

20-136  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
FORTY-FOUR EIGHTEEN ASSOCIATES, TWENTY THREE R.P. ASSOCIATES, KOFLE ASSOCIATES, 11 MADISON SQUARE NORTH ASSOCIATES, TEN WEST THIRTY THIRD ASSOCIATES, ARCADE BUILDING ASSOCIATES, FORTY EIGHT THIRTY SEVEN ASSOCIATES, 42-52 WEST 39 STREET, LLC, ONE TEN WEST FORTIETH ASSOCIATES, 411 FIFTH AVENUE ASSOCIATES, 4 BRYANT PARK ASSOCIATES, 16 MADISON SQUARE WEST ASSOCIATES, 317 EAST 34 STREET, LLC, THE ARSENAL COMPANY, LLC, THE ARSENAL ANNEX CORP., 1605 MAIN STREET, CORP., 231/249 WEST 39<sup>TH</sup> STREET ASSOCIATES, 231 WEST 39<sup>TH</sup> STREET CORP., FASHION ASSOCIATES, LEFCOURT, LLC, TRU-UNION, LLC, DEER PARK TECHNOLOGIES, LLC, 11 DAYTON AVENUE, LLC, LEFCOURT CENTRAL, LLC, TERESHARAN REALTY,

Plaintiffs,

-against-

AFFILIATED FM INSURANCE COMPANY,

Defendant.

-----X  
To the above-named Defendant(s)

**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' Attorney(s) 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: New York, New York  
November 12, 2020

Defendant's address:

270 Central Avenue  
Johnston, RI 02919

**WEG AND MYERS, P.C.**  
*Attorneys for Plaintiffs*  
Federal Plaza  
52 Duane Street, 2<sup>nd</sup> Floor  
New York, New York 10007  
(212) 227-4210

Index No.:

**SUMMONS**

The Plaintiffs designate New York County as the place of trial.

The basis of venue is Plaintiffs' principal place of business:

411 5<sup>th</sup> Avenue.  
New York, NY 10016

20-136  
SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
FORTY-FOUR EIGHTEEN ASSOCIATES, TWENTY THREE R.P.  
ASSOCIATES, KOFLER ASSOCIATES, 11 MADISON SQUARE  
NORTH ASSOCIATES, TEN WEST THIRTY THIRD  
ASSOCIATES, ARCADE BUILDING ASSOCIATES, FORTY  
EIGHT THIRTY SEVEN ASSOCIATES, 42-52 WEST 39  
STREET, LLC, ONE TEN WEST FORTIETH ASSOCIATES,  
411 FIFTH AVENUE ASSOCIATES, 4 BRYANT PARK  
ASSOCIATES, 16 MADISON SQUARE WEST ASSOCIATES,  
317 EAST 34 STREET, LLC, THE ARSENAL COMPANY, LLC,  
THE ARSENAL ANNEX CORP., 1605 MAIN STREET, CORP.,  
231/249 WEST 39<sup>TH</sup> STREET ASSOCIATES, 231 WEST  
39<sup>TH</sup> STREET CORP., FASHION ASSOCIATES,  
LEFCOURT, LLC, TRU-UNION, LLC, DEER PARK  
TECHNOLOGIES, LLC, 11 DAYTON AVENUE, LLC,  
LEFCOURT CENTRAL, LLC, TERESHARAN REALTY,

Index No.

**COMPLAINT**

Plaintiffs,

-against-

AFFILIATED FM INSURANCE COMPANY

Defendant.

-----X

FORTY-FOUR EIGHTEEN ASSOCIATES, TWENTY THREE R.P. ASSOCIATES,  
KOFLER ASSOCIATES, 11 MADISON SQUARE NORTH ASSOCIATES, TEN WEST  
THIRTY THIRD ASSOCIATES, ARCADE BUILDING ASSOCIATES, FORTY EIGHT  
THIRTY SEVEN ASSOCIATES, 42-52 WEST 39 STREET, LLC, ONE TEN WEST FORTIETH  
ASSOCIATES, 411 FIFTH AVENUE ASSOCIATES, 4 BRYANT PARK ASSOCIATES, 16  
MADISON SQUARE WEST ASSOCIATES, 317 EAST 34 STREET, LLC, THE ARSENAL  
COMPANY, LLC, THE ARSENAL ANNEX CORP., 1605 MAIN STREET, LLC, 231/249  
WEST 39<sup>TH</sup> STREET ASSOCIATES, 231 WEST 39<sup>TH</sup> STREET CORP., FASHION

ASSOCIATES, LEFCOURT, LLC, TRU-UNION, LLC, DEER PARK TECHNOLOGIES, LLC, 11 DAYTON AVENUE, LLC, LEFCOURT CENTRAL, LLC, TERESHARAN REALTY, Plaintiffs (“Plaintiffs”) by their attorneys WEG AND MYERS, P.C., as and for their Complaint herein allege as follows:

### **INTRODUCTION**

1. Plaintiffs, together with their managing agent Adams & Company Real Estate, LLC, manages and/or owns a large portfolio of real estate properties throughout New York.

2. Like most property owners, out of concern for the general possibility of unforeseen loss, Plaintiffs procured insurance in order to protect its assets against fortuitous losses.

3. Specifically, Plaintiffs procured an “all risk” insurance policy sold by Affiliated FM Insurance Company (“Affiliated FM”) which was in full force and effect when the Covid-19 pandemic swept through the nation.

4. The Covid-19 pandemic has caused physical loss or damage to high volume commercial tenants and retail businesses.

5. In particular, in response to the damage being inflicted, and to protect the public from further exposure to infected areas, New York State and New York City both issued “stay at home” orders which prohibited Plaintiffs from continuing its normal business operations.

6. As a result of the retail tenants being forced to shut their doors, they stopped paying rent, causing a substantial loss to Plaintiffs.

7. Plaintiffs fully expected that, in light of the all-encompassing all-risk policy of insurance, Defendant would be responsive to their insurance claim.

8. Defendant’s failure to provide Plaintiffs with coverage for losses sustained due to the outbreak of Covid-19 has forced Plaintiffs to bring this litigation.

**PARTIES**

9. At all times hereinafter mentioned, Forty-Four Eighteen Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

10. At all times hereinafter mentioned, Twenty Three R.P. Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

11. At all times hereinafter mentioned, Kofler Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

12. At all times hereinafter mentioned, 11 Madison Square North Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

13. At all times hereinafter mentioned, Ten West Thirty Third Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

14. At all times hereinafter mentioned, Arcade Building Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

15. At all times hereinafter mentioned, Forty Eight Thirty Seven Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

16. At all times hereinafter mentioned, 42-52 West 39 Street, LLC, was a domestic limited liability company duly organized and existing under and by virtue of the laws of New York, having its principal place of business at 411 5<sup>th</sup> Avenue, New York, New York.

17. At all times hereinafter mentioned, One Ten West Fortieth Associates, was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

18. At all times hereinafter mentioned, 411 Fifth Avenue Associates, was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

19. At all times hereinafter mentioned, 4 Bryant Park Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

20. At all times hereinafter mentioned, 16 Madison Square West Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

21. At all times hereinafter mentioned, 317 East 34 Street, LLC, was a domestic limited liability company duly organized and existing under and by virtue of the laws of New York, having its principal place of business at 411 5<sup>th</sup> Avenue, New York, New York.

22. At all times hereinafter mentioned, The Arsenal Company, LLC, was a domestic limited liability company duly organized and existing under and by virtue of the laws of New York, having its principal place of business at 411 5<sup>th</sup> Avenue, New York, New York.

23. At all times hereinafter mentioned, The Arsenal Annex Corp., was a domestic corporation duly organized and existing under and by virtue of the laws of New York, having its principal place of business at 411 5<sup>th</sup> Avenue, New York, New York.

24. At all times hereinafter mentioned, 231/249 West 39<sup>th</sup> Street Associates was a partnership registered in the State of New York with an address at 411 5<sup>th</sup> Avenue, New York, New York.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.