

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

Date of Purchase: 11/____/11

-----X
KELLY FORMAN,

SUMMONS

Plaintiff,

Index No.:

-against-

Plaintiff designates
NEW YORK County
as the place of trial

MARK HENKIN,

1113059

Defendants.
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The basis of venue is
DEFENDANT'S RESIDENCE: #
Mark Henkin
150 East 69th Street, #18L
New York, NY 10021

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 plaintiff's attorneys within twenty (20) days after service of this summons, exclusive of the day of service (or within thirty (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 16, 2011
New York, New York

FILED
NOV 17 2011
COUNTY CLERK'S OFFICE
NEW YORK

Yours, etc.,
THE FLOMENHAFT LAW FIRM, P LLC

By: _____
Stephen D. Chakwin, Jr., Esq.
Attorneys for Plaintiff
90 Broad Street, Suite 1901
New York, NY 10004
Tel: (646) 747 - 0300

TO: Mark Henkin
150 East 69th Street, #18L
New York, NY 10021

**THIS ACTION IS NOT BASED UPON A CONSUMER CREDIT TRANSACTION.
THIS ACTION SEEKS RECOVERY FOR PERSONAL INJURY**

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

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KELLY FORMAN,

Plaintiff,

-against-

MARK HENKIN,

Defendants.
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VERIFIED COMPLAINT

Index No.:

Plaintiff, by her attorneys **THE FLOMENHAFT LAW FIRM, PLLC**, complaining of Defendant, MARK HENKIN, respectfully alleges upon information and belief that **on June 20, 2011** (unless otherwise specified) as follows:

1. The plaintiff KELLY FORMAN (hereinafter "Plaintiff") was, and still is, a resident of the State of New York.
2. The defendant MARK HENKIN (hereinafter "Defendant") was, and still is, a resident of the State of New York.
3. Defendant's primary residence is located in New York County, New York.
4. Defendant also owns premises located in Suffolk County, New York.
5. Defendant owned certain horses (hereinafter "the horses") stabled in Suffolk County, New York.
6. Defendant, his agents, servants, or employees, maintained the horses.
7. Defendant, his agents, servants, or employees, managed the horses.
8. Defendant owned certain tack for use on the horses.
9. Defendant, his agents, servants, or employees, controlled the tack.
10. Defendant, his agents, servants, or employees, maintained the tack.
11. Defendant, his agents, servants, or employees, managed the tack.
12. On or prior to June 20, 2011, Defendant invited Plaintiff to go horseback riding in Suffolk County and Plaintiff accepted.

13. On June 20, 2011, Plaintiff drove to Defendant's premises located in Suffolk County, New York.

14. Upon arriving at Defendant's premises, Plaintiff found that Defendant had prepared or "tacked up" the horses for riding.

15. The tack used on the horses was the tack owned, controlled, maintained, or managed by Defendant, his agents, servants, or employees.

16. Defendant owed a duty of ordinary reasonable care to Plaintiff, whom he had invited to ride his horse, which he had tacked up, using his tack.

17. The aforementioned duty of ordinary reasonable care included properly tacking up the horse that Plaintiff was to ride.

18. The aforementioned duty of ordinary reasonable care included tacking up the horse that Plaintiff was to ride with tack that was properly maintained and/or not defective.

19. After Plaintiff met Defendant at his Suffolk County premises on June 20, 2011, Defendant and Plaintiff then drove to another location to ride the horses.

20. While Defendant and Plaintiff were riding the horses, part of the tack on the horse Plaintiff was riding, and more specifically, the stirrup leather, broke, causing Plaintiff to fall from the horse and sustain injury.

21. Plaintiff's fall and ensuing injury was caused solely as a result of the negligence and recklessness of Defendant, his agents, servants, or employees, in the failure to properly tack up the horse that Plaintiff was to ride, and in the failure to carefully and properly maintain, manage, control and/or inspect the aforesaid tack used on the horse Plaintiff was to ride, in that the tack, and more specifically, the stirrup leather, was old, dry, brittle, cracked, worn, improperly maintained, or otherwise defective.

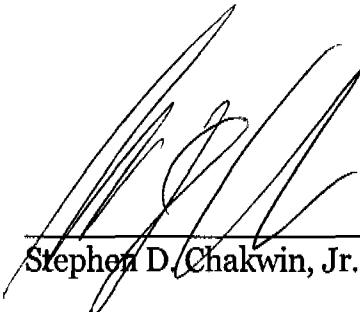
22. Solely as result of the foregoing, Plaintiff KELLY FORMAN suffered serious, severe and permanent personal injuries, has been prevented from attending her usual activities and duties, has sought and will continue to need medical care and treatment, has sustained pain and suffering, and has been damaged in an amount exceeding the jurisdiction of all other courts.

23. The above described actions of Defendant, his agents, servants, or employees, in causing or contributing to the severe injuries sustained by Plaintiff were reckless, willful and wanton, and in total disregard for Plaintiff's life and well-being, for which Plaintiff is entitled to punitive as well as compensatory damages.

24. The amount of damages sought on all causes of action exceeds the jurisdiction of all lower courts that would otherwise have jurisdiction.

WHEREFORE Plaintiff demands judgment against Defendants in an amount as a jury would find adequate, and just, together with the costs and disbursements of this action.

Dated: New York, New York
November 16, 2011



Stephen D. Chakwin, Jr., Esq.

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

INDIVIDUAL VERIFICATION

The undersigned, being duly sworn, deposes and says that the deponent is the plaintiff in the within action; that the deponent has read the foregoing and knows the contents thereof; that the same are true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes them to be true.

Dated: New York, New York
November 16, 2011

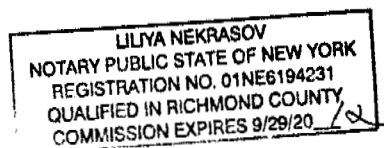


KELLY FORMAN

Sworn to before me this 16th day
of November, 2011



NOTARY PUBLIC



Index No.

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

KELLY FORMAN,

Plaintiff,

-against-

MARK HENKIN,

Defendant.

SUMMONS & VERIFIED COMPLAINT

THE FLOMENHAFT LAW FIRM, PLLC
Attorneys for Plaintiff: KELLY FORMAN
90 Broad Street, Suite 1901
New York, N.Y. 10004
Phone: (646) 747-0300
Fax: (646) 747-0301

FILED
NOV 17 2011
COUNTY CLERK'S OFFICE
NEW YORK

Pursuant to 22 NYCRR 130-1.1, 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:

Signature

Print Signer's Name

Service of a copy of the within

is hereby admitted.

Dated:

.....
Attorney(s) for

PLEASE TAKE NOTICE

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

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

Dated:

FILED
NOV 17 2011