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JOSEPH ANTHONY TODORO
2 Symphony Circle
Buffalo, New York 14201
Buffalo, NY 14201

Thompson, Quanita

Moynihan, Abigail

State Fee Index Number	\$165.00	
County Fee Index Number	\$26.00	
State Fee Cultural Education	\$14.25	
State Fee Records Management	\$4.75	Employee: MJ
Total Fees Paid:	\$210.00	

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



STATE OF NEW YORK
SUPREME COURT : COUNTY OF MONROE

QUANITA THOMPSON
1 Harris Street
Rochester, New York 14621,

Plaintiff,

ABIGAIL MOYNIHAN
236 Breck Street
Rochester, New York 14609,

Defendant.

SUMMONS

**IMMEDIATELY TURN THESE
PAPERS OVER TO YOUR
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YOUR FAILURE TO DO THIS
MAY SUBJECT YOU TO PERSONAL
FINANCIAL RESPONSIBILITY IN
THIS MATTER.**

Index No.: _____
Date Filed: _____

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 Summons is not served with a Complaint, to serve a Notice of Appearance, on the Plaintiff's attorneys within 20 days after the service of this Summons, exclusive of the day of service, or within 30 days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear, or Answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

COMPLAINT ENDORSEMENT: That Plaintiff's Complaint against you is in the amount of: see **WHEREFORE** clauses of Plaintiff's Complaint, together with the costs of this action based on a cause of action for negligence and others.

Monroe County is designated as the place of trial on basis of residence of the parties who reside in Monroe County, New York and the location of the incident.

DATED: August 4, 2020
Buffalo, New York

Joseph A. Todoro, Esq.
SPADAFORA & VERRASTRO, LLP
Attorneys for Plaintiff
2 Symphony Circle
Buffalo, New York 14201
(716) 854-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF MONROE

QUANITA THOMPSON,

COMPLAINT

Plaintiff,

Index No.: _____

- vs -

Date Filed: _____

ABIGAIL MOYNIHAN,

Defendant.

The Plaintiff, QUANITA THOMPSON, for her causes of action against the Defendant, above referred, herein alleges:

1. As to any time limitations relating to the commencement of this matter and all claims included herein, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by executive orders and/or proclamations of the Hon. Andrew M. Cuomo, Governor of the state of New York.

2. As to any time limitations relating to the filing of this matter, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by executive orders and/or proclamations of the Hon. Andrew M. Cuomo, Governor of the state of New York.

3. As to any time limitations relating to the filing of this matter, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by specific administrative orders and/or directives of the Office of Court Administration, and/or pertinent orders and/or directives of the Administrative Judges of the State of New York, Fourth Department and/or County of Monroe.

4. That each and every cause of action set forth herein falls within one or more of the exceptions set forth in CPLR 1602.

5. That the Plaintiff, QUANITA THOMPSON, hereinafter referred to as "Plaintiff", was at all times hereinafter mentioned a resident of the County of Monroe and the State of New York.

6. That on or about July 26, 2017, the Defendant, ABIGAIL MOYNIHAN, hereinafter referred to as "Defendant", was and continues to be a resident of the County of Monroe and the State of New York.

7. That on or about July 26, 2017, Plaintiff, was legally and lawfully operating her motor vehicle on Mount Hope Avenue at or near McLean Street in the City of Rochester, County of Monroe and State of New York.

8. That Mount Hope Avenue at or near McLean Street in the City of Rochester, the County of Monroe, and the State of New York, was utilized by said residents of the City of Rochester, County of Monroe and the State of New York, and others, for the purpose of vehicular transportation.

9. That on or about July 26, 2017, the Defendant was the owner and/or registrant and/or operator of a motor vehicle.

10. That on or about July 26, 2017, the Plaintiff was the operator of a motor vehicle bearing New York State License Registration for the year 2017.

11. That on or about July 26, 2017, the Defendant was the owner and/or operator of a motor vehicle bearing New York State License Registration for the year 2017.

12. That on or about July 26, 2017, the Defendant was operating a motor vehicle registered in her own name.

13. That on or about July 26, 2017, the Defendant, negligently, carelessly and/or with reckless disregard for the safety of others, operated her motor vehicle on, over and along Mount Hope Avenue in the City of Rochester, County of Monroe and the State of New York, so as to cause and/or allow the same to strike, make contact with and/or collide with the automobile the Plaintiff was operating, which were substantial factors and proximate cause which resulted in the crash and collision and injuries sustained by the Plaintiff.

14. That on or about July 26, 2017, presently and/or at all times hereinafter mentioned, Defendant, provided license and registration information to the Police Officer investigating the crash that identified her as Abigail L. Moynihan, with a home address of 309 Mackay Avenue, Syracuse, New York 13219 and/or 18 Thayer Street, Apt. 3, Rochester, New York 14607.

15. That the aforesaid crash and collision was caused wholly and solely as a result of the negligent, careless and/or reckless disregard for the safety of others in which the Defendant operated, maintained, managed and/or controlled her motor vehicle and/or the negligent, careless and/or reckless disregard for the safety of others in which the Defendant maintained and/or serviced and/or inspected said motor vehicle which were substantial factors and a proximate cause which resulted in the crash and collision and injuries sustained by the Plaintiff.

16. That the aforesaid crash and collision was caused through no fault of the Plaintiff in any respect.

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