

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

ASHLEY CHASE,

Plaintiff,

-against-

VITO L. SACCHETTI, TMS MANAGEMENT,
MICHAEL SACCHETTI, JOSE CEDILLO,

Defendants.

Index No.

Date Purchased:

Plaintiff designates
New York County as
the place of trial.

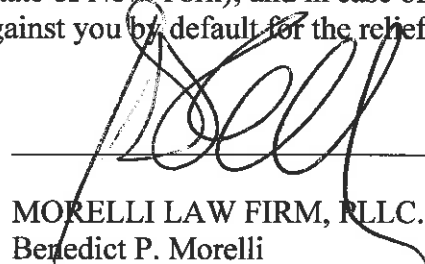
The basis of the venue
is **Plaintiff's residence**

Summons

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 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: November 23, 2015



MORELLI LAW FIRM, PLLC.
Benedict P. Morelli
Adam E. Deutsch
Attorneys for Plaintiff
777 3rd Avenue
New York, NY, 10017
(212) 751-9800

Defendants' Address:

VITO L. SACCHETTI
1466 Saint Peters Avenue
Bronx, NY 10461

TMS Management
1466 Saint Peters Avenue
Bronx, NY 10461

Michael Sacchetti
1466 Saint Peters Avenue
Bronx, NY 10461

Jose Cedillo
904 Allerton Avenue
Bronx, NY 10469

Notice: The nature of this action is Negligence.
The relief sought is Money Damages.

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ASHLEY CHASE

Plaintiff,

-against -

VITO L. SACCHETTI, TMS MANAGEMENT,
MICHAEL SACCHETTI, JOSE CEDILLO,

Defendants.

Index No.:

VERIFIED
COMPLAINT

Plaintiff **ASHLEY CHASE**, by her attorneys **MORELLI LAW FIRM PLLC**,
complaining of the Defendants herein, upon information and belief respectfully alleges as
follows:

1. Plaintiff **ASHLEY CHASE** is a resident of the City, County, and State of New York.
ASHLEY CHASE is 26 years-old, works as a financial analyst, and lives by herself.
2. At all times hereinafter mentioned, Defendant **VITO L. SACCHETTI** is a resident of the
County of Bronx, City, and State of New York.
3. At all times hereinafter mentioned, Defendant **TMS MANAGEMENT** is an unincorporated
business with principal place of business at 1466 St. Peters Avenue, Bronx, New York.
4. At all hereinafter mentioned, Defendant **MICHAEL SACCHETTI** is a resident of the
County of Bronx, City, and State of New York.
5. At all hereinafter mentioned, Defendant **JOSE CEDILLO** is a resident of the County of
Bronx, City and State of New York.

6. At all times relevant herein, Defendant **VITO L. SACCHETTI** was the owner of a building located at 334 East 55th Street in the County, City, and State of New York (hereinafter “The Building”).
7. At all times relevant herein, **ASHLEY CHASE** was a resident of The Building.
8. At all times relevant herein, **TMS MANAGEMENT** was the managing agent of The Building.
9. At all times relevant herein, **MICHAEL SACCHETTI** was the owner and/or president of **TMS MANAGEMENT**.
10. At all times relevant herein, **TMS MANAGEMENT** managed the building pursuant to a contract with **VITO L. SACCHETTI**.
11. At all times relevant herein, **JOSE CEDILLO** was the superintendent of The Building.
12. At all times relevant herein, **JOSE CEDILLO** was an employee of **VITO L. SACCHETTI**.
13. At all times relevant herein, **JOSE CEDILLO** was an employee of **TMS MANAGEMENT**.
14. At all times relevant herein, **JOSE CEDILLO** was an employee of **MICHAEL SACCHETTI**.
15. At all times relevant herein, **JOSE CEDILLO** as part of his employment as superintendent was given keys to all apartments at The Building.
16. At all times relevant herein, Defendants **JOSE CEDILLO** was acting within the scope of his employment.
17. At all times relevant herein, Plaintiff **ASHLEY CHASE** had a lease with Defendant **VITO L. SACCHETTI** for an apartment in The Building.

FACTS

18. On March 7, 2014, Plaintiff **ASHLEY CHASE** leased a studio apartment in The Building from Defendant **VITO L. SACCHETTI**.
19. The Building is a six story rental building with 17 units and an elevator.
20. The Building does not have a doorman.
21. The Building also had a permanent super, Defendant **JOSE CEDILLO**.
22. The Building was managed by Defendant **TMS MANAGEMENT** who managed the day to day operations of The Building.
23. Pursuant to the policy of The Building and Defendants **VITO L. SACCHETTI** and **TMS MANAGEMENT**, Plaintiff **ASHLEY CHASE** was required to provide a spare set of keys to her apartment to the owner and managing agent of The Building, Defendants **VITO L. SACCHETTI**, **TMS MANAGEMENT**, and **MICHAEL SACCHETTI**.
24. Starting in mid-September of 2014, Plaintiff **ASHLEY CHASE** started noticing personal items missing from her apartment in The Building.
25. First, Plaintiff **ASHLEY CHASE** noticed that two Victoria's Secret lace bras went missing.
26. Thereafter, in January of 2015 while packing to go on vacation Ms. Chase noticed that a Victoria's Secret bikini top was missing.
27. By March, 2015, another bra from Victoria's Secret disappeared.
28. In July 2015, after returning home from the Fourth of July weekend, Plaintiff **ASHLEY CHASE** unpacked and put her laundry in her hamper. Thereafter, while sorting through her clothes before doing laundry, she noticed that another bra she had put in her hamper was missing along with at least three pairs of lace panties that she knew she had with her on her trip.

29. Plaintiff **ASHLEY CHASE** suspected that these items were being taken from inside of her apartment. This made **ASHLEY CHASE** feel incredibly nervous and unsafe.
30. On July 19, 2015, Plaintiff **ASHLEY CHASE** set up a security camera in her apartment using a spare cellular phone and an application called Presence, which records motion and instantly send notifications and videos to the user.
31. On September 4, 2015, Plaintiff **ASHLEY CHASE** left her apartment at 10:15am for a weekend trip with friends. She got into the elevator on the 5th floor with her weekend bag. The elevator stopped on the 3rd floor and the building superintendent, Defendant **JOSE CEDILLO** got on the elevator.
32. Plaintiff **ASHLEY CHASE** and Defendant **JOSE CEDILLO** rode the elevator together to the basement because Plaintiff **ASHLEY CHASE** needed to throw a trash bag away. She then went to the lobby and left the building.
33. At 10:22 a.m. just 7 minutes after leaving her apartment she received a notification on her phone from the Presence app that indicated that there was motion inside of her apartment.
34. When she downloaded the video, she was in shock when she saw that Defendant **JOSE CEDILLO** had entered her apartment using the set of keys that had been provided to the owner and managing agent.
35. Six minutes later, at 10:28 a.m., another notification and video was sent to her phone. This shocking and appalling video showed Defendant **JOSE CEDILLO** holding what appears to be a pair of panties, smelling them, and then looking in her closet before exiting the apartment.
36. Plaintiff **ASHLEY CHASE** immediately went to the 17th Precinct, provided the video footage to the Police, and filed a criminal complaint.

37. Defendant **JOSE CEDILLO** was arrested on charges of burglary as a sexually motivated felony at 1:00 pm on September 4, 2015. He has since been indicted.

38. Defendant **JOSE CEDILLO** admitted to the police “I went in today to look around. I took a pair of panties. I left, I went downstairs, I sniffed them, and I threw them in the garbage.”

39. Defendant **JOSE CEDILLO** admitted that he had done this on more than one occasion.

**AS A FIRST CAUSE OF ACTION –
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

40. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 39 inclusive, with the same force and effect as though more fully set forth at length herein.

41. As a consequence of Defendants wholly unlawful, intentional, and reckless conduct, Defendants intentionally inflicted emotional distress upon Plaintiff **ASHLEY CHASE**.

42. Defendants, through a pattern of extreme and outrageous conduct, which was beyond all possible bounds of decency, and which may be regarded as atrocious and utterly intolerable within a civilized society, violated Plaintiff’s personal space and most intimate personal belongings in a sexually deviant manner with the intent of inflicting emotional distress.

43. As a consequence of Defendants intentional infliction of emotional distress upon Plaintiff **ASHLEY CHASE**, she sustained conscious physical and emotional pain and suffering, and suffered great mental distress, shock, fright, and humiliation, monetary damages and harm.

44. As a consequence of the foregoing misconduct of Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

AS A SECOND CAUSE OF ACTION- NEGLIGENCE SUPERVISION

45. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in

paragraphs 1 through 44 inclusive, with the same force and effect as though more fully set forth at length herein.

46. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT, and MICHAEL SACCHETTI**, their officers, directors, supervisors, managers, agents and/or employees knew, or should have known, that Defendant **JOSE CEDILLO** had a history of inappropriate behavior and misconduct, and should not have permitted him to work in The Building with keyed access to residents apartments.
47. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT, and MICHAEL SACCHETTI**, their officers, directors, supervisors, managers, agents, and/or employees knew, or should have known, that Defendant **JOSE CEDILLO** was improperly trained, and unfit to carry out his duties.
48. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT, and MICHAEL SACCHETTI** failed to properly supervise Defendant **JOSE CEDILLO** by providing him unfettered access to tenants' apartments, including **ASHLEY CHASE'S** apartment, not limited merely to responding to tenant complaints, making repairs or the like, and enabled him to repeatedly enter **ASHLEY CHASE'S** apartment with no legitimate purpose.
49. Defendant **JOSE CEDILLO** was operating in the scope of his employment at all times relevant hereto.
50. By breaching its duty to reasonably supervise its employees to protect their residents from known hazards, including the hazards of, breaking and entering, harassment, abuse, and humiliation by their employees, Defendants **VITO L. SACCHETTI, TMS MANAGEMENT, and MICHAEL SACCHETTI** caused Plaintiff **ASHLEY CHASE**

conscious physical and emotional pain and suffering, great mental distress, shock, fright, humiliation, monetary damages, and harm.

51. As a consequence of the Defendants **VITO L. SACCHETTI, TMS MANAGEMENT,** and **MICHAEL SACCHETTI** negligent supervision of Defendants **JOSE CEDILLO,** Plaintiff **ASHLEY CHASE** sustained damage in a sum exceeding the jurisdictional limitations of this and all lower courts.

AS A THIRD CAUSE OF ACTION – NEGLIGENT RETENTION

52. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 51 inclusive, with the same force and effect as though more fully set forth at length herein.

53. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT,** and **MICHAEL SACCHETTI** their officers, directors, supervisors, managers, agents and/or employees knew, or should have known, that Defendant **JOSE CEDILLO** had a history of inappropriate behavior and misconduct, and should not have permitted him to work at The Building with keyed access to residents apartments.

54. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT,** and **MICHAEL SACCHETTI,** their officers, directors, supervisors, managers, agents, and/or employees knew, or should have known, that Defendant **JOSE CEDILLO** was improperly trained, and unfit to carry out his duties.

55. Defendant **JOSE CEDILLO** was operating in the scope of his employment at all times relevant herein.

56. By continuing to employ Defendant **JOSE CEDILLO** and failing to terminate his employment despite his inappropriate and unlawful conduct, Defendants **VITO L. SACCHETTI, TMS MANAGEMENT,** and **MICHAEL SACCHETTI** failed to protect

Plaintiff **ASHLEY CHASE** from hazards that were known to them, or should have been known to them.

57. By breaching its duty to reasonably retain only those employees who ably and responsibly service and facilitate residents, and instead continuing to employ Defendant **JOSE CEDILLO**, Defendants **VITO L. SACCHETTI**, **TMS MANAGEMENT**, and **MICHAEL SACCHETTI** caused Plaintiff **ASHLEY CHASE** to be injured by the conduct of their employee **JOSE CEDILLO**.

58. As a consequence of the Defendants' **VITO L. SACCHETTI**, **TMS MANAGEMENT**, and **MICHAEL SACCHETTI** negligent retention of Defendant **JOSE CEDILLO**, Plaintiff **ASHLEY CHASE** sustained conscious physical and emotional pain and suffering, great mental distress, shock, fright, humiliation, monetary damages, and harm.

59. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower courts.

AS A FOURTH CAUSE OF ACTION - NEGLIGENCE

60. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 59 inclusive, with the same force and effect as though more fully set forth at length herein.

61. The Defendants, their officers, directors, supervisors, managers, agents, and/or employees had a duty to provide a reasonably safe environment for its residents, including Plaintiff **ASHLEY CHASE**, to provide quiet enjoyment to the residents, including Plaintiff **ASHLEY CHASE**, to provide a right to privacy to its residents, including Plaintiff **ASHLEY CHASE**, and to properly train and monitor its employees.

62. The Defendants, their officers, directors, supervisors, managers, agents, and/or employees breached this duty.

63. As a consequence of the Defendants' negligence, Plaintiff **ASHLEY CHASE** sustained conscious physical and emotional pain and suffering, great mental distress, shock, fright, and humiliation, monetary damages and harm.

64. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

AS A FIFTH CAUSE OF ACTION – NEGLIGENT ENTRUSTMENT

65. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 64 inclusive, with the same force and effect as though more fully set forth at length herein.

66. The injuries, harm, harm and damages were incurred by Plaintiff **ASHLEY CHASE** as a result of Defendant **JOSE CEDILLO** using a her keys in a negligent and reckless manner, which because of his prior actions, Defendants **VITO L. SACCHETTI**, **TMS MANAGEMENT** and **MICHAEL SACCHETTI** knew, or had reason to know, was likely and involved an unreasonable risk of harm to others.

67. Defendants **VITO L. SACCHETTI**, **TMS MANAGEMENT** and **MICHAEL SACCHETTI**, as owner and managing agent of the building respectively, had the right to permit and the power to prohibit the use and possession of **ASHLEY CHASE's** keys by Defendant **JOSE CEDILLO**.

68. Defendants **VITO L. SACCHETTI**, **TMS MANAGEMENT** and **MICHAEL SACCHETTI** had an obligation, as a landlord and building manager to actively limit entry

into tenants' apartments to emergency situations, repairs requested by tenants, or the like. Defendants failed to do this.

69. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** knew, or had reason to know, that Defendant **JOSE CEDILLO** because of his prior actions, was likely to use resident's keys in a negligent and reckless manner.

70. As a direct result of Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** negligently entrusting of the keys to Defendant **JOSE CEDILLO**, who used said keys in a negligent and reckless manner, the Plaintiff **ASHLEY CHASE**, did suffer conscious physical and emotional pain and suffering, great mental distress, shock, fright, and humiliation, monetary damages and harm.

71. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

AS A SIXTH CAUSE OF ACTION – NEGLIGENT HIRING

72. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 71 inclusive, with the same force and effect as though more fully set forth at length herein.

73. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** had a duty to use reasonable care to select an employee who was competent and fit to perform the duties required as an employee. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** owed such duty to Plaintiff **ASHLEY CHASE** and such duty was breached.

74. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** knew, or should have known, that Defendant **JOSE CEDILLO** would likely

act in a negligent and reckless manner, including but not limited to improperly and inappropriately entering tenants' apartments, stealing their belongings and performing other crude and inappropriate acts.

75. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** knew, or should have known, that Defendant **JOSE CEDILLO** was not competent or fit for the duties required of him as an employee. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** breached their duty to use reasonable care to select and retain an employee that was competent and fit for the position.

76. Defendants **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** knew or should have known that Defendant **JOSE CEDILLO** was a danger to tenants, particularly to young women living alone.

77. As a consequence of the Defendants' **VITO L. SACCHETTI, TMS MANAGEMENT** and **MICHAEL SACCHETTI** negligence, Plaintiff **ASHLEY CHASE** sustained conscious physical and emotional pain and suffering, great mental distress, shock, fright, and humiliation, monetary damages and harm.

78. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

**AS A SEVENTH CAUSE OF ACTION –
BREACH OF COVENANT OF QUIET ENJOYMENT**

79. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 78 inclusive, with the same force and effect as though more fully set forth at length herein.

80. Plaintiff **ASHLEY CHASE** and Defendant **VITO L. SACCHETTI** entered into a rental agreement for an apartment at The Building.
81. Implied in the rental agreement between Plaintiff **ASHLEY CHASE** and **VITO L. SACCHETTI** is a covenant that the Defendants would not and will not interfere with Plaintiff's quiet enjoyment of her apartment in The Building during the term of her tenancy.
82. Defendant **VITO L. SACCHETTI** breached the implied covenant of quiet enjoyment.
83. As a direct and proximate result of Defendant **VITO L. SACCHETTI**'s breach of the covenant of quiet enjoyment, Plaintiff **ASHLEY CHASE** sustained conscious physical and emotional pain and suffering, great mental distress, shock, fright, and humiliation, monetary damages and harm.
84. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

**AS AN EIGHTH CAUSE OF ACTION –
BREACH OF RIGHT TO PRIVACY**


85. Plaintiff **ASHLEY CHASE** repeats and realleges each and every allegation contained in paragraphs 1 through 84 inclusive, with the same force and effect as though more fully set forth at length herein.
86. As a tenant in The Building Plaintiff **ASHLEY CHASE** had a right to privacy within her apartment.
87. Defendants violated Plaintiffs **ASHLEY CHASE**'s right to privacy within her apartment.
88. As a direct and proximate result of Defendants breach of Plaintiff **ASHLEY CHASE**'s right to privacy, Plaintiff **ASHLEY CHASE** sustained conscious physical and emotional pain and suffering, great mental distress, shock, fright, and humiliation, monetary damages, and harm.

89. As a consequence of the foregoing misconduct of the Defendants, Plaintiff **ASHLEY CHASE** has sustained damage in a sum exceeding the jurisdictional limitations of this and all lower Courts.

WHEREFORE, Plaintiff **ASHLEY CHASE** demands judgment against Defendants in the **FIRST** through **EIGHTH CAUSES OF ACTION** in a sum exceeding the jurisdictional limitations of this and all lower Courts, all together with the costs and disbursements of this action, including attorney's fees, plus interest, and for any other relief which this Court deems just and proper.

Respectfully Submitted,

MORELLI LAW FIRM PLLC



Benedict Morelli
Adam E. Deutsch
Attorneys for Plaintiff
ASHLEY CHASE
777 Third Ave., 31th Fl.
New York, NY 10022
(212) 751-9800

PLAINTIFF'S VERIFICATION

STATE OF NEW YORK,
COUNTY OF NEW YORK ss:

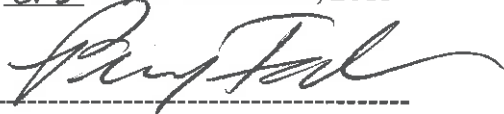
ASHLEY CHASE, being duly sworn, says:

I am the Plaintiff in the action herein: I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

DATED: New York, New York
November 23, 2015


ASHLEY CHASE

Sworn to before me this
23 day of November, 2015



Notary Public

Perry Steven Fallick
Notary Public, State of New York
No. 02FA6280827
Qualified in New York County
Commission Expires May 13, 2017