

FILE #: 20724

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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FRANCISCO A. PERALTA,

VERIFIED COMPLAINT

Plaintiff(s),

-against-

82-84 WADSWORTH AVENUE,LP/LANGSAM
PROPERTY SERVICES CORP., 82-84 WADSWORTH
AVENUE,LP and LANGSAM PROPERTY SERVICES
CORP.,

Defendant(s)

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Plaintiff, complaining of the defendants by his attorney upon information and belief,
respectfully allege(s):

AS AND FOR A FIRST CAUSE OF ACTION IN BEHALF
OF PLAINTIFF FRANCISCO PERALTA

1. That at all the times herein mentioned, the defendant 82-84 WADSWORTH AVENUE,LP/LANGSAM PROPERTY SERVICES CORP., hereinafter referred to as "82-84," was and still is a corporation doing business in the State of New York.
2. That at all the times herein mentioned, the defendant 82-84 WADSWORTH AVENUE,LP/LANGSAM PROPERTY SERVICES CORP., was a partnership duly organized and existing under the laws of the State of New York.
3. That at all the times herein mentioned, the defendant, 82-84 WADSWORTH AVENUE,LP/LANGSAM PROPERTY SERVICES CORP., was a partnership transacting business in New York.
4. That at all the times herein mentioned, the defendant 82-84, was the owner of the premises located at 650 177th Street, New York, N.Y.
5. That at all the times herein mentioned, the defendant 82-84, its agents, servants

and/or employees operated the aforementioned premises.

6. That at all the times herein mentioned, the defendant 82-84, its agents, servants and/or employees maintained the aforementioned premises.

7. That at all the times herein mentioned, the defendant 82-84, its agents, servants and/or employees managed the aforementioned premises.

8. That at all the times herein mentioned, the defendant 82-84, its agents, servants and/or employees controlled the aforementioned premises.

9. That at all the times herein mentioned, the defendant 82-84 WADSWORTH AVENUE,LP, hereinafter referred to as " WADSWORTH," was and still is a corporation doing business in the State of New York.

10. That at all the times herein mentioned, the defendant 82-84 WADSWORTH AVENUE,LP, was a partnership duly organized and existing under the laws of the State of New York.

11. That at all the times herein mentioned, the defendant, 82-84 WADSWORTH AVENUE,LP, was a partnership transacting business in New York.

12. That at all the times herein mentioned, the defendant WADSWORTH, its was the owner of the premises located at 650 177th Street, New York, N.Y. .

13. That at all the times herein mentioned, the defendant WADSWORTH its agents, servants and/or employees operated the aforementioned premises.

14. That at all the times herein mentioned, the defendant WADSWORTH, agents, servants and/or employees maintained the aforementioned premises.

15. That at all the times herein mentioned, the defendant WADSWORTH, its agents, servants and/or employees managed the aforementioned premises.

16. That at all the times herein mentioned, the defendant WADSWORTH, its agents, servants and/or employees controlled the aforementioned premises.

17. That at all the times herein mentioned, the defendant LANGSAM PROPERTY SERVICES CORP., hereinafter referred to as "LANGSAM," was and still is a corporation doing

business in the State of New York.

18. That at all the times herein mentioned, the defendant LANGSAM, was the owner of the premises located at 650 177th Street, New York, N.Y. .

19. That at all the times herein mentioned, the defendant LANGSAM, its agents, servants and/or employees operated the aforementioned premises.

20. That at all the times herein mentioned, the defendant LANGSAM, its agents, servants and/or employees maintained the aforementioned premises.

21. That at all the times herein mentioned, the defendant LANGSAM, its agents, servants and/or employees managed the aforementioned premises.

22. That at all the times herein mentioned, the defendant LANGSAM, its agents, servants and/or employees controlled the aforementioned premises.

23. That at all the times herein mentioned, it was the duty of the defendant(s), agents, servants and/or employees to keep and maintain said premises in a reasonable state of repair and in a good and safe condition, and not to suffer and permit said premises to become unsafe and dangerous to pedestrians and/or customers.

24. That at all the times herein mentioned, the plaintiff was lawfully upon the aforesaid premises.

25. That on or about 11/11/2012 , while plaintiff Francisco Peralta was lawfully in the aforementioned premises plaintiff was caused to be injured by reason of the willful, wanton and gross negligence, carelessness and want of proper care of the defendant(s), agents, servants and/or employees.

26. That the said incident and resulting injuries to the plaintiff were caused through no fault of his/her own but were solely and wholly by reason of the negligence, willful, wanton and gross negligence of the defendants, their agents, servants and/or employees in that the defendants suffered, caused and/or permitted and/or allowed portions of said premises, particularly the steps to be, become and remain in a dangerous, defective and/or structurally defective, hazardous, unsafe, broken, cracked, uneven, holey, chipped, peeling, loose condition;

in allowing and permitting a large portion of said ceiling/sink/wall to be and remain in such a state of disrepair and/or negligent repair for such a long and unreasonable length of time so as to cause injuries to the plaintiff; in failing to repair and in improperly repairing; in creating and maintaining a menace, hazard, nuisance and trap thereat; in failing to properly maintain said premises and in improperly maintaining said premises; and in generally being negligent and reckless in the premises; all in violation of the laws, statutes, ordinances and regulations made and provided for the safe and proper operation, ownership, maintenance and control of said premises. Plaintiff further relies upon the doctrine of Res Ipsa Loquitor.

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

28. Both actual and constructive notice are claimed. Actual notice in that the defendants, their agents, servants and/or employees had actual knowledge and/or created the complained of condition; constructive notice in that the condition existed for a long and unreasonable period of time.

29. That by reason of the foregoing, plaintiff FRANCISCO A. PERALTA was caused to sustain serious, harmful and permanent injuries, has been and will be caused great bodily injuries and pain, shock, mental anguish; loss of normal pursuits and pleasures of life; has been and is informed and verily believes maybe permanently injured; has and will be prevented from attending to usual duties; has incurred and will incur great expense for medical care and attention; in all to plaintiff's damage, both compensatory and exemplary in an amount which exceeds the jurisdictional limits of all lower courts and which warrants the jurisdiction of this Court.

WHEREFORE, the plaintiff(s) demands judgment against the defendants on the First Cause of Action in an amount which exceeds the jurisdictional limits of all lower courts and which warrants the jurisdiction of this Court, together with the costs and disbursements of each cause of action.

Yours, etc.

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