

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

THE ESTATE OF MARION LOVETRE, by her Personal Representative, HENRY LOVETRE,

Plaintiff(s),

-against-

DITMAS PARK REHABILITATION AND CARE CENTER, LLC d/b/a DITMAS PARK CARE CENTER; ABC CORPORATION; ABC PARTNERSHIP,

Defendant(s),

**SUMMONS**

Index No.:

Date Purchased:

Plaintiff designates **KINGS** County as the place of trial

The basis of venue is defendant **DITMAS PARK CARE CENTER's** address:

2107 Ditmas Avenue  
Brooklyn, NY 11226

To the above-named Defendants:

**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 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 in the complaint.

Dated: Melville, New York  
January 11, 2023

**NAPOLI SHKOLNIK, PLLC**  
*Attorneys for Plaintiff*



By: \_\_\_\_\_  
**Joseph Ciaccio, Esq.**  
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Melville, New York 11747  
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Defendant's Address:

**DITMAS PARK REHABILITATION AND CARE CENTER, LLC d/b/a  
DITMAS PARK CARE CENTER**  
2107 Ditmas Avenue, Brooklyn, NY 11226

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

THE ESTATE OF MARION LOVETRE, by her Personal Representative, HENRY LOVETRE,

**Index No:**

Plaintiff(s),

**VERIFIED  
COMPLAINT**

-against-

DITMAS PARK REHABILITATION AND CARE CENTER, LLC d/b/a DITMAS PARK CARE CENTER; ABC CORPORATION; ABC PARTNERSHIP,

Plaintiff demands  
a Jury Trial

Defendant(s)

Plaintiff, by his attorneys, NAPOLI SHKOLNIK PLLC, complaining of the defendants, respectfully alleges upon information and belief:

**I. THE PARTIES**

**a. Plaintiff**

1. That at all times hereinafter mentioned, plaintiff HENRY LOVETRE, is the son of the decedent, MARION LOVETRE, and is a resident of the State of New York, County of Kings.

2. That at all times hereinafter mentioned, plaintiff's decedent, MARION LOVETRE, was a resident of the County of Kings, State of New York.

3. That on January 13, 2021, plaintiff's decedent, MARION LOVETRE, died at New York Community Hospital, in the County of Kings, State of New York.

4. That at all times hereinafter mentioned, MARION LOVETRE and her next of kin are represented in this action by her son, HENRY LOVETRE, as Personal Representative of her Estate.

5. This action falls within one or more exceptions as set forth in N.Y. Civil Practice Laws and Rules ("C.P.L.R.") Article 16.

**b. Defendant Ditmas Park Rehabilitation & Care Center, LLC d/b/a Ditmas Park Care Center**

6. According to the New York Department of Health, defendant DITMAS PARK REHABILITATION AND CARE CENTER, LLC is the owner and operator of DITMAS PARK CARE CENTER, which is located at 2107 Ditmas Avenue, Brooklyn, NY 11226.

7. That at all times relevant hereto, the term “nursing home” shall refer to and include defendants DITMAS PARK REHABILITATION AND CARE CENTER, LLC d/b/a DITMAS PARK CARE CENTER, ABC CORPORATION and/or ABC PARTNERSHIP, the owner(s) and operator(s) of same, as well as any agents, representatives, employees, care givers, nurses, directors, doctors, physician’s assistants, or staff members of said facility or corporations.

8. Defendant DITMAS PARK REHABILITATION AND CARE CENTER, LLC d/b/a DITMAS PARK CARE CENTER (hereinafter, “DITMAS PARK CARE CENTER”) is located at 2107 Ditmas Avenue, Brooklyn, NY 11226.

9. That at all times hereinafter mentioned, upon information and belief, defendant DITMAS PARK CARE CENTER was and still is a domestic corporation, duly organized under and existing by virtue of the laws of the State of New York.

10. That at all times hereinafter mentioned, upon information and belief, the defendant, DITMAS PARK CARE CENTER, was and still is a business entity doing business within the State of New York.

11. That at all times hereinafter mentioned, upon information and belief, defendant DITMAS PARK CARE CENTER maintained its principal place of business in the County of Kings, State of New York.

12. Prior to and at all times hereinafter mentioned, defendant DITMAS PARK REHABILITATION AND CARE CENTER, LLC was authorized to do business and to operate a nursing home facility located at 2107 Ditmas Avenue, Brooklyn, NY 11226, County of Kings, State of New York, known as DITMAS PARK CARE CENTER.

13. Prior to and at all times hereinafter mentioned, defendant DITMAS PARK REHABILITATION AND CARE CENTER, LLC was and is the owner of a certain nursing home facility located at 2107 Ditmas Avenue, Brooklyn, NY 11226, County of Kings, State of New York, known as DITMAS PARK CARE CENTER.

14. That at all times hereinafter mentioned, upon information and belief, defendant DITMAS PARK CARE CENTER was the lessor of the aforesaid nursing home facility.

15. That at all times hereinafter mentioned, upon information and belief, defendant DITMAS PARK CARE CENTER was the lessee of the aforesaid nursing home facility.

16. That at all times hereinafter mentioned, upon information and belief, defendant DITMAS PARK CARE CENTER maintained, managed, operated, controlled, supervised, and inspected the aforesaid nursing home facility.

17. Prior to and at all times hereinafter mentioned, defendant DITMAS PARK CARE CENTER had possession and control of the building and facilities where the aforesaid nursing home facility is located.

18. That at all times relevant hereto, upon information and belief, defendant DITMAS PARK CARE CENTER owned the premises and appurtenances and fixtures thereto, located at 2107 Ditmas Avenue, Brooklyn, NY 11226, County of Kings, State of New York.

19. Prior to and at all times hereinafter mentioned, the defendant, DITMAS PARK REHABILITATION AND CARE CENTER, LLC, was and still remains engaged in conducting and operating a nursing home facility known as DITMAS PARK CARE CENTER, located at 2107 Ditmas Avenue, Brooklyn, NY 11226, County of Kings, State of New York, and holds itself out to the general public as a facility providing such care and accommodations where patients can be treated by competent and skilled physicians and nursing staff to care for those who are ill.

20. Prior to and at all times hereinafter mentioned, the defendant, DITMAS PARK REHABILITATION AND CARE CENTER, LLC, was and still remains engaged in conducting and

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