

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

Index No.:  
Date Purchased:  
**SUMMONS**

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RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE  
and BROADWAY DANCE WEST 65<sup>TH</sup> LLC

Plaintiff,

Plaintiff designates NEW  
YORK County as the place of  
trial.

-against-

The basis of venue is:  
CPLR 503(a) and 503(d)  
Plaintiff residence and  
substantial part events or  
omissions occurring in County

THE HARTFORD FINANCIAL SERVICES GROUP INC.  
and SENTINEL INSURANCE COMPANY LTD,

Defendant.

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**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 Plaintiffs' attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. 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: Long Island City, New York  
August 7, 2020

  
\_\_\_\_\_  
Randolph D. Janis, Esq.  
DOUGLAS & LONDON, P.C.  
Attorneys for Plaintiff  
59 Maiden Lane, 6<sup>th</sup> Floor  
New York, New York 10038  
(212) 566-7500

TO:  
THE HARTFORD FINANCIAL SERVICES GROUP INC  
1 Hartford Plaza  
Hartford, CT 06155

SENTINEL INSURANCE COMPANY LTD  
1 Hartford Plaza,  
Hartford, CT 06105

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

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RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE  
and BROADWAY DANCE WEST 65<sup>TH</sup> LLC

Plaintiff,

-against-

THE HARTFORD FINANCIAL SERVICES GROUP INC.  
and SENTINEL INSURANCE COMPANY LTD,

**VERIFIED  
COMPLAINT FOR  
DECLARATORY RELIEF**

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Plaintiffs, RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE. and BROADWAY DANCE WEST 65<sup>TH</sup> LLC (hereinafter, "Plaintiffs"), bring this Complaint alleging relief against Defendants, HARTFORD FINANCIAL SERVICES GROUP INC. (Hartford) and SENTINEL INSURANCE COMPANY LTD (Sentinel), and allege as follows:

**I. NATURE OF THE CASE**

1. This is a civil action seeking declaratory relief arising from Plaintiff **RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE**'s contract of insurance with the Defendants.
2. This is a civil action seeking declaratory relief arising from Plaintiff **BROADWAY DANCE WEST 65<sup>TH</sup> LLC**'s contract of insurance with the Defendants.
3. There is a nexus between the two Plaintiffs entities in that they are dance studios operated by the same person Diane King, CEO.
4. In light of the Coronavirus global pandemic ("COVID-19") and state and local orders ("Civil Authority Orders") mandating that all non-essential in store businesses such as Plaintiffs' cease or restrict operations, Plaintiffs have sustained significant business losses.
5. Plaintiffs' insurance policies are All Risk Policies and provide coverage for all non-excluded business losses, and thus provides coverage here.
6. As a result, Plaintiffs are entitled to declaratory relief that Plaintiffs are covered for

all business losses that have been incurred in a sum which exceeds the jurisdictional limitations of all lower Courts which would otherwise have jurisdiction over this action.

## **II. JURISDICTION**

7. This action for a declaratory judgment is within this Court's general original jurisdiction and not within the jurisdiction of any court of limited jurisdiction of this state.

8. This Court has personal jurisdiction over the Defendants because the Defendants have transacted, solicited and conducted business in New York through their employees, agents, affiliates and/or sales representatives and has derived substantial revenue from such business in New York. Defendants are licensed to do business in New York State and has purposely availed itself of personal jurisdiction in New York because it contracted to provide insurance to Plaintiffs in New York which is the subject of this case.

9. This Court has personal jurisdiction as defendants were authorized by the New York department of Financial Services to issues policies of insurance within the State of New York including Plaintiffs policies.

10. This Court has personal jurisdiction of over defendants pursuant to CPLR §302.

11. This Court has personal jurisdiction of over defendants pursuant to CPLR §302(a)(1) in that defendants transacted business within the state and supplied good and services within New York State.

12. Venue is proper in New York County pursuant to CPLR §503 because Plaintiffs' reside and are located in this county and because a substantial part of the events or omissions giving rise to this claim occurred in New York County

## **PARTIES**

13. There is a nexus between the two Plaintiff entities in that they are dance practices operated by the same operator Diane King, CEO.

14. At all relevant times, Plaintiff RHYTHM OF LIFE CORP D/B/A BROADWAY



DANCE is a corporation authorized to do business and doing business in the State of New York, County of New York.

15. Plaintiff RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE operates a dance studio whose revenue depends substantially upon the ability of customers to visit that facility.

16. At all relevant times, Plaintiff BROADWAY DANCE WEST 65<sup>TH</sup> LLC is a corporation authorized to do business and doing business in the State of New York, County of New York.

17. Plaintiff BROADWAY DANCE WEST 65<sup>TH</sup> LLC. operates a dance studio whose revenue depends substantially upon the ability of customers to visit that facility.

18. Defendant THE HARTFORD FINANCIAL SERVICES GROUP, INC. (“Hartford”) is a Delaware Corporation with its principal place of business in Hartford Connecticut. Hartford operated in this County at all relevant times, including through its subsidiary, defendant SENTINEL INSURANCE COMPANY LTD.

19. At all relevant times, Defendant SENTINEL INSURANCE COMPANY LTD (“Sentinel”) is a corporation doing business in the County of Hartford, State of Connecticut, and provides business interruption coverage to its insureds, including the Plaintiffs.

20. Defendant SENTINEL INSURANCE COMPANY LTD issued an All Risk Insurance Policy to the Plaintiff RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE (Policy Number 13 SBA TI9538 SB) for the period of June 23, 2019, to June 23, 2020. See, Policy, attached as **Exhibit A**.

21. The policy includes All Risk coverage which incorporates business interruption coverage for, among other things, business personal property and income protection and extra expense.

22. Defendant SENTINEL INSURANCE COMPANY LTD issued an All Risk

Insurance Policy to the Plaintiff BROADWAY DANCE WEST 65<sup>TH</sup> LLC (Policy Number 13 SBA IO9963 SB) for the period of August 1, 2019 to August 1, 2020. See, Policy, attached as **Exhibit B**.

23. The policies include Special all risk coverage which incorporates business interruption coverage for, among other things, business personal property and income protection & extra expense.

24. Plaintiffs have paid the policy premiums to Sentinel specifically to provide coverages of lost business income and extra expenses in the event of an involuntary business interruption.

25. Plaintiffs submitted insurance claims arising out of business losses sustained due to the New York Civil Authority Orders issued as a result of the risk human and property loss from COVID-19. On or about June 5, 2020 and August 4, 2020, Defendants denied Plaintiffs' claim and asserted that Plaintiffs were not entitled to coverage for loss of income. See, Denial Letter, attached hereto as **Exhibit C** and **Exhibit D**.

### **III. FACTUAL BACKGROUND**

#### **A. Insurance Coverage**

26. On or about June 23, 2019 and August 1, 2019 respectively, Defendants entered into a contract of insurance with the Plaintiffs RHYTHM OF LIFE CORP D/B/A BROADWAY DANCE. and BROADWAY DANCE WEST 65<sup>TH</sup> LLC specifically to provide, among other things, business income coverage in the event of business interruption or closures by order of Civil Authority, and for business losses as a result of property damage at its various locations in New York County, State of New York (the "Covered Properties").

27. The Covered Properties consist of, among other locations:

RHYTHM OF LIFE D/B/A BROADWAY DANCE 322 West 45<sup>th</sup> Street, Floor 3, New York, NY 10036.

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