

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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XXXXXXXXXXXXXXXXXXXX

Index No:

SUMMONS
Plaintiff designates QUEENS
County as the place of trial

Plaintiff(s),

-against-

The basis of venue is
Plaintiffs' residence and the site of incident

NEW YORK CITY BOARD OF EDUCATION,
And the CITY OF NEW YORK,

Plaintiff(s) reside at XXXXXXXX
XXXXXXXX, New York XXXXX
County of Queens

Defendant(s).

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TO THE ABOVE NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's Attorneys within 20 days after the services 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 in the State of New York). In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: Mount Sinai, New York
XXXXXX XX, 200X

THE LAW OFFICE OF JEENA R. BELIL, P.C.

Defendant's address:

By: _____
JEENA R. BELIL, ESQ.
Attorney for Plaintiff(s)
28 Avolet Court
Mount Sinai, New York 11766
631-445-7380
File No.: XXXXXXXX

THE NEW YORK CITY DEPARTMENT
OF EDUCATION
100 Church Street, Fourth Floor
New York, NY 10007

THE CITY OF NEW YORK
100 Church Street
New York, NY 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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XXXXXXXXXXXXXXXXXXXXXXXXXX,

Index No:

VERIFIED COMPLAINT

Plaintiff(s),

-against-

XXXXXXXXXXXXXXXXXXXXXXXXXX,

Defendant(s).

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Plaintiff(s), by their attorneys, THE LAW OFFICE OF JEENA R. BELIL, P.C., as and for its complaint against defendants respectfully set forth the following:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times mentioned herein, infant Plaintiff is a person of good moral character
2. At all times mentioned herein, Plaintiffs were and still are residents of the County of Queens, State of New York.
3. Upon information and belief, that at all times hereinafter mentioned, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION/THE NEW YORK CITY BOARD OF EDUCATION (hereinafter referred to as "THE NEW YORK CITY DEPARTMENT OF EDUCATION"), was and still is a municipal corporation duly organized and existing under and by virtue of the County of Queens, State of New York, with its principal office located at 52 Chambers Street, New York, NY 10007.
4. Upon information and belief, that at all times hereinafter mentioned, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION, was and still is a school district duly organized and existing under the laws of the City of New York.
5. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION, owned a certain school building known at Public School #XX, located at XXXXXXXXXXXXXXXXXXXXXXXXXXXX.
6. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION, operated a certain school building known at Public School #XX, located at xxxxxxxxxxxxxxxxxxxxxxxxxxxx.
7. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION, controlled a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxxxxxx.
8. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY DEPARTMENT OF EDUCATION, maintained a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxxxxxx.

9. Upon information and belief, that at all times hereinafter mentioned, defendant THE NEW YORK CITY BOARD OF EDUCATION, was and still is a municipal corporation duly organized and existing under and by virtue of the County of Queens, State of New York, with its principal office located at 52 Chambers Street, New York, NY 10007.

10. Upon information and belief, that at all times hereinafter mentioned, defendant THE NEW YORK CITY BOARD OF EDUCATION, was and still is a school district duly organized and existing under the laws of the State of New York.

11. Upon information and belief, that at all times hereinafter mentioned, defendant THE NEW YORK CITY BOARD OF EDUCATION, was and still is a school district duly organized and existing under the laws of the City of New York.

12. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY BOARD OF EDUCATION, owned a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

13. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY BOARD OF EDUCATION, operated a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

14. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY BOARD OF EDUCATION, controlled a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

15. Upon information and belief, that at all times mentioned herein, defendant THE NEW YORK CITY BOARD OF EDUCATION, maintained a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

16. Upon information and belief, that at all times hereinafter mentioned, defendant THE CITY OF NEW YORK, was and still is a municipal corporation duly organized and existing under and by virtue of the law of the City of New York, State of New York, with its principal office located at 100 Church Street, New York, NY.

17. Upon information and belief, that at all times hereinafter mentioned, defendant THE CITY OF NEW YORK, governs and controls the New York City Department of Education.

18. Upon information and belief, that at all times hereinafter mentioned, defendant THE CITY OF NEW YORK, was and still is a school district duly organized and existing under the laws of the City of New York.

19. Upon information and belief, that at all times mentioned herein, defendant THE CITY OF NEW YORK, owned a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

20. Upon information and belief, that at all times mentioned herein, defendant THE CITY OF NEW YORK, operated a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

21. Upon information and belief, that at all times mentioned herein, defendant THE CITY OF NEW YORK, controlled a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

23. Upon information and belief, that at all times mentioned herein, defendant THE CITY OF NEW YORK, maintained a certain school building known at Public School #xx, located at xxxxxxxxxxxxxxxxxxxx.

24. That on or about xxxxxxxxxxxx, while infant plaintiff was a student enrolled and attending Public School #xx, infant plaintiff was assaulted, and/or maliciously assaulted and/or sexually assaulted and/or sexually molested and/or sexually raped and or sodomized by xxxxxxxxxxxx. Attending Pat. SUPRA™
<http://www.idsupra.com/cgi-bin/document/viewer.asp?fid=0c7e856fc5a248da-b87d-f1083cdc658b>

25. Upon information and belief, that on or about xxxxxxxxxxxx, xxxxxxxxxxxx was a student enrolled and attending Public School # xx.

26. That on or about xxxxxxxxxxxx, at approximately xxxxx a.m., a teacher allowed infant plaintiff, xxxxxxxxxxxx and another female student to deliver supplies to a classroom on a different floor.

27. That the teacher allowed the three students to use the school stairwell unsupervised to deliver the supplies to the classroom.

28. That the teacher allowed the three students to come back to the classroom unsupervised.

29. That the teacher allowed the three students to use the school stairwell unsupervised to come back to the classroom.

30. That xxxxxxxxxxxx then sexually molested, assaulted, raped and/or sodomized the infant plaintiff in the stairwell.

31. That the assault and/or malicious assault and/or sexual assault and/or sexual molestation and or rape/sodomy and resulting injuries to infant plaintiff were due to the negligence and carelessness of the defendants, their agents, servants and/or employees.

32. Upon information and belief, that at all times hereinafter mentioned, the defendants negligently monitored and supervised xxxxxxxxxxxx.

33. Upon information and belief, that at all times hereinafter mentioned, defendants undertook the care and supervision of infant plaintiff.

34. Upon information and belief, that at all times hereinafter mentioned, defendants were responsible for the safety of the infant plaintiff.

35. Upon information and belief, that at all times hereinafter mentioned, defendants failed to adequately provide for the care and safety of infant plaintiff.

36. Upon information and belief, that at all times hereinafter mentioned, defendants negligently provided for the care and safety of infant plaintiff.

37. Upon information and belief, that at all times hereinafter mentioned, defendants negligently supervised the infant plaintiff.

38. Upon information and belief, that at all times hereinafter mentioned, the injuries sustained by infant plaintiff were foreseeably related to the absence of supervision of said infant plaintiff.

39. The defendants failed to act with the reasonable care that a parent would have regarding the supervision and care of infant plaintiff.

40. That the negligence and carelessness of defendants was the proximate cause of the incidents herein.

41. That on or about the xxxx day of xxxx, 200x, plaintiff(s) presented a Notice of Claim in writing and sworn to on behalf of the plaintiff(s) herein, containing a statement of the name and address of said plaintiff(s) and their attorneys, the nature of the claim, the date when, the place where and the manner in which

the claim arose and the items of damages for injuries claimed to have been sustained, so far as the same can be proved, to be served on defendants THE NEW YORK CITY DEPARTMENT OF EDUCATION THE NEW YORK CITY BOARD OF EDUCATION and THE CITY OF NEW YORK in compliance with General Municipal Law, Section 50-e.

42. That testimony of both Plaintiffs pursuant to General Municipal Law, Section 50-h was taken on xxxxxxxxx x, 200x.

43. That solely by reason of defendants' negligence as aforesaid, infant plaintiff was caused to become sick, sore, lame and disabled, and so remained, sustaining other severe and permanent personal injuries, required medical aid and attention, suffered grievous physical and psychological pain and mental anguish, and will continue to suffer pain and anguish for a considerable time to come.

44. That as a result of the foregoing, plaintiffs have been damaged in the sum of an amount that exceeds the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

45. Plaintiffs repeat, reiterate and reallege each and every allegation contained set forth in this complaint numbered "1" through "44", with the same force and effect as though more fully set forth at length herein.

46. That defendants have a duty to insure the safety of its students lawfully upon its premises.

47. That on or about xxxxxxxxxxxx, defendants negligently supervised infant plaintiff.

48. That on or about xxxxxxxxxxxx, defendants negligently supervised the students.

49. That on or about xxxxxxxxxxxx, defendants negligently failed to have proper safeguards in place to insure proper supervision of the students whose care was entrusted to the school and failed to take proactive measures.

50. Defendants wantonly disregarded the safety of its students, and the infant plaintiff in particular.

51. That defendants have engaged in a negligent, careless and reckless manner, without regard for the safety of its students and the infant plaintiff in particular.

52. That by reason of the foregoing, plaintiffs have been damaged in a sum which exceeds the jurisdictional limitations of all lower courts, which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

53. Plaintiffs repeat, reiterate and reallege each and every allegation contained set forth in this complaint numbered "45" through "52", with the same force and effect as though more fully set forth at length herein.

54. That at all times hereinafter mentioned, plaintiff xxxxxxxxxxxxxxxxxxxxxxxxxxxx, is the mother and natural guardian of infant plaintiff, and as such is responsible for infant plaintiff's medical and hospital expenses, x-rays, medicines; and will continue to be further obligated and responsible.

55. That as a result of the foregoing, plaintiff has been deprived of the services, society, and companionship of her daughter, infant plaintiff herein; has suffered mental anguish, sleeplessness and anxiety as a result of her daughter's suffering.

