

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NASSAU

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JOHN OLIVER,  
117 Jefferson Road  
Farmingdale, New York 11735,

Plaintiff,

- vs -

MICHAEL MAZZELLA  
5 Pinehurst Road  
Farmingdale, New York 11735

JOSEPH MAZZELLA  
5 Pinehurst Road  
Farmingdale, New York 11735,

Defendants.

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**SUMMONS**

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

Index No.:

Date Filed:

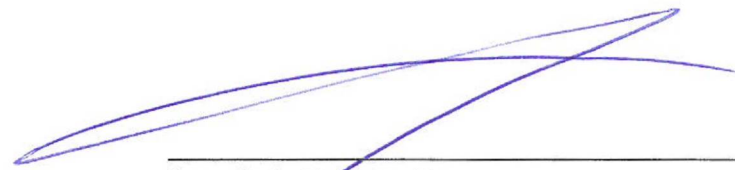
**TO THE ABOVE NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** to Answer the Complaint in this action, and to serve a copy of your Answer, or, if the 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.

Nassau County is designated as the place of trial on basis of residence of the parties who resides in Nassau County, New York.

DATED: November 3, 2020  
Buffalo, New York



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Joseph A. Todoro, Esq.  
SPADAFORA & VERRASTRO, LLP  
Attorneys for Plaintiff  
2 Symphony Circle  
Buffalo, New York 14201-1340  
(716) 854-1111

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF NASSAU

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JOHN OLIVER,

Plaintiff,

- vs -

MICHAEL MAZZELLA and  
JOSEPH MAZZELLA,

Defendants.

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**COMPLAINT**

Index No.: \_\_\_\_\_

Date Filed: \_\_\_\_\_

The Plaintiff, for his causes of action against the Defendants, above named, 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. This action falls within one or more of the exceptions set forth in CPLR §1602. That this action and all claims set forth herein falls within one or more exceptions set forth in CPLR §1602; §1602(7); §1602(11) and §1601, as to limitations to the doctrine of joint and several liability.

5. That on or about July 21, 2017, presently and at all times hereinafter mentioned, the Plaintiff, JOHN OLIVER, hereinafter referred to as "Plaintiff", was and continues to be a resident of the County of Nassau and State of New York.

6. That upon information and belief, on or about July 21, 2017, presently and at all times hereinafter mentioned, Defendant, MICHAEL MAZZELLA, hereinafter referred to as "MICHAEL", was a resident of the County of Nassau and State of New York.

7. That upon information and belief, on or about July 21, 2017, presently and at all times hereinafter mentioned, Defendant, JOSEPH MAZZELLA, hereinafter referred to as "JOSEPH", was a resident of the County of Nassau and State of New York.

8. That on or about July 21, 2017, Plaintiff was operating his motor vehicle legally and lawfully on Central Avenue at or near its intersection with Quaker Meeting House Road, located within the Town of Oyster Bay, County of Nassau and State of New York.

9. That Central Avenue, located within the Town of Oyster Bay, County of Nassau and State of New York, was a public street, highway and/or thoroughfare, utilized by said residents of the Town of Oyster Bay, County of Nassau and State of New York, and others, for the purpose of vehicular transportation.

10. That on or about July 21, 2017, Defendant, MICHAEL, was the insured, owner and/or registrant of a motor vehicle bearing New York State License Registration for the year 2017.

11. That on or about July 21, 2017, Defendant, JOSEPH, was the insured, owner and/or registrant of a motor vehicle bearing New York State License Registration for the year 2017.

12. At all times herein mentioned, the Defendant, MICHAEL, was operating the motor vehicle owned, in his own name and/or by the Defendant, JOSEPH, with the permission and consent of said Defendant owner, with said permission and consent being express, implied or otherwise.

13. That on or about July 21, 2017, the Plaintiff was the seat-belted operator of a motor vehicle bearing New York State License Registration for the year 2017.

14. That on or about July 21, 2017, Defendant, MICHAEL, was the owner and/or operator and/or registrant of a motor vehicle that was being operated in a negligent, careless manner and/or with reckless disregard for the safety of others, as it was being driven onto and/or along Central Avenue in the Town of Oyster Bay, County of Nassau and State of New York, and that the operation of this Defendant's vehicle was a substantial factor and/or a proximate cause of the crash, collision and injuries sustained by Plaintiff resulting from the strike, crash and/or collision to the vehicle which Plaintiff was operating.

15. That on or about July 21, 2017, Defendant, JOSEPH, was the owner and/or operator and/or registrant of a motor vehicle that was being operated in a negligent, careless manner and/or with reckless disregard for the safety of others, as it was being driven onto and/or along Central Avenue in the Town of Oyster Bay, County of Nassau and State of New York, and that the operation of this Defendant's vehicle was a substantial factor and/or a proximate cause of the crash, collision and injuries sustained by Plaintiff resulting from the strike, crash and/or collision to the vehicle which Plaintiff was operating.

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