

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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WILLIAM DELGADO and CIDALIA DELGADO,

Plaintiffs,

Date Filed:

INDEX NO.:

-against-

SUMMONS

ABIGAIL COUSINS and GABRIELLA COUSINS,

Defendants.

Plaintiffs designate
Westchester County
as the place of trial

The basis of venue
is defendant's
residence

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Plaintiffs reside at
75 Lourmel Street
Bridgeport, CT 06606

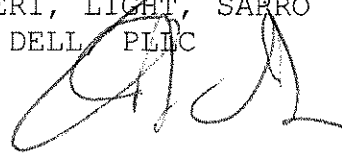
TO THE ABOVE NAMED DEFENDANT:

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 plaintiffs' attorneys 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: White Plains, New York
February 17, 2015

Yours, etc.,

RANERI, LIGHT, SARRO
& O'DELL PLLC



BY:

KEVIN D. O'DELL
Attorneys for Plaintiffs
150 Grand Street, Suite 502
White Plains, NY 10601
(914) 948-5525

TO: ABIGAIL COUSINS
50 Ashton Road
Yonkers, NY 10705

GABRIELLA COUSINS
50 Ashton Road
Yonkers, NY 10705

4. At all times hereinafter mentioned, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, occupied the premises located at 50 Ashton Road, Yonkers, N.Y. 10705.

5. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, owned a dog which said defendants kept on the premises located at 50 Ashton Road, Yonkers, N.Y. 10705.

6. Upon information and belief, on or about June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, owned an Australian Shepherd named "Sparky" which said defendants kept on the premises located at 50 Ashton Road, Yonkers, N.Y. 10705 and which defendants knew was roaming loose on the property at the time of the attack.

7. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, had been and were negligent in keeping on the premises located at 50 Ashton Road, Yonkers, N.Y. 10705, a dog that was not safely, properly, adequately, or thoroughly trained.

8. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, had been and were negligent in keeping on the premises located at 50 Ashton Road, Yonkers, N.Y. 10705, a dog that was not properly medically cared for and did not receive proper medical and

veterinary attention, and exhibited viscous propensities towards strangers including other mail/letter carriers.

9. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, had been and were negligent in keeping on the premises located at 50 Ashton Road, Yonkers, N.Y. 10705, a dog that was not guarded or controlled, and was allowed to remain loose and unleashed in the presence of the owners on the date of said incident.

10. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, had or should have had knowledge of the dangerous, vicious and unsafe propensities of the aforementioned "Sparky," an Australian Shepherd.

11. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, kept the aforementioned dog on the premises owned, occupied and controlled by defendants, despite the fact that the aforementioned dog was not safely, properly, adequately, or thoroughly trained and which had exhibited vicious propensities towards strangers prior to the date of this incident.

12. Upon information and belief, on or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, kept the aforementioned dog on the premises owned, occupied, and controlled by defendants despite the fact that the defendants

had or should have had knowledge of the vicious propensities of the aforementioned Australian Shepherd.

13. On or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, kept the aforementioned dog on the defendants' premises with inadequate safeguards despite the fact that the defendants knew or should have known the aforementioned dog to be dangerous, unsafe, vicious, and/or violent.

14. On or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, kept the aforementioned dog on the defendants' premises with inadequate safeguards, in that the aforementioned dog was not properly leashed, attended, muzzled or otherwise prevented from attacking individuals legally on or near the said premises by the subject Australian Shepherd.

15. On or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, allowed the subject dog to roam free on the property and to come into contact with outside visitors, including mail carriers, who walked on or near the defendants' premises to come into direct contact with said animal absent any fencing, leashes or other control devices despite the fact that the aforementioned dog was known or should have been known to be dangerous, unsafe, vicious, and/or violent, and subject to personality and temperament changes due to the animal's pre-existing medical conditions.

16. On or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, failed to warn either by posted sign or oral warning of the presence of said dog and its vicious and dangerous propensities.

17. On or before June 2, 2012, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, failed to warn either by posted sign or a warning of the presence of said dog and its vicious and dangerous propensities despite the fact that the defendant knew or should have known that the aforementioned dog was dangerous, unsafe, vicious, and/or violent or subject to personality changes and temperament changes and its prior exhibition of vicious behavior towards strangers and prior mail/letter carriers.

18. Upon information and belief, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, knew or should have known of the aforementioned dog's dangerous, unsafe, vicious, and/or violent propensities by virtue of the fact that the dog had previously exhibited vicious propensities towards other mail carriers, and other strangers prior to the date of plaintiff's incident yet defendants failed to install any fencing, leashing systems or other safety measures to prevent, minimize or reduce the dog's interaction with strangers on or near to the subject property prior to this incident.

19. Upon information and belief, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, knew or should have known of the aforementioned dog's dangerous, unsafe, vicious and/or violent propensities by virtue of the fact that the dog had previously exhibited vicious propensities to other mail carriers/strangers to the home and on the date of said incident the defendants allowed the dog to roam unleashed within the City of Yonkers, Westchester County, despite city/county statutes, rules, ordinances prohibiting same.

20. Upon information and belief, defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, failed to take proper and necessary safeguards to properly protect members of the general public from unwarranted and unprovoked attacks by the aforementioned animal.

21. On or about June 2, 2012, while the plaintiff, WILLIAM DELGADO, was a lawful visitor/pedestrian upon a City of Yonkers sidewalk and near to the aforementioned residence at 50 Ashton Road, Yonkers, N.Y. 10705, the aforementioned dog, without warning, reason or provocation, violently attacked the body of said plaintiff, causing said plaintiff to attempt to flee and get away from the subject dog and sustain serious personal injuries as hereinafter alleged.

22. Plaintiff, WILLIAM DELGADO's injuries were solely caused by the carelessness, recklessness, and negligence of the

defendants and the plaintiff in no way contributed to the injuries by any act or omission on his part.

23. By reason of the foregoing, plaintiff, WILLIAM DELGADO, sustained permanent injuries to his body, all of which caused great pain and suffering on the part of the plaintiff in the past, present and future and required surgical intervention.

24. By reason of the foregoing, plaintiff, WILLIAM DELGADO, was caused to sustain medical and hospital expenses, lost wages, lost time from work, and loss of other economic benefits both past, present and future.

25. By reason of the foregoing, plaintiff, WILLIAM DELGADO, has been damaged in a sum which exceeds the jurisdictional amounts of all lower Courts.

AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, WILLIAM DELGADO

Plaintiff, WILLIAM DELGADO, repeats, reiterates and realleges each and every allegation contained in paragraphs "1" through "25" as fully set forth hereinabove with the same force and effect as though the same were fully set forth herein at length.

26. At all times hereinafter mentioned, the plaintiff, WILLIAM DELGADO, was covered by workers' compensation and/or health insurance and as a result of the happening of said accident and incident, plaintiff, WILLIAM DELGADO, undertook

medical expenses and lost wages on his behalf to pay for the medical treatment and lost earnings sustained due to defendants' negligence, and as such, the workers' compensation carrier and/or health insurance company, has asserted a lien with respect to the payments of medical coverage and benefits as a result thereof, all to the detriment of the plaintiff.

27. By reason of the foregoing, plaintiff, WILLIAM DELGADO, has been caused to sustain lost earnings, lost wages, medical and hospital expenses, both past, present and future, as well as lost wages and medical liens as asserted above.

28. By reason of the foregoing, plaintiff, WILLIAM DELGADO, has been damaged in a sum which exceeds the jurisdictional limits of all lower Courts.

AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF PLAINTIFF, CIDALIA DELGADO

29. The Plaintiff repeats, reiterates and realleges each and every allegations as set forth in paragraphs of the complaint marked "1" through "28" of the complaint with the same force and effect as more fully set forth at length herein.

30. That at all times hereinafter mentioned, including the date of the within occurrence, June 2, 2012, Plaintiff, CIDALIA DELGADO, was and is the lawful spouse of Plaintiff, WILLIAM DELGADO, during at all times mentioned and resided with him and continues to do so.

31. That solely as a result of the injuries sustained by WILLIAM DELGADO on June 2, 2012, as a result negligence of the defendants, ABIGAIL COUSINS and GABRIELLA COUSINS, plaintiff, CICALIA DELGADO, was caused to sustain the loss of services, consortium, love and affection that would normally be given by a husband to a wife.

32. By reason of the foregoing, the Plaintiff, CICALIA DELGADO, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiffs WILLIAM DELGADO AND CICALIA DELGADO, demand judgment against the defendant on the First and Second causes of action in a sum in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction; plaintiff, CICALIA DELGADO, demands judgment against the defendant on the Third cause of action in a sum in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction together with costs and disbursements of this action.

Dated: White Plains, New York
February 17, 2015

RANERI, LIGHT, SARRO
& O'DELL, PLLC

By: _____

KEVIN D. O'DELL
Attorneys for Plaintiffs
150 Grand Street, Suite 502
White Plains, New York 10601
(914) 948-5525

KEVIN D. O'DELL, ESQ., an attorney duly admitted to practice in the Courts of the State of New York, hereby affirms under penalty of perjury and pursuant to CPLR §2106 as follows:

Affirmant is a partner of the firm of RANERI, LIGHT, SARRO & O'DELL, PLLC, attorneys for the plaintiffs, in the within action, and as such is fully familiar with all the facts and circumstances heretofore had herein.

Affirmant has read the foregoing Complaint and the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes it to be true.

This verification is made by an attorney because the plaintiffs do not reside within the county wherein affirmant's office is located.

Dated: White Plains, New York
February 17, 2015



KEVIN D. O'DELL

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

INDEX NO.:

DATE FILED: February 17, 2015

-----X
WILLIAM DELGADO and CIDALIA DELGADO,

Plaintiffs,

-against-

ABIGAIL COUSINS and GABRIELLA COUSINS,

Defendants.
-----X

SUMMONS & COMPLAINT

RANERI, LIGHT, SARRO & O'DELL, PLLC

Attorneys for

Plaintiffs

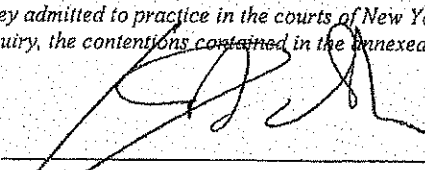
Defendant

150 Grand Street, Suite 502
White Plains, New York 10601
914-948-5525 (Tel)
914-948-5505 (Fax) *

* LEGAL NOTICE: Notwithstanding NY CPLR § 2103(7), this listing does not imply consent to service of papers via facsimile.

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, the contentions contained in the annexed document are not frivolous.

Dated: February 24, 2015

Signature: 

Print Signer's Name:

Kevin D. O'Dell