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Return To:
JOSEPH LEONARD CIACCIO
400 Broadhollow Road - Suite 305
Melville, NY 11747

Santiago, The Estate of Alice

Genesee Valley Presbyterian Nursing Center
ABC Corporation
ABC Partnership

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: CW
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



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

THE ESTATE OF ALICE SANTIAGO, by her Personal
Representative, FLORINDA SANTIAGO,

Plaintiff(s),

-against-

GENESEE VALLEY PRESBYTERIAN NURSING
CENTER d/b/a KIRKHAVEN; ABC CORPORATION;
ABC PARTNERSHIP,

Defendant(s),

SUMMONS

Index No.:

Date Purchased:

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


The basis of venue is defendant
KIRKHAVEN's address:
254 Alexander Street
Rochester, New York 14607

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 10, 2023

NAPOLI SHKOLNIK, PLLC
Attorneys for Plaintiff

By: 
Joseph Ciaccio, Esq.
400 Broadhollow Road, Suite 305
Melville, New York 11747

Defendant's Address:

GENESEE VALLEY PRESBYTERIAN NURSING CENTER d/b/a KIRKHAVEN
254 Alexander Street, Rochester, NY 14607

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

THE ESTATE OF ALICE SANTIAGO, by her Personal
Representative, FLORINDA SANTIAGO,

Index No:

Plaintiff(s),

**VERIFIED
COMPLAINT**

-against-

GENESEE VALLEY PRESBYTERIAN NURSING
CENTER d/b/a KIRKHAVEN; ABC CORPORATION;
ABC PARTNERSHIP,

Plaintiff demands
a Jury Trial

Defendant(s)

Plaintiff, by her 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 FLORINDA SANTIAGO, is the daughter
of the decedent, ALICE SANTIAGO, and is a resident of the State of New York, County of Monroe.

2. That at all times hereinafter mentioned, plaintiff's decedent, ALICE SANTIAGO, was a
resident of the County of Monroe, State of New York.

3. That on January 10, 2021, plaintiff's decedent, ALICE SANTIAGO, died at
KIRKHAVEN, in the County of Monroe, State of New York.

4. That at all times hereinafter mentioned, ALICE SANTIAGO and her next of kin are
represented in this action by her daughter, FLORINDA SANTIAGO, 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 Genesee Valley Presbyterian Nursing Center d/b/a Kirkhaven

6. According to the New York Department of Health, defendant GENESEE VALLEY PRESBYTERIAN NURSING CENTER is the owner and operator of KIRKHAVEN, which is located at 254 Alexander Street, Rochester, NY 14607.

7. That at all times relevant hereto, the term “nursing home” shall refer to and include defendants GENESEE VALLEY PRESBYTERIAN NURSING CENTER d/b/a KIRKHAVEN, 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 GENESEE VALLEY PRESBYTERIAN NURSING CENTER d/b/a KIRKHAVEN (hereinafter, “KIRKHAVEN”) is located at 254 Alexander Street, Rochester, NY 14607.

9. That at all times hereinafter mentioned, upon information and belief, defendant KIRKHAVEN 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, KIRKHAVEN, 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 KIRKHAVEN maintained its principal place of business in the County of Monroe, State of New York.

12. Prior to and at all times hereinafter mentioned, defendant GENESEE VALLEY PRESBYTERIAN NURSING CENTER was authorized to do business and to operate a nursing home facility located at 254 Alexander Street, Rochester, NY 14607, County of Monroe, State of New York, known as KIRKHAVEN.

13. Prior to and at all times hereinafter mentioned, defendant GENESEE VALLEY PRESBYTERIAN NURSING CENTER was and is the owner of a certain nursing home facility located at 254 Alexander Street, Rochester, NY 14607, County of Monroe, State of New York, known as KIRKHAVEN.

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

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

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

17. Prior to and at all times hereinafter mentioned, defendant KIRKHAVEN 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 KIRKHAVEN owned the premises and appurtenances and fixtures thereto, located at 254 Alexander Street, Rochester, NY 14607, County of Monroe, State of New York.

19. Prior to and at all times hereinafter mentioned, the defendant, GENESEE VALLEY PRESBYTERIAN NURSING CENTER, was and still remains engaged in conducting and operating a nursing home facility known as KIRKHAVEN, located at 254 Alexander Street, Rochester, NY 14607, County of Monroe, 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, GENESEE VALLEY PRESBYTERIAN NURSING CENTER, was and still remains engaged in conducting and operating a nursing home facility for nursing care known as KIRKHAVEN, located at 254 Alexander Street, Rochester, NY 14607, County of Monroe, 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.

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