

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

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LYNDONVILLE CENTRAL SCHOOL DISTRICT and
LYNDONVILLE ELEMENTARY SCHOOL,

Plaintiffs,

v.

SUMMONS

UTICA MUTUAL INSURANCE COMPANY, GRAPHIC
ARTS MUTUAL INSURANCE COMPANY, UTICA
NATIONAL ASSURANCE COMPANY, AB 511 DOE,
And AB 524 DOE,

Index No.: _____

Defendants.

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TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Answer, or, if the Verified Complaint is not served with the Summons, to serve a Notice of Appearance on the plaintiffs' attorney within twenty (20) days after the service of this Summons, exclusive of the date of service, or within thirty (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 herein.

Plaintiffs designate New York State Supreme Court for Orleans County as the place of trial on the basis of the of the location of where plaintiffs are situated, and because a substantial part of the events or omissions giving rise to the claim occurred there. The nature of this lawsuit is a declaratory judgment action surrounding insurance coverage disputes arising from claims brought under the Child Victims Act that are the subject of lawsuits that are currently pending before The Court styled:

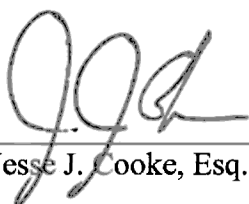
- AB 511 Doe v. Lyndonville Central School District and Lyndonville Elementary School (NYS Sup. Ct. Orleans Co. Index No.: 20-46602); and

- AB 524 Doe v. Lyndonville Central School District and Lyndonville Elementary School
(NYS Sup. Ct. Orleans Co. Index No.: 21-47386).

The relief sought herein is declaratory relief.

Dated: October 11, 2023

COOKE DOYLE LLC

By: 

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Lyndonville Elementary School*

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ORLEANS

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LYNDONVILLE CENTRAL SCHOOL DISTRICT and
LYNDONVILLE ELEMENTARY SCHOOL,

Plaintiffs,

v.

VERIFIED COMPLAINT

UTICA MUTUAL INSURANCE COMPANY, GRAPHIC
ARTS MUTUAL INSURANCE COMPANY, UTICA
NATIONAL ASSURANCE COMPANY, AB 511 DOE,
And AB 524 DOE,

Index No.: _____

Defendants.

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Plaintiffs Lyndonville Central School District (“Lyndonville C.S.D.”) and Lyndonville Elementary School (“Lyndonville Elementary”), by and through their attorneys Cooke Doyle LLC, for their Verified Complaint against defendants Utica Mutual Insurance Company, Graphic Arts Mutual Insurance Company, Utica National Assurance Company, AB 511 Doe, and AB 524 Doe hereby allege as follows:

FACTUAL BACKGROUND

A. The Parties

1. At all times material, Lyndonville C.S.D. was and continues to be a public school district located in the County of Orleans and State of New York.
2. At all times material, Lyndonville Elementary was and continues to be a public school located in the County of Orleans and State of New York.
3. At all times material, defendant Utica Mutual Insurance Company is an insurance company domiciled within the State of New York with offices at 180 Genesee Street, New Hartford, NY 13413 and selling insurance and otherwise conducting business

in the County of Orleans and State of New York.

4. Graphic Arts Mutual Insurance Company is an insurance company domiciled within the State of New York with offices at 180 Genesee Street, New Hartford, NY 13413 and selling insurance and otherwise conducting business in the County of Orleans and State of New York.

5. Utica National Assurance Company is an insurance company domiciled within the State of New York with offices at 180 Genesee Street, New Hartford, NY 13413 and selling insurance and otherwise conducting business in the County of Orleans and State of New York.

6. Utica Mutual Insurance Company, Graphic Arts Mutual Insurance Company, and Utica National Assurance Company (hereinafter referred to collectively as “Utica”) are related organizations operating within Utica National Insurance Group.

7. Defendant AB 511 Doe has alleged claims against Lyndonville C.S.D. and Lyndonville Elementary under the Child Victims Act in an underlying lawsuit styled AB 511 Doe v. Lyndonville Central School District and Lyndonville Elementary School (NYS Sup. Ct. Orleans Co. Index No.: 20-46602) (the “AB 511 Doe Action”).

8. Upon information and belief, AB 511 Doe is a pseudonym authorized by an Amended Order of the Honorable Deborah A. Chimes J.S.C. dated August 13, 2018 to protect AB 511 Doe’s identity.

9. Upon information and belief, AB 511 Doe was and is a resident in the State of New York at all times material.

10. Defendant AB 524 Doe has alleged claims against Lyndonville C.S.D. and Lyndonville Elementary under the Child Victims Act in an underlying lawsuit styled AB 524 Doe

v. Lyndonville Central School District and Lyndonville Elementary School (NYS Sup. Ct. Orleans Co. Index No.: 21-47386) (the “AB 524 Doe Action”).

11. Upon information and belief, AB 524 Doe is a pseudonym authorized by an Amended Order of the Honorable Deborah A. Chimes J.S.C. dated August 13, 2018 to protect AB 524 Doe’s identity.

12. Upon information and belief, AB 524 Doe was and is a resident in the State of New York at all times material.

13. Plaintiffs have named AB 511 Doe and AB 524 Doe as defendants in this action as parties potentially interested in the controversy and/or outcome of this action.

14. Plaintiffs do not seek any affirmative relief against defendants AB 511 Doe and AB 524 Doe in this action.

B. Jurisdiction and Venue

15. Plaintiffs bring this declaratory judgment action for an Order:

- (1) declaring that Utica must provide plaintiffs with insurance coverage under the policies alleged herein in connection with the AB 511 Doe Action and the AB 524 Doe Action;
- (2) declaring that Utica must provide plaintiffs with a defense under the policies alleged herein in connection with the AB 511 Doe Action and the AB 524 Doe Action;
- (3) declaring that Utica is obligated to indemnify plaintiffs in connection with the AB 511 Doe Action and the AB 524 Doe Action pursuant to the policies alleged herein;
- (4) awarding a judgment in favor of plaintiffs and against Utica for any and all

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