

# Exhibit B

69927/2017

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
PIER ASSOCIATES and PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,

Plaintiffs,

-against-

SHEEPSHEAD APPLE, LLC d/b/a APPLEBEE'S  
and NOVA CASUALTY COMPANY  
*Pertaining to an underlying action entitled: Laura Shvarts v.  
Pier Associates and Sheepshead Apple, LLC d/b/a Applebee's,*

Defendants.  
-----X

Index No.:

Plaintiffs designate  
Westchester County as the  
place of trial.

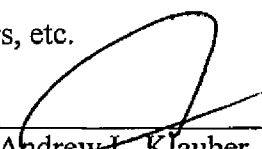
SUMMONS

Basis of venue is the business  
office of the 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 plaintiffs' attorneys within (20) days after the service of this summons, exclusive  
of 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 the case of your failure to appear or  
answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
December 5, 2017

Yours, etc.

  
-----  
By: Andrew L. Klauber, Esq.  
MALAPERO & PRISCO, LLP  
Attorneys for Plaintiffs  
PIER ASSOCIATES and PHILADELPHIA  
INDEMNITY INSURANCE COMPANY  
185 Madison Avenue, 4<sup>th</sup> Floor  
New York, NY 10016  
(212) 661-7300

TO: SHEEPSHEAD APPLE, LLC  
550 Mamaroneck Avenue, Suite 301  
Harrison, NY 10528

NOVA CASUALTY COMPANY  
726 Exchange Street, Suite 1020  
Buffalo, NY 14210

NOVA CASUALTY COMPANY  
By New York State Insurance Department

**COURTESY COPIES:**

Yuriy Prakhin, Esq.  
LAW OFFICE OF YURIY PRAKHIN, P.C.  
Attorneys for Plaintiff Laura Shvarts in the underlying action  
1883 86<sup>th</sup> Street, 2<sup>nd</sup> Floor  
Brooklyn, NY 11214

PILLINGER MILLER TARALLO, LLP  
Attorneys for Defendant Sheepshead Apple, LLC d/b/a Applebee's  
in the underlying action  
570 Taxter Road, Suite 275  
Elmsford, NY 10523

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER

-----X  
PIER ASSOCIATES and PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,

Index No.:

VERIFIED COMPLAINT

Plaintiffs,

-against-

SHEEPSHEAD APPLE, LLC d/b/a APPLEBEE'S  
and NOVA CASUALTY COMPANY

*Pertaining to an underlying action entitled: Laura Shvarts v.  
Pier Associates and Sheepshead Apple, LLC d/b/a Applebee's,*

Defendants.  
-----X

The plaintiffs, PIER ASSOCIATES and PHILADELPHIA INDEMNITY INSURANCE COMPANY, by their attorneys, MALAPERO & PRISCO, LLP as and for their declaratory judgment complaint against the defendants, respectfully state and allege as follows, upon information and belief:

**THE PARTIES:**

1. That at all times hereinafter mentioned the plaintiff, PIER ASSOCIATES (hereinafter "PIER") was and still is a partnership duly organized and existing under the laws of the State of New York.
2. That at all hereinafter mentioned, the plaintiff, PHILADELPHIA INDEMNITY INSURANCE COMPANY (hereinafter referred to as "PHILADELPHIA") was and still is an insurance company duly licensed to do business in the State of New York.
3. That at all times hereinafter mentioned the defendant, SHEEPSHEAD APPLE, LLC d/b/a APPLEBEE'S (hereinafter "SHEEPSHEAD") was and still is a domestic corporation duly organized and existing under the laws of the State of New York.

4. That at all times hereinafter mentioned the defendant, SHEEPSHEAD APPLE, LLC d/b/a APPLEBEE'S (hereinafter "SHEEPSHEAD") was and still is a limited liability company duly organized and existing under the laws of the State of New York.

5. That at all times hereinafter mentioned, the defendant, SHEEPSHEAD was and still is a foreign corporation duly authorized to do business within the State of New York with an office located at 550 Mamaroneck Avenue, Harrison, New York 10528.

6. That at all times hereinafter mentioned, the defendant, SHEEPSHEAD was and still is a foreign corporation transacting and actually doing business in the State of New York with an office located at 550 Mamaroneck Avenue, Harrison, New York 10528.

7. That at all times hereinafter mentioned, the defendant, SHEEPSHEAD was a partnership duly organized and existing pursuant to the laws of the State of New York with an office located at 550 Mamaroneck Avenue, Harrison, New York 10528.

8. That at all times hereinafter mentioned, the defendant, SHEEPSHEAD was a sole proprietorship duly organized and existing pursuant to the laws of the State of New York with an office located at 550 Mamaroneck Avenue, Harrison, New York 10528.

9. That at all times hereinafter mentioned, the defendant, SHEEPSHEAD was a business entity, transacting business in the State of New York, with an office located at 550 Mamaroneck Avenue, Harrison, New York 10528.

10. That at all times hereinafter mentioned, the defendant, NOVA CASUALTY COMPANY (hereinafter referred to as "NOVA") was an insurance company duly licensed to do business within the State of New York and actually doing business in the State of New York, with offices located at 726 Exchange Street, Buffalo, New York 14210.

**THE UNDERLYING ACTION:**

11. That prior hereto, the plaintiff in the underlying action, Laura Shvarts

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