

Supreme Court of the State of New York
County of New York

Extech Building Materials, Inc.

Plaintiff,

-against-

Smith Restoration, Inc., Martin Scorsese, Helen Morris Scorsese and John Doe "1" through John Doe "10", the last ten names being fictitious and intended to be those persons who may have a lien on or interest in the property that is the subject of this action,

Defendants,

Index No.:

Date Filed:

Plaintiff designates New York County as the place of Trial

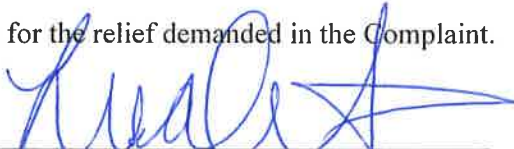
S U M M O N S

The basis of venue is the County in which the property is located.

To the above named Defendants:

YOU ARE HEREBY SUMMONED, to appear and to answer the Verified Complaint in this action and to serve a copy of your answer on Plaintiff's attorney within twenty (20) days of the service of this Summons, exclusive of the day of service (or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York), in the event you fail to appear or to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: May 1, 2018
Great Neck, New York



The Law Firm of Elias C. Schwartz, PLLC

By: Lisa A. Schwartz, Esq.

Attorneys for Plaintiff

Extech Building Materials, Inc.

343 Great Neck Road

Great Neck, New York 11021

(516) 487-0175

Defendants' Addresses:

Smith Restoration, Inc.

63 Flushing Avenue, Unit 29

Brooklyn, New York 11205

Martin Scorsese

121 East 64th Street

New York, New York 10065

Helen Morris Scorsese

121 East 64th Street

New York, New York 10065

Supreme Court of the State of New York
County of New York

Extech Building Materials, Inc.,

Index No.:

Date Filed:

Plaintiff,

-against-

VERIFIED COMPLAINT

Smith Restoration, Inc., Martin Scorsese, Helen Morris Scorsese and John Doe "1" through John Doe "10", the last ten names being fictitious and intended to be those persons who may have a lien on or interest in the property that is the subject of this action,

Defendants,

Plaintiff, **Extech Building Materials, Inc.** by its attorneys, The Law Firm of Elias C.

Schwartz, PLLC, as and for its Verified Complaint alleges as follows:

Allegations Common to All Causes of Action

1. At all times hereinafter mentioned, Plaintiff Extech Building Materials, Inc. ("*Extech*") was and still is a domestic business corporation with offices located at 43-87 Vernon Boulevard, Long Island City, New York 11101.
2. Upon information and belief, at all times hereinafter mentioned, Defendant Smith Restoration Inc. ("*Smith*"), was and still is a domestic business corporation with offices located at 63 Flushing Avenue, Unit 29, Brooklyn, New York 11205.
3. Upon information and belief, at all times hereinafter mentioned, Defendant Martin Scorsese ("*M. Scorsese*"), was and still is an individual residing at 121 East 64th Street, New York, New York 10065.

4. Upon information and belief, at all times hereinafter mentioned, Defendant Helen Morris Scorsese (“*H. Scorsese*”), was and still is an individual residing at 121 East 64th Street, New York, New York 10065.
5. Upon information and belief, at all times hereinafter mentioned, M. Scorsese and H. Scorsese were and still are the owners of certain lands and premises located in the County of New York, State of New York, known as 121 East 64th Street, New York, New York 10065 (“*Premises*”).

As and For a First Cause of Action

6. Plaintiff repeats and realleges each and every allegation set forth in Paragraphs “1” through “5” of its Verified Complaint with the same force and effect as if more fully set forth herein at length.
7. Upon information and belief, at some time prior to August 11, 2014, Defendants Smith and M. Scorsese and H. Scorsese entered into an agreement whereby Defendant Smith, as contractor agreed to perform certain construction work on the Premises as set forth herein.
8. Thereafter, subsequent to the agreement between Defendants Smith and M. Scorsese and H. Scorsese, and in furtherance thereof, Plaintiff agreed to supply Defendants Smith with building materials for use and incorporation into the Premises.
9. Between August 11, 2014 and May 7, 2015, Plaintiff at the special instance and request

of the Defendant Smith, supplied said Defendant with building materials for use and incorporation into the Premises having a fair and reasonable value of \$18,036.87.

10. As of June 1, 2015, Plaintiff had not received any payments, leaving a balance due and owing of \$18,036.87, no part of which had been paid although same had been duly demanded.
11. On or about June 10, 2015, and within four (4) months after the final performance of the work and the final furnishing of the materials, Plaintiff caused to be filed in the Office of the Clerk of the County of New York, a Notice Under Mechanic's Lien Law in writing in due form, a copy of which is annexed hereto and made a part hereof as Exhibit "A".
12. Plaintiff' Notice of Mechanics Lien was duly served and the proofs of service were filed with the New York County Clerk's Office.
13. The Lien was extended for a period of one year by the due filing of an Extension of Lien with the Clerk of the County of New York on May 12, 2016. A copy of same is annexed hereto and made a part hereof as Exhibit "B".
14. The Lien was thereafter extended for a period of one year upon the Order of the Honorable Erika M. Edwards, Justice of the Supreme Court of the State of New York, County of New York dated May 9, 2017. A copy of same is annexed hereto and made a part hereof as Exhibit "C".

15. The Plaintiff's aforesaid lien has not been waived, paid or discharged leaving an outstanding balance due of \$18,036.87, no part of which has been paid to date.
16. No other action at law or in equity has been commenced to recovery the underlying debt of Plaintiff's aforesaid lien.
17. Plaintiff by this cause of action seeks foreclosure of its aforesaid Mechanic's Lien.
18. Defendants John Doe "1" through John Doe "10" are made parties to the action by reason of their possible encumbrances or claims against the premises which upon information and belief are subordinate to the claims of Plaintiff.

WHEREFORE, Plaintiff Extech Building Materials, Inc. demands judgment as follows:

- a. ***On the First Cause of Action***, against Defendants Smith Restoration, Inc., Martin Scorsese and Helen Morris Scorsese and John Doe "1" through John Doe "10":
 - i. That the Court ascertain and adjudge the amount due on Plaintiffs lien and claims for principal and interest and that the Court adjudges and ascertains the equities of all the parties to this action;
 - ii. That it be adjudged and decreed that by the filing of the Notice of Lien on the 10th day of June, 2015, and the Extensions filed on the 12th day of May 2016, and the 9th day of May 2017, Plaintiff acquired a good, valid and subsisting lien in the amount of \$18,036.87 with interest together with the costs and

disbursements of this action;

- iii. That the premises be sold as provided by law and that the proceeds of such sale be used to pay Plaintiff the amount of its Lien with interest and the expenses of said sale; with the Defendants Smith Restoration, Inc. being held liable for any deficiency determined therein.

- b. For such other and further relief as this Court may seem just and proper, together with interest, costs and disbursements of this action.

Dated: May 1, 2018
Great Neck, New York

Yours, etc.



The Law Firm of Elias C. Schwartz, PLLC

By: Lisa A. Schwartz, Esq.

Attorneys for Plaintiff

Extech Building Materials, Inc.

343 Great Neck Road

Great Neck, New York 11021

(516) 487-0175

To:

Smith Restoration, Inc.
63 Flushing Avenue, Unit 29
Brooklyn, New York 11205

Martin Scorsese
121 East 64th Street
New York, New York 10065

Helen Morris Scorsese
121 East 64th Street
New York, New York 10065

Supreme Court of the State of New York
County of New York

Extech Building Materials, Inc.

Index No:

Plaintiff,

-against-

Verification

Smith Restoration, Inc., Martin Scorsese, Helen Morris Scorsese and John Doe "1" through John Doe "10", the last ten names being fictitious and intended to be those persons who may have a lien on or interest in the property that is the subject of this action,

Defendants.

State of New Jersey }

.ss:

County of Hudson }

Monishwar R. Sookram, being sworn, says: I am the Credit Manager of Extech Building Materials, Inc. a domestic business corporation authorized to do business in the State of New York, a Defendant in the above entitled action. I have read the annexed Summons and Verified Complaint, and know the contents thereof; and the same is true to my own knowledge.

This Verification is made by me because Plaintiff Extech Building Materials, Inc. is a Corporation and I am the Credit Manager thereof. The grounds of my belief as to all matters is my personal knowledge and a review of the books and records of the corporation.

Monishwar R. Sookram
Monishwar R. Sookram, Credit Manager

Sworn to before me on this
15th day of April 2018

Angel Manganiello
Notary Public

