safe for other residents of the same building; failed to employ adequately trained security personnel; and the defendant failed and omitted to provide and/or utilize proper and adequate security devices; failed and omitted to warn the public, the occupants of the building and the plaintiff in particular of the existence of the aforesaid condition and dangers; failed to anticipate, foresee, apprehend and comprehend a dangerous, hazardous and unsafe condition; and failed to take the proper and reasonable steps to remedy the same, despite knowledge of prior acts occurring upon the premises of which the defendants had actual notice thereof; and the defendants failed, permitted to exist and encouraged dangerous activity to occur on the said premises, and failed to take steps to remedy the unsafe and dangerous conditions, all despite actual and constructive notice of the dangers thereon; failed to properly supervise, screen and monitor patrons upon the subject premises; all of which caused the injuries to the plaintiff to occur.

59. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

60. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

61. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

**AS AND FOR A NINTH CAUSE OF ACTION  
(RESPONDEAT SUPERIOR, JELKOM, SRL)**

62. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered “1” through “102”, with the same force and effect as if set forth at length herein.

63. That defendant JELKOM SRL leased space in the subject premises for the use of defendants LISA KISTERMANN and JESSICA KISTERMANN.

64. That on or about the 25th day of March, 2015, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL.

65. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL.

66. That on or about the 25th day of March, 2015, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL.

67. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL.

68. The tortious conduct that was committed by JELKOM SRL's agent/employee and which injured the plaintiff, was subsequently ratified by the defendant, and thus, the tortious conduct is imputable to the defendant under the doctrine of *respondeat superior*.

69. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

70. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.



71. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

72. The tortious conduct that was committed by JELKOM SRL's agent/employee was outrageous and oppressive and characterized by malice or wantonness justifying the imposition of punitive damages.

73. The imposition of punitive damages on JELKOM SRL for the outrageous tortious conduct of the defendant's agent/employee is justified on the following grounds: the defendant authorized and ratified the conduct, the defendant was reckless or wanton in retaining the agent/employee who committed the tort after knowledge of the agent/employee's proclivities to engage in such conduct, and/or the agent/employee who committed the tort occupied a managerial position at the defendant company.

**AS AND FOR A TENTH CAUSE OF ACTION  
(NEGLIGENCE, JELKOM, SRL)**

74. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "102", with the same force and effect as if set forth at length herein.

75. That at all times hereinafter mentioned, and upon information and belief, the defendants were responsible for maintaining, managing, operating and controlling the premises leased by JELKOM, SRL, as well as the security thereof.

76. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by

Defendant LISA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

77. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by Defendant JESSICA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

78. That the defendants, their agents, servants, lessees and/or employees or persons acting pursuant to their direction and control, were careless, reckless, negligent and/or grossly negligent in the ownership, operation, maintenance and control of the aforementioned premises; in failing to take minimal measures to prevent the injuries to the plaintiff herein when defendants had actual and constructive notice of the dangerous activity on the defendants' premises, including but not limited to drinking, excessive alcohol consumption and fighting; in allowing and permitting drunk and disorderly and aggressive behavior, at the aforementioned location; in allowing drunk, disorderly, aggressive individuals to become drunk disorderly and remain drunk and disorderly at the aforementioned premises; that defendant had actual and constructive notice of the individual defendants' propensity for violence, disorderly and threatening conduct and nature, but allowed said individuals to remain at the premises; in failing to take minimum measures to protect those upon the premises, including the plaintiff herein; in failing to adequately supervise the premises; in allowing drunk disorderly violent and physically threatening and violent individuals to become drunk, disorderly, or violent, and to remain upon the premises for an extended period of time, and to continue to become more threatening to those lawfully and legally upon the premises; in allowing and permitting the individual defendants with known violent propensities to enter and remain upon the aforementioned property without

reasonable and adequate supervision therefore, in failing to have taken notice and/or to have timely and/or properly taken notice of said dangerous condition and take the necessary steps therefore to prevent the infliction of injuries to the plaintiff herein; in causing, permitting and allowing the aforementioned defective condition to exist despite having actual and construction notice; in failing and omitting to take the necessary safety precautions to avoid the occurrence herein.

79. That the defendants, their agents, servants and/or employees, were further reckless, careless and negligent in that they failed to supervise, operate, manage, secure and control the premises in a reasonably safe and secure condition; they allowed and permitted the premises to be, become and remain in a condition that was unsafe and dangerous to the lives and safety of those lawfully thereon; with actual notice and/or constructive knowledge thereof; failed to provide security suitable and adequate under the circumstances, failed to employ and/or utilize adequately skilled and trained investigative and/or security personnel; failed to properly train, advise, instruct the defendants herein, in maintain and controlling the premises in order to keep same safe for other residents of the same building; failed to employ adequately trained security personnel; and the defendant failed and omitted to provide and/or utilize proper and adequate security devices; failed and omitted to warn the public, the occupants of the building and the plaintiff in particular of the existence of the aforesaid condition and dangers; failed to anticipate, foresee, apprehend and comprehend a dangerous, hazardous and unsafe condition; and failed to take the proper and reasonable steps to remedy the same, despite knowledge of prior acts occurring upon the premises of which the defendants had actual notice thereof; and the defendants failed, permitted to exist and encouraged dangerous activity to occur on the said premises, and failed to take steps to remedy the unsafe and dangerous conditions, all despite

actual and constructive notice of the dangers thereon; failed to properly supervise, screen and monitor patrons upon the subject premises; all of which caused the injuries to the plaintiff to occur.

80. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

81. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

82. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

**AS AND FOR AN ELEVENTH CAUSE OF ACTION  
(RESPONDEAT SUPERIOR, JELKOM, SRL d/b/a CRIME LONDON)**

83. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "102", with the same force and effect as if set forth at length herein.

84. That defendant JELKOM SRL d/b/a CRIME LONDON leased space in the subject premises for the use of defendants LISA KISTERMANN and JESSICA KISTERMANN.

85. That on or about the 25th day of March, 2015, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL d/b/a CRIME LONDON.

86. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, LISA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL d/b/a CRIME LONDON.

87. That on or about the 25th day of March, 2015, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL d/b/a CRIME LONDON.

88. That on or about the 25th day of March, 2015, at the time of the subject incident, the defendant, JESSICA KISTERMANN, one of the individuals who ultimately assaulted and battered the plaintiff, or otherwise negligently injured the plaintiff, was acting in furtherance of her duties, within the scope of her employment, authority, and apparent authority, and in the interests of the other defendants, including defendant JELKOM SRL d/b/a CRIME LONDON.

89. The tortious conduct that was committed by JELKOM SRL d/b/a CRIME LONDON's agent/employee and which injured the plaintiff, was subsequently ratified by the

defendant, and thus, the tortious conduct is imputable to the defendant under the doctrine of *respondeat superior*.

90. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

91. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

92. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

93. The tortious conduct that was committed by JELKOM SRL d/b/a CRIME LONDON's agent/employee was outrageous and oppressive and characterized by malice or wantonness justifying the imposition of punitive damages.

94. The imposition of punitive damages on JELKOM SRL d/b/a CRIME LONDON for the outrageous tortious conduct of the defendant's agent/employee is justified on the following grounds: the defendant authorized and ratified the conduct, the defendant was reckless or wanton in retaining the agent/employee who committed the tort after knowledge of the

agent/employee's proclivities to engage in such conduct, and/or the agent/employee who committed the tort occupied a managerial position at the defendant company.

**AS AND FOR A TWELFTH CAUSE OF ACTION  
(NEGLIGENCE, JELKOM, SRL d/b/a CRIME LONDON)**

95. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs numbered "1" through "102", with the same force and effect as if set forth at length herein.

96. That at all times hereinafter mentioned, and upon information and belief, the defendants were responsible for maintaining, managing, operating and controlling the premises leased by JELKOM, SRL d/b/a CRIME LONDON, as well as the security thereof.

97. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by Defendant LISA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

98. That on or about March 25, 2015 plaintiff was attacked, assaulted or negligently injured upon and about the premises located at 87 Franklin Street, New York, New York by Defendant JESSICA KISTERMANN and due to the negligence of the defendants, plaintiff was caused to and did sustain serious and severe personal injuries.

99. That the defendants, their agents, servants, lessees and/or employees or persons acting pursuant to their direction and control, were careless, reckless, negligent and/or grossly negligent in the ownership, operation, maintenance and control of the aforementioned premises; in failing to take minimal measures to prevent the injuries to the plaintiff herein when defendants had actual and constructive notice of the dangerous activity on the defendants' premises,

including but not limited to drinking, excessive alcohol consumption and fighting; in allowing and permitting drunk and disorderly and aggressive behavior, at the aforementioned location; in allowing drunk, disorderly, aggressive individuals to become drunk disorderly and remain drunk and disorderly at the aforementioned premises; that defendant had actual and constructive notice of the individual defendants' propensity for violence, disorderly and threatening conduct and nature, but allowed said individuals to remain at the premises; in failing to take minimum measures to protect those upon the premises, including the plaintiff herein; in failing to adequately supervise the premises; in allowing drunk disorderly violent and physically threatening and violent individuals to become drunk, disorderly, or violent, and to remain upon the premises for an extended period of time, and to continue to become more threatening to those lawfully and legally upon the premises; in allowing and permitting the individual defendants with known violent propensities to enter and remain upon the aforementioned property without reasonable and adequate supervision therefore, in failing to have taken notice and/or to have timely and/or properly taken notice of said dangerous condition and take the necessary steps therefore to prevent the infliction of injuries to the plaintiff herein; in causing, permitting and allowing the aforementioned defective condition to exist despite having actual and construction notice; in failing and omitting to take the necessary safety precautions to avoid the occurrence herein.

100. That the defendants, their agents, servants and/or employees, were further reckless, careless and negligent in that they failed to supervise, operate, manage, secure and control the premises in a reasonably safe and secure condition; they allowed and permitted the premises to be, become and remain in a condition that was unsafe and dangerous to the lives and safety of those lawfully thereon; with actual notice and/or constructive knowledge thereof; failed



to provide security suitable and adequate under the circumstances, failed to employ and/or utilize adequately skilled and trained investigative and/or security personnel; failed to properly train, advise, instruct the defendants herein, in maintain and controlling the premises in order to keep same safe for other residents of the same building; failed to employ adequately trained security personnel; and the defendant failed and omitted to provide and/or utilize proper and adequate security devices; failed and omitted to warn the public, the occupants of the building and the plaintiff in particular of the existence of the aforesaid condition and dangers; failed to anticipate, foresee, apprehend and comprehend a dangerous, hazardous and unsafe condition; and failed to take the proper and reasonable steps to remedy the same, despite knowledge of prior acts occurring upon the premises of which the defendants had actual notice thereof; and the defendants failed, permitted to exist and encouraged dangerous activity to occur on the said premises, and failed to take steps to remedy the unsafe and dangerous conditions, all despite actual and constructive notice of the dangers thereon; failed to properly supervise, screen and monitor patrons upon the subject premises; all of which caused the injuries to the plaintiff to occur.

101. As a result of the negligence of the defendants as hereinbefore alleged, the plaintiff was rendered sick, sore, lame and disabled and suffered physical and emotional pain and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerve, and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated and so remains in the performance of her normal duties and his habits and pattern of life was varied.

102. That said incident and the resulting injuries and damages were caused solely and wholly by the negligence of the defendants, without any negligence on the part of the plaintiff contributing thereto.

103. As a result of the foregoing, Plaintiff ROBIN BROUILLETTE has been damaged in a sum of money that exceeds the monetary jurisdiction of all lower Courts otherwise having jurisdiction over this action.

WHEREFORE, Plaintiff, ROBIN BROUILLETTE, demands judgment against the defendants containing the following relief:

in the First Cause of Action, an award to plaintiff of compensatory damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Second Cause of Action, an award to plaintiff of compensatory damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Third Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Fourth Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Fifth Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Sixth Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Seventh Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Eighth Cause of Action, an award to plaintiff of compensatory damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Ninth Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Tenth Cause of Action, an award to plaintiff of compensatory damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Eleventh Cause of Action, an award to plaintiff of compensatory and punitive damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

in the Twelfth Cause of Action, an award to plaintiff of compensatory damages in an amount to be determined at trial for a sum of money that exceeds the monetary jurisdiction of all lower courts otherwise having jurisdiction over this action;

all besides the costs, disbursements, and attorneys' fees of this action to the fullest extent permitted by law, and such other and further relief as this Court may deem just and proper.

Dated: Smithtown, N.Y.  
May 4, 2015

A handwritten signature in black ink, appearing to read 'D. Adams', written over a horizontal line.

DANIEL L. ADAMS  
DEVITT SPELLMAN BARRETT LLP  
Attorneys for Plaintiff BROUILLETTE  
50 Route 111  
Smithtown, N.Y. 11787  
(631) 724-8833  
Our File No.: PL7441DL

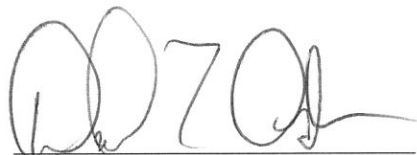
VERIFICATION

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

Daniel L. Adams, an attorney duly admitted to practice law in the Courts of this State, affirms the truth of the following under penalty of perjury and pursuant to Rule 2106 of the CPLR: I am the attorney of record for the plaintiff herein. I have read the annexed Summons and Verified Complaint, know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on information and belief, as to those matters I believe them to be true. My knowledge is based upon conversations with the plaintiff and upon records on file in our office.

The reason I make this verification instead of plaintiff is because said plaintiff is not within the County where my firm maintains its office.

Dated: Smithtown, New York  
May 4, 2015

  
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DANIEL L. ADAMS