

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

THE ESTATE OF LUCILLE VIRGA, by her Personal
Representative, KIMBERLEE FERARA,

Plaintiff(s),

-against-

GOSHEN OPERATIONS, LLC d/b/a SAPPHIRE
NURSING AND REHAB AT GOSHEN; ABC
CORPORATION; ABC PARTNERSHIP,

Defendant(s),

SUMMONS

Index No.:

Date Purchased:

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

The basis of venue is defendant
**SAPPHIRE NURSING AND
REHAB AT GOSHEN**'s address:
46 Harriman Drive
Goshen, NY 10924

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
November 5, 2023

NAPOLI SHKOLNIK, PLLC
Attorneys for Plaintiff



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

Defendant's Address:

GOSHEN OPERATIONS, LLC d/b/a SAPPHIRE NURSING AND REHAB AT GOSHEN
46 Harriman Drive, Goshen, NY 10924

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

THE ESTATE OF LUCILLE VIRGA, by her Personal
Representative, KIMBERLEE FERARA,

Index No:

Plaintiff(s),

**VERIFIED
COMPLAINT**

-against-

GOSHEN OPERATIONS, LLC d/b/a SAPPHIRE
NURSING AND REHAB AT GOSHEN; 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 KIMBERLEE FERARA, is the granddaughter of the decedent, LUCILLE VIRGA, and is a resident of the State of New York, County of Orange.

2. That at all times hereinafter mentioned, plaintiff's decedent, LUCILLE VIRGA, was a resident of the County of Orange, State of New York.

3. That on January 5, 2021, plaintiff's decedent, LUCILLE VIRGA, died at Garnet Health Medical Center, in the County of Orange, State of New York.

4. That at all times hereinafter mentioned, LUCILLE VIRGA and her next of kin are represented in this action by her granddaughter, KIMBERLEE FERARA, 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 Goshen Operations, LLC d/b/a Sapphire Nursing and Rehab at Goshen

6. According to the New York Department of Health, defendant GOSHEN OPERATIONS, LLC is the owner and operator of SAPPHIRE NURSING AND REHAB AT GOSHEN, which is located at 46 Harriman Drive, Goshen, New York 10924.

7. That at all times relevant hereto, the term “nursing home” shall refer to and include defendants GOSHEN OPERATIONS, LLC d/b/a SAPPHIRE NURSING AND REHAB AT GOSHEN, 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 GOSHEN OPERATIONS, LLC d/b/a SAPPHIRE NURSING AND REHAB AT GOSHEN (hereinafter, “SAPPHIRE NURSING AND REHAB AT GOSHEN”) is located at 46 Harriman Drive, Goshen, New York 10924.

9. That at all times hereinafter mentioned, upon information and belief, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN 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, SAPPHIRE NURSING AND REHAB AT GOSHEN, 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 SAPPHIRE NURSING AND REHAB AT GOSHEN maintained its principal place of business in the County of Orange, State of New York.

12. Prior to and at all times hereinafter mentioned, defendant GOSHEN OPERATIONS, LLC was authorized to do business and to operate a nursing home facility located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, State of New York, known as SAPPHIRE NURSING AND REHAB AT GOSHEN.

13. Prior to and at all times hereinafter mentioned, defendant GOSHEN OPERATIONS, LLC was and is the owner of a certain nursing home facility located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, State of New York, known as SAPPHIRE NURSING AND REHAB AT GOSHEN.

14. That at all times hereinafter mentioned, upon information and belief, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN was the lessor of the aforesaid nursing home facility.

15. That at all times hereinafter mentioned, upon information and belief, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN was the lessee of the aforesaid nursing home facility.

16. That at all times hereinafter mentioned, upon information and belief, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN maintained, managed, operated, controlled, supervised, and inspected the aforesaid nursing home facility.

17. Prior to and at all times hereinafter mentioned, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN 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 SAPPHIRE NURSING AND REHAB AT GOSHEN owned the premises and appurtenances and fixtures thereto, located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, State of New York.

19. Prior to and at all times hereinafter mentioned, the defendant, GOSHEN OPERATIONS, LLC, was and still remains engaged in conducting and operating a nursing home facility known as SAPPHIRE NURSING AND REHAB AT GOSHEN, located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, 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, GOSHEN OPERATIONS, LLC, was and still remains engaged in conducting and operating a nursing home facility for nursing care

known as SAPPHIRE NURSING AND REHAB AT GOSHEN, located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, 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, GOSHEN OPERATIONS, LLC, was and still remains engaged in conducting and operating a nursing home facility for the rehabilitation care of ill and injured persons known as SAPPHIRE NURSING AND REHAB AT GOSHEN, located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, 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.

22. That at all times relevant hereto, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN claimed to provide for the proper care and safety of the residents at their nursing home facility, claimed to provide personnel, including doctors, nurses, attendants, assistance and others for the proper, safety and good treatment of its patients and residents, and held itself out to the general public as furnishing treatment facilities where patients and residents, including plaintiff's decedent, LUCILLE VIRGA, could be provided with proper care and safety.

23. That at all times hereinafter mentioned, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN represented that its nursing home, located at 46 Harriman Drive, Goshen, New York 10924, County of Orange, State of New York, was competent to perform and render all the resident care, medical care, treatment, services and advice required by plaintiff's decedent, LUCILLE VIRGA.

24. That at all times relevant hereto, defendant SAPPHIRE NURSING AND REHAB AT GOSHEN was operating a nursing home in the State of New York within the meaning of Article 28 of the Public Health Law and at all times relevant hereto, defendant was under a duty to comply with all duties set forth in that chapter.

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