

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

ERICA CRUZ and GEORGE CRUZ,

Plaintiffs,

-against-

VINCENT SOLLAZZO a/k/a Vincent Sollazzo-Lampkin
and CLASS 5, INC. a/k/a Class 5 Films,

Defendants.

Index No.
Date Purchased
Plaintiff(s) designate(s)
NEW YORK

County as the place of trial.

The basis of venue is
plaintiffs' address

SUMMONS

Plaintiff(s)' address:
773 St. Nicholas Avenue
New York, New York

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 Attorney(s) within **twenty** days after the 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.

NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule§ 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efileunrepresented.

Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: New York, New York
March 27, 2018

JAROSLAWICZ & JAROS PLLC
Attorneys for Plaintiffs
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780
dj@lawjaros.com

By: _____

David Jaroslawicz

Defendant(s) address(es):

VINCENT SOLLAZZO a/k/a Vincent Sollazzo-Lampkin
101 West 136th Street
New York, New York 10030

CLASS 5, INC. a/k/a Class 5 Films
200 Park Avenue South, 8th Floor
New York, New York 10003

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

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ERICA CRUZ and GEORGE CRUZ,

Index No.

Plaintiffs,

VERIFIED COMPLAINT

-against-

VINCENT SOLLAZZO a/k/a Vincent Sollazzo-Lampkin
and CLASS 5, INC. a/k/a Class 5 Films,

Defendants.

-----X

Plaintiffs by their attorneys, Jaroslawicz & Jaros PLLC complaining of the
defendants, upon information and belief, allege as follows:

THE PARTIES

1. At all times hereinafter mentioned, plaintiffs are residents of the State of New York, County of New York.
2. At all times hereinafter mentioned, plaintiffs are brother and sister.
3. At all times hereinafter mentioned, plaintiff George Cruz is the lease holder for the apartment PH on the fourth floor at 773 St. Nicholas Avenue, New York, New York 10031.
4. At all times hereinafter mentioned, plaintiff Erica Cruz resides in the aforementioned apartment.
5. At all times hereinafter mentioned, defendant Vincent Sollazzo a/k/a Vincent Sollazzo-Lampkin ("Sollazzo") owns the aforementioned premises.

6. At all times hereinafter mentioned, defendant Sollazzo operates the aforementioned premises.

7. At all times hereinafter mentioned, defendant Sollazzo maintains – or more accurately failed to properly maintain – the aforementioned premises.

8. At all times hereinafter mentioned, defendant Class 5, Inc. is a domestic corporation, duly organized and existing under and by virtue of the laws of the State of New York.

9. At all times hereinafter mentioned, defendant Class 5, Inc. is also known as Class 5 Films.

10. At all times hereinafter mentioned, defendant Class 5, Inc. is a movie production company.

THE UNDERLYING FACTS

11. On or about March 22, 2018, plaintiff Erica Cruz was in her apartment at the aforementioned premises.

12. At that time, a movie was being filmed at 773 St. Nicholas Avenue; the movie was to be known as “Motherless Brooklyn.”

13. Upon information and belief, the defendant Class 5, Inc. maintained certain equipment, including highly flammable equipment in the basement of the aforementioned premises.

14. Due to the defendants’ recklessness, carelessness and negligence, in the late evening of March 22, 2018, a fire broke out in the basement.

15. When representatives of Class 5, Inc. became aware of the fire, they did not warn the tenants in the building; in fact, they misled the tenants into believing there had been a fire that had been extinguished.

16. As a result of the fire, the plaintiffs' apartment was completely destroyed.

**AS AND FOR A FIRST CAUSE OF ACTION
ON BEHALF OF ERICA CRUZ
AS AGAINST DEFENDANT
VINCENT SOLLAZZO a/k/a Vincent Sollazo-Lampkin**

17. Defendant was reckless, careless and negligent in having a building that was in a hazardous condition; in failing to have proper and working smoke detectors; in having a building that was not in a clean state; in failing to maintain the building in a safe condition; in failing to have fire extinguishers; in creating a trap, hazard, nuisance and public nuisance; in failing to have efficient and sufficient personnel; in violating applicable laws, rules and regulations including but not limited to the New York City Fire Code; in failing to have proper lighting in the stairwell; and defendant was otherwise reckless, careless and negligent.

18. As a result of the defendant's negligence, plaintiff was caused to suffer severe and permanent personal injuries including but not limited to aggravation and exacerbation of pre-existing asthma and respiratory condition; required medical care and attention and will require such care in the future; severe emotional distress; pain and suffering; required to run for her life down several sets of dark stairs engulfed in smoke unable to breathe or see where she was going while fearful of falling with each step; fear of death and dying;

anxiety; post-traumatic stress disorder; nightmares; and plaintiff has been otherwise damaged, all of which damages are permanent in nature and continuing into the future.

19. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

20. By reason of the foregoing, plaintiff is entitled to recover all of her damages – both actual and punitive – from the defendant in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A SECOND CAUSE OF ACTION
ON BEHALF OF ERICA CRUZ
AS AGAINST DEFENDANT
VINCENT SOLLAZZO a/k/a Vincent Sollazo-Lampkin**

21. Plaintiff hereby repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

22. Defendant was reckless, careless and negligent as set forth above.

23. Due to defendant's negligence, plaintiff suffered total and complete loss of all personal property in her apartment including but not limited to clothing for her and her minor child, furniture and appliances, shoes, computer, iPad and all chargers, beds with linens, pillows and bedding; coats, electronic games, air conditioners, jewelry, books including text books in use for graduate school; kitchen equipment including dinnerware, pots and pans; irreplaceable and sentimental items such as jewelry, child's paintings and artwork; all electronics and personal identification items such as passport, birth certificate and social security card; loss of use and the right to a rent controlled/stabilized apartment

and will require to expend significant additional funds to find a comparable apartment; plaintiff was required to take numerous days off from work to find a new home and replace everything in her apartment for her and her minor child; and plaintiff has been otherwise damaged.

24. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

25. By reason of the foregoing, plaintiff is entitled to recover all of her personal property damage – both actual and punitive – from the defendant in an amount not to exceed the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A THIRD CAUSE OF ACTION
ON BEHALF OF GEORGE CRUZ
AS AGAINST DEFENDANT
VINCENT SOLLAZZO a/k/a Vincent Sollazo-Lampkin**

26. Plaintiff hereby repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

27. Defendant was reckless, careless and negligent as set forth above.

28. As a result of defendant's negligence, plaintiff was caused to suffer personal property damage, including but not limited to loss of dresser, armoire, coffee table, night stand, sofa, television, shoes and sneakers and other irreplaceable items; loss of use and the right to a rent controlled/stabilized apartment and will require to expend significant additional funds to find a comparable apartment and plaintiff has been otherwise damaged.

29. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

30. By reason of the foregoing, plaintiff is entitled to recover all of his personal property damage – both actual and punitive – from the defendant in an amount not to exceed the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A FOURTH CAUSE OF ACTION
ON BEHALF OF ERICA CRUZ and GEORGE CRUZ
AS AGAINST DEFENDANT
VINCENT SOLLAZZO a/k/a Vincent Sollazo-Lampkin**

31. Plaintiffs hereby repeat, reiterate and reallege each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

32. If the defendant owner of the premises repairs, sells or re-constructs the property, plaintiffs are entitled to receive a similar rent-stabilized apartment at the same location and the owner is so put on notice.

**AS AND FOR A FIFTH CAUSE OF ACTION
ON BEHALF OF ERICA CRUZ
AS AGAINST DEFENDANT
CLASS 5, INC. a/k/a Class 5 Films**

33. Plaintiff hereby repeats reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

34. Defendant, by its agents, servants, and/or employees, was reckless, careless and negligent in having highly flammable ultra-hazardous materials and equipment on the premises; in failing to have extinguishers; in failing to have efficient and sufficient personnel; in failing to warn; in failing to make certain that the materials and equipment

were safely put away; in having hazardous material in a residential area; in creating a nuisance and public nuisance; in failing to warn the tenants in the building; in misleading the tenants into believing the fire had been extinguished; in violating applicable laws, rules and regulations; and defendant was otherwise reckless, careless and negligent.

35. As a result of defendant's negligence, plaintiff suffered severe and permanent personal injuries as set forth above.

36. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

37. By reason of the foregoing, plaintiff is entitled to recover all of her damages – both actual and punitive – from the defendant in an amount not to exceed the sum of Five Million Dollars (\$5,000,000).

**AS AND FOR A SIXTH CAUSE OF ACTION
ON BEHALF OF ERICA CRUZ
AS AGAINST DEFENDANT
CLASS 5, INC. a/k/a Class 5 Films**

38. Plaintiff hereby repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

39. Defendant, by its agents, servants, and/or employees, was reckless, careless and negligent as set forth above.

40. As a result of defendant's negligence, plaintiff was caused to suffer personal property loss as set forth above.

41. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

42. By reason of the foregoing, plaintiff is entitled to recover all of her personal property damage – both actual and punitive – from the defendant in an amount not to exceed the sum of One Million Dollars (\$1,000,000).

**AS AND FOR A SEVENTH CAUSE OF ACTION
ON BEHALF OF GEORGE CRUZ
AS AGAINST DEFENDANT
CLASS 5, INC. a/k/a Class 5 Films**

43. Plaintiff hereby repeats, reiterates and realleges each of the foregoing allegations with the same force and effect as if more fully set forth at length herein.

44. Defendant, by its agents, servants, and/or employees, was reckless, careless and negligent as set forth above.

45. As a result of defendant's negligence, plaintiff was caused to suffer personal property loss as set forth above.

46. By reason of the foregoing, defendant is jointly and severally liable pursuant to the exceptions set forth in the CPLR.

47. By reason of the foregoing, plaintiff is entitled to recover all of his personal property damage – both actual and punitive – from the defendant in an amount not to exceed the sum of One Million Dollars (\$1,000,000).

WHEREFORE, plaintiffs demands judgment against the defendants, jointly and severally, to recover for all of their damages, all together with the costs and disbursements of this action.

JAROSLAWICZ & JAROS PLLC
Attorneys for Plaintiff
225 Broadway, 24th Floor
New York, New York 10007
(212) 227-2780

By: 

David Jaroslawicz

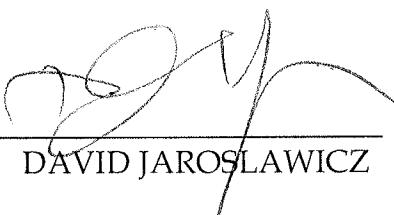
DAVID JAROSLAWICZ, a member of the firm of JAROSLAWICZ & JAROS PLLC, attorneys for the plaintiff(s) in the within action, duly admitted to practice in the Courts of the State of New York, affirms the following statements to be true under the penalties of perjury, pursuant to CPLR 2106(a).

That he has read the foregoing **Complaint** and knows the contents thereof; that the same is true to his own knowledge except as to those matters therein stated to be alleged upon information and belief, and that as to those matters, he believes them to be true.

Affiant further states that the source of his information and the grounds of his belief are derived from the file maintained in the normal course of business of the attorneys for the plaintiff(s).

Affiant further states that the reason this affirmation is not made by the plaintiff(s) is that at the time this document was being prepared, the plaintiff(s) was (were) not within the County of New York, which is the County where the attorney for the plaintiff(s) herein maintains his office.

Dated: New York, New York
March 27, 2018



DAVID JAROSLAWICZ

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

ERICA CRUZ and GEORGE CRUZ,

Plaintiffs,

-against-

VINCENT SOLLAZZO a/k/a Vincent Sollazzo-Lampkin
and CLASS 5, INC. a/k/a Class 5 Films,

Defendants.

Summons & Verified Complaint

LAW OFFICES OF
JAROSLAWICZ & JAROS PLLC
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NEW YORK, NEW YORK 10007
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