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

Truman, The Estate of Roy

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
<b>Total Fees Paid:</b>	<b>\$210.00</b>	

State of New York

MONROE COUNTY CLERK'S OFFICE  
WARNING – THIS SHEET CONSTITUTES THE CLERKS  
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JAMIE ROMEO

MONROE COUNTY CLERK



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

THE ESTATE OF ROY TRUMAN, by his Administrator,  
JANET ELLIOTT,

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 11, 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 ROY TRUMAN, by his Administrator,  
JANET ELLIOTT,

**Index No:**

**VERIFIED  
COMPLAINT**

Plaintiff(s),

-against-

Plaintiff demands  
a Jury Trial

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

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 JANET ELLIOTT, is the daughter of the decedent, ROY TRUMAN, and is a resident of the State of New York, County of Monroe.
2. That at all times hereinafter mentioned, plaintiff's decedent, ROY TRUMAN, was a resident of the County of Monroe, State of New York.
3. That on January 11, 2021, plaintiff's decedent, ROY TRUMAN, died at KIRKHAVEN, in the County of Monroe, State of New York.
4. That on July 5, 2022, Letters of Administration were granted by the Surrogate's Court, State of New York, to plaintiff JANET ELLIOTT.
5. That at all times hereinafter mentioned, ROY TRUMAN and his next of kin are represented in this action by his daughter, JANET ELLIOTT, as Administrator of his Estate.
6. 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**

7. 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.

8. 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.

9. Defendant GENESEE VALLEY PRESBYTERIAN NURSING CENTER d/b/a KIRKHAVEN (hereinafter, “KIRKHAVEN”) is located at 254 Alexander Street, Rochester, NY 14607.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

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

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

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

18. 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.

19. 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.

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 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.

21. 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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