

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

Index No.

Plaintiff designates Westchester

KATHRYN BAUM and GEORGE BAUM,

County as the place of trial

The basis of the venue is

Plaintiffs' residence  
10353/95

Plaintiff

Summons with Notice

against

CURTIS C. BEUSMAN  
Haines Road  
Mount Kisco, NY 10549

Plaintiff resides at 3542 Sagamore Ave., Mohegan Lake, NY 10549

Defendant

County of

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 Attorney(s) within -20- 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 herein.

Dated, June 28, 1991

Defendant's address:

SEE ABOVE

Notice: The nature of this action is

The relief sought is

**FILED**  
JUN 23 1995  
LEONARD N. SPANCO  
COUNTY CLERK  
COUNTY OF WESTCHESTER

FITZMAURICE & TIMONE, P.C.

Attorney(s) for Plaintiff  
Office and Post Office Address

111 Lake Ave., P.O. Box 124  
Tuckahoe, NY 10707-0124  
(914) 961-6680  
File #2993

Upon your failure to appear, judgment will be taken against you by default for the sum of \$ with interest from

**AFFIDAVIT OF SERVICE**

Index No. \_\_\_\_\_

State of New York, County of \_\_\_\_\_

ss:

The undersigned, being duly sworn, deposes and says; that deponent is not a party to the action, is over 18 years of age and resides at \_\_\_\_\_ y

That on \_\_\_\_\_ 19\_\_ at \_\_\_\_\_

deponent served the within summons \_\_\_\_\_

on \_\_\_\_\_ defendant

against \_\_\_\_\_

Plaintiff(s) \_\_\_\_\_

INDIVIDUAL by delivering a true copy of each to said defendant personally; deponent knew the person so served to be the person described as said defendant therein.

1.  \_\_\_\_\_

CORPORATION a corporation.

2.  \_\_\_\_\_ by delivering thereat a true copy of each to \_\_\_\_\_

personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be \_\_\_\_\_ thereof.

3.  \_\_\_\_\_ by delivering thereat a true copy of each to \_\_\_\_\_

by affixing a true copy of each to the door of said premises, which is defendant's—actual place of business—dwelling place—usual place of abode—within the state. a person of suitable age and discretion. Said premises is defendant's—actual place of business—dwelling place—usual place of abode—within the state.

4.  \_\_\_\_\_ business—dwelling place—usual place of abode—within the state. Deponent was unable, with due diligence, to find defendant or a person of suitable age and discretion thereat, having called there \_\_\_\_\_

MAILING TO RESIDENCE USE WITH 3 OR 4  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to defendant at defendant's last known residence, at \_\_\_\_\_

MAILING TO BUSINESS USE WITH 3 OR 4  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, at \_\_\_\_\_

and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State.

MAILING TO BUSINESS USE WITH 3 OR 4  Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a first class postpaid envelope properly addressed to defendant at defendant's actual place of business, at \_\_\_\_\_

in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State. The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

**Summons with Notice**  
ACTION NOT BASED UPON A  
CONSUMER CREDIT TRANSACTION

Defendant(s) \_\_\_\_\_

Attorney(s) for Plaintiff(s) \_\_\_\_\_

Office, Post Office Address and Tel. No. \_\_\_\_\_

DESCRIPTION USE WITH 1, 2, or 3 <input type="checkbox"/>	<input type="checkbox"/> Black Hair	<input type="checkbox"/> 51-65 Yrs.
<input type="checkbox"/> Brown Hair	<input type="checkbox"/> Over 65 Yrs.	
<input type="checkbox"/> Blonde Hair		
<input type="checkbox"/> Gray Hair	<input type="checkbox"/> Under 5'	
<input type="checkbox"/> Red Hair	<input type="checkbox"/> 5'0"-5'3"	
<input type="checkbox"/> White Hair	<input type="checkbox"/> 5'4"-5'8"	
<input type="checkbox"/> Balding	<input type="checkbox"/> 5'9"-6'0"	
<input type="checkbox"/> Mustache	<input type="checkbox"/> Over 6'	
<input type="checkbox"/> Beard	<input type="checkbox"/> Under 100 Lbs.	
<input type="checkbox"/> Glasses	<input type="checkbox"/> 100-130 Lbs.	
<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> 131-160 Lbs.	
<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 161-200 Lbs.	
<input type="checkbox"/> 36-50 Yrs.	<input type="checkbox"/> Over 200 Lbs.	

Other identifying features: \_\_\_\_\_

Sworn to before me on \_\_\_\_\_

Print name beneath signature \_\_\_\_\_

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
KATHRYN BAUM and GEORGE BAUM,

Plaintiffs,

-against-

COMPLAINT

CURTIS C. BEUSMAN,

Defendant.  
-----X

FILED  
JUN 23 1995  
JAMES N. SPANO  
COUNTY CLERK  
COUNTY OF WESTCHESTER

The plaintiffs by their attorneys FITZMAURICE & TIMONE  
P.C., complain against the defendant as follows:

1. Plaintiffs are residents of the County of Westchester.
2. Upon information and belief, the defendant is a resident of the County of Westchester.
3. At all times herein mentioned, upon information and belief, the defendant was the owner of premises located at 37 West Main Street, Mt. Kisco, New York.
4. At all times herein mentioned the defendant upon information and belief, controlled the aforesaid portions thereof.
5. Upon information and belief, the defendant controlled the common areas of said premises.
6. At all times herein mentioned, the defendant maintained the aforesaid premises including the maintenance thereof.
7. On January 15, 1991 at or about 9:00 A.M and several days

preceding that date, the defendant's agents, servants or employees failed to remove accumulated snow and ice from the surface area of the parking lot area.

8. On January 15, 1991 at or about the aforesaid time and place, the plaintiff KATHRYN BAUM, slipped and fell at the premises commonly known as the parking lot area located at 37 West Main St., Mt. Kisco, New York.

9. By reason of the aforesaid fall, the plaintiff KATHRYN BAUM, became injured.

10. Due to the aforesaid fall the plaintiff KATHRYN BAUM became seriously and permanently injured.

11. The foregoing was caused by the negligence and culpable fault of the defendant in failing to maintain premises; in failing to remove snow and ice from the surface area; in creating a public and private nuisance; in creating a dangerous condition; in failing to inspect areas; in failing to perform proper lease terms and conditions; in creating a dangerous and unsafe condition; in creating a false impression in safety; and in otherwise being careless, negligent and culpably at fault.

12. By reason of the foregoing, the plaintiff KATHRYN BAUM was injured in the amount of \$1,000,000.00.

**AS AND FOR A SECOND CAUSE OF ACTION ON  
BEHALF OF THE PLAINTIFF, GEORGE BAUM:**

13. The plaintiff, GEORGE BAUM, repeats and reiterates each and every allegation contained in the first cause of action with the same force and effect as if fully set forth herein.

14. At all times herein mentioned the plaintiff GEORGE BAUM was the husband of the plaintiff KATHRYN BAUM.

15. By reason of the foregoing, the plaintiff GEORGE BAUM suffered the loss of services of his wife all to his damage and detriment in the amount of \$250,00.00.

WHEREFORE, plaintiffs demand judgment on the first cause of action in the amount of \$1,000,000.00 and on the second cause of action in the amount of \$250,000.00 together with the costs and disbursements of this action.

Dated: Tuckahoe, New York  
June 28, 1991

Yours, etc.,

FITZMAURICE & TIMONE, P.C.  
Attorneys for Plaintiffs  
111 Lake Ave., P.O. Box 124  
Tuckahoe, NY 10707-0124  
(914) 961-6680  
File #2893

d.client.jpf.baum.sc

STATE OF NEW YORK, COUNTY OF

ss.:

I, the undersigned, an attorney admitted to practice in the courts of New York State,

Check Applicable Box

Certification By Attorney

certify that the within has been compared by me with the original and found to be a true and complete copy.

Attorney's Affirmation

state that I am the attorney(s) of record for

action; I have read the foregoing

the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by

in the within

and know the contents thereof;

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated:

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

I, being duly sworn, depose and say: I am

Check Applicable Box

Individual Verification

in the within action; I have read the foregoing

and know the contents thereof; the same is true to my own knowledge, except

as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

Corporate Verification

the of

a

corporation and a party in the within action; I have read the foregoing

and know the contents thereof; and the same is true to my own knowledge,

except as to the matters therein stated to be alleged upon information and belief, and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on

19

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF

ss.:

(If more than one box is checked — indicate after names type of service used.)

I, of age and reside at

being sworn, say: I am not a party to the action, am over 18 years

On 19 I served the within

Check Applicable Box

Service By Mail

by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

Personal Service on Individual

by delivering a true copy thereof personally to each person named below at the address indicated. I knew each person served to be the person mentioned and described in said papers as a party therein:

Service By Electronic Means

by transmitting the papers by electronic means to the telephone number listed below, which number was designated by the attorney for such purpose. I received a signal from the equipment of the attorney served indicating that the transmission was received. I also deposited a true copy of the papers, enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service, addressed to the attorney at the address set forth after the name:

Overnight Delivery Service

by depositing a true copy thereof, enclosed in a wrapper addressed as shown below, into the custody of for overnight delivery, prior to the latest time designated by that service for overnight delivery.

Sworn to before me on

19

The name signed must be printed beneath

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

KATHRYN BAUM and GEORGE BAUM,

Plaintiffs,

-against-

CURTIS C. BEUSMAN,

Defendant.

SUMMONS AND COMPLAINT

FITZMAURICE & TIMONE, P.C.

Attorneys for Plaintiffs

Office and Post Office Address, Telephone

111 Lake Avenue

P.O. BOX 124

TUCKAHOE, NEW YORK 10707-0124

(914) 961-6680

To

Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir:—Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a  
duly entered in the office of the clerk of the within named court on

19

NOTICE OF SETTLEMENT

that an order  
settlement to the HON.  
of the within named court, at  
on

of which the within is a true copy will be presented for  
one of the judges

19

at

M.

Dated,

Yours, etc.

FITZMAURICE & TIMONE, P.C.

Attorneys for

To

Office and Post Office Address

111 Lake Avenue

P.O. BOX 124

TUCKAHOE, NEW YORK 10707-0124

Attorney(s) for