

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK
TAYLOR FAUNTLEROY,

Index No. **11112461**

Plaintiff,

Plaintiff designate New York County as the place of trial.

-against-

SUMMONS

EMM GROUP HOLDINGS LLC and DARIN HILL

The basis of venue is: Plaintiff's residence.

Defendants.

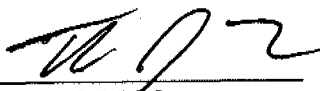
Plaintiff resides at: 8 Beach Street, Apt. # 3, New York, NY 10013.

County of New York

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 twenty days after the service of this summons exclusive of the day of service where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. 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
October 31, 2011

SULLIVAN PAPAIN BLOCK
McGRATH & CANNAVO PC.

By: 
Thomas J. McManus
Attorneys for Plaintiff
Office and P.O. Address
120 Broadway
New York, New York 10271
(212) 732-9000

Defendants' addresses :
EMM GROUP HOLDINGS LLC
c/o Secretary of State
413 West 14th Street, #301
New York, NY 10014

DARIN HILL
c/o Simyone Lounge
409 West 14th Street
New York, NY 10014

FILED
NOV 01 2011
COUNTY CLERK'S OFFICE
NEW YORK

FILED WITH THE CLERK OF THE COURT ON _____

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

-----X
TAYLOR FAUNTLEROY,

Plaintiff,

VERIFIED COMPLAINT

-against-

Index No.:

EMM GROUP HOLDINGS LLC and DARIN HILL,

Defendants.
-----X

Plaintiff, by his attorneys, SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.,
complaining of the defendants, alleges upon information and belief as follows:

FIRST CAUSE OF ACTION

1. That at all time hereinafter mentioned, plaintiff TAYLOR FAUNTLEROY resides in the County of New York.
2. Defendant, EMM GROUP HOLDINGS LLC, is a domestic corporation duly organized and existing under and by virtue of the laws of the State of New York.
3. That at all times hereinafter mentioned, defendant, EMM GROUP HOLDINGS LLC (herein referred to as "Owner"), was doing business as Simyone Lounge, located at 409 W. 14th Street, in the Borough of Manhattan, City and State of New York.
4. That at all times hereinafter mentioned, defendant, Owner owned the establishment known as Simyone Lounge, located at 409 W. 14th Street, in the Borough of Manhattan, City and State of New York (hereinafter referred to as "the establishment").
5. That at all times hereinafter mentioned, defendant, Owner was operating a bar/restaurant at the aforementioned establishment.

6. That at all times hereinafter mentioned, defendant Owner, operated said establishment.
7. That at all times hereinafter mentioned, defendant Owner, managed said establishment.
8. That at all times hereinafter mentioned, defendant, Owner, maintained said establishment.
9. That at all times hereinafter mentioned, defendant DARIN HILL was and is a servant, agent, employee of the Owner.
10. That at all times hereinafter mentioned, defendant DARIN HILL was employed by the defendant, Owner.
11. That on June 17, 2011, defendant DARIN HILL was in the course of his employment with the Owner.
12. That on June 17, 2011, plaintiff, TAYLOR FAUNTLEROY was a patron at said establishment.
13. That on June 17, 2011, plaintiff, TAYLOR FAUNTLEROY was on the said premises.
14. That on June 17, 2011, while plaintiff, TAYLOR FAUNTLEROY, was at defendant's establishment, he was assaulted.
15. That on June 17, 2011, while plaintiff, TAYLOR FAUNTLEROY, was at defendant's establishment, he was caused to be battered.
16. The aforesaid incident and injuries were caused by reason of defendant Owner's negligence.
17. As a result of the foregoing the plaintiff was injured.

18. As a result of the foregoing the plaintiff was seriously injured.

19. That the said occurrence was caused by the reason of the negligence, carelessness and recklessness of the defendants, its agents, servants, and/or employees in the ownership, operation, management, maintenance, control, supervision and security of its said establishment.

20. That as a result of the foregoing, plaintiff, TAYLOR FAUNTLEROY, sustained severe personal injuries; was rendered sick, sore, lame and disabled and sustained injuries of a permanent and lasting nature; was obliged to expend and incur large sums of money for medical aid and attention in an endeavor to cure himself from the injuries he sustained; was incapacitated from attending his usual occupation and activities.

21. The limitations on liability set forth in CPLR §1601 do not apply.

22. The limitations on liability set forth in CPLR §1601 do not apply by reason of one or more of the exemptions set forth in CPLR §1602.

23. That by reason of the foregoing, plaintiff has been damaged in the sum in excess of the jurisdictional limits of all lower Courts, which would otherwise have jurisdiction of this matter.

SECOND CAUSE OF ACTION FOR NEGLIGENT HIRING

24. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "23" as if more fully set forth herein at length.

25. That the aforementioned occurrence took place as a result of the defendant, Owner's negligent hiring and retention of its employees, agents, servants and/or independent contractors.

26. By reason of the foregoing, plaintiff TAYLOR FAUNTLEROY has been damaged in a sum in excess of the jurisdictional limits of all lower Courts, which would otherwise have jurisdiction of this matter.

THIRD CAUSE OF ACTION FOR ASSAULT

27. That plaintiff TAYLOR FAUNTLEROY repeats and reiterates each and every allegation set forth in paragraphs "1" through "26" as if set forth more fully at length herein.

28. That on June 17, 2011, while on the premises, while acting under the scope of his employment, defendant DARIN HILL did physically assault plaintiff TAYLOR FAUNTLEROY.

29. That as a result of said assault, plaintiff TAYLOR FAUNTLEROY was injured.

30. That as a result of said assault, plaintiff TAYLOR FAUNTLEROY was seriously injured.

31. That by reason of the foregoing assault, plaintiff TAYLOR FAUNTLEROY has been damaged in a sum in excess of the jurisdictional limits of all lower Courts, which would otherwise have jurisdiction of this matter.

FOURTH CAUSE OF ACTION FOR BATTERY

32. That plaintiff TAYLOR FAUNTLEROY repeats and reiterates each and every allegation set forth in paragraphs "1" through "31" above as if set forth more fully at length herein.

33. That on June 17, 2011, while on the premises, while acting under the scope of his employment, defendant DARIN HILL battered plaintiff TAYLOR FAUNTLEROY.

34. That as a result of said battery, plaintiff TAYLOR FAUNTLEROY was injured.

35. That as a result of said battery, plaintiff TAYLOR FAUNTLEROY was seriously injured.

36. That by reason of the foregoing battery, plaintiff TAYLOR FAUNTLEROY has been damaged in a sum in excess of the jurisdictional limits of all lower Courts, which would otherwise have jurisdiction of this matter.

FOURTH CAUSE OF ACTION FOR VIOLATION OF ALCOHOLIC BEVERAGE CONTROL

LAW SECTION 65

37. That plaintiff TAYLOR FAUNTLEROY repeats and reiterates each and every allegation set forth in paragraphs "1" through "36" above as if set forth more fully at length herein.

38. That on June 17, 2011, plaintiff, TAYLOR FAUNTLEROY, was under the age of 21.

39. That on June 17, 2011, plaintiff, TAYLOR FAUNTLEROY, was served alcoholic beverages by defendant OWNER, its servants, agents, and/or employees.

40. At the aforementioned date and place, defendant OWNER was serving alcoholic beverages in a wanton, willful and reckless manner.

41. As a result of the aforementioned, plaintiff TAYLOR FAUNTLEROY was injured.

42. As a result of the aforementioned, plaintiff TAYLOR FAUNTLEROY was seriously injured.

43. That by reason of the foregoing, plaintiff TAYLOR FAUNTLEROY has been damaged in a sum in excess of the jurisdictional limits of all lower Courts, which would otherwise have jurisdiction of this matter.

WHEREFORE, plaintiff demands judgment against the defendants in the sum in excess of the jurisdictional limits of all lower courts on the first, second, third and fourth causes of action, together with the costs and disbursements of this action.

Dated: New York, New York
October 31, 2011

Yours, etc.,

SULLIVAN PAPAIN BLOCK
MCGRATH & CANNAVO P.C.

By: 

THOMAS J. MCMANUS

Attorneys for Plaintiff
120 Broadway
New York, New York 10271
(212) 732-9000

VERIFICATION

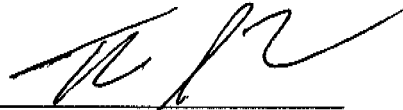
STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

THOMAS J. MCMANUS, being duly sworn, deposes and says:

I am an associate of the firm of SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C., attorneys for the plaintiff herein.

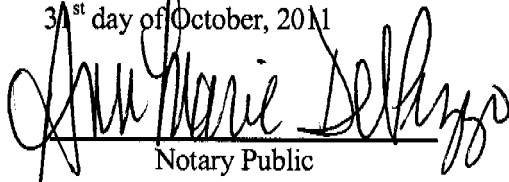
I have read the foregoing Complaint and know the contents thereof, and upon information and belief deponent believes the matters alleged therein to be true.

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



THOMAS J. MCMANUS

Sworn to before me this
31st day of October, 2011



Notary Public

ANNMARIE DELPIZZO
Notary Public, State of New York
No. 43-01DE4703432
Qualified in Richmond County
Commission Expires October 31, 2013

Index No. . . .

Year 20

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

TAYLOR FAUNTLEROY,

Plaintiff,

-against-

EMM GROUP HOLDINGS LLC and DARIN HILL,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

SULLIVAN PAPAIN BLOCK McGRATH & CANNAVO P.C.
Attorneys for Plaintiff

120 BROADWAY
NEW YORK, NEW YORK 10271
(212) 732-9000

Pursuant to 22 NYCRR 130-1.1-a, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, (1) the contentions contained in the annexed document are not frivolous and that (2) if the annexed document is an initiating pleading, (i) the matter was not obtained through illegal conduct, or that if it was, the attorney or other persons responsible for the illegal conduct are not participating in the matter or sharing in any fee earned therefrom and that (ii) if the matter involves potential claims for personal injury or wrongful death, the matter was not obtained in violation of 22 NYCRR 1200.41-a.

Dated: Signature

Print Signer's Name.....

Service of a copy of the within is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box

that the within is a (certified) true copy of a
NOTICE OF ENTRY entered in the office of the clerk of the within-named Court on 20

that an Order of which the within is a true copy will be presented for settlement to the
NOTICE OF SETTLEMENT Hon. , one of the judges of the within-named Court,
at , at M.
on 20

Dated: