

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS-----X
GILBERT VARGAS and SHIRLEY VARGAS

Plaintiffs,

Index No.

-against-

SUMMONSCOURTVIEW OWNERS CORP. and
JOHN B. LOVETT & ASSOCIATES, LTD.,

Defendant.

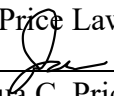
-----X Date of filing with clerk:

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 twenty (20) days after service of this summons, exclusive of the day of service, or within thirty (30) days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the Complaint.

*The basis of the venue designated is the location of the subject property..*Dated: New York, New York
May 16, 2023

The Price Law Firm, LLC



Joshua C. Price, Esq.
1115 Broadway - suite 1053
New York, New York 10010
212-675-1125Defendant's Addresses:
COURTVIEW OWNERS CORP.
C/O JOHN B. LOVETT & ASSOCIATES, LTD.
109-15 14TH AVENUE
COLLEGE POINT, NY 11356JOHN B. LOVETT & ASSOCIATES, LTD.
109-15 14TH AVENUE
COLLEGE POINT, NY 11356

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VERIFIED COMPLAINTCOURTVIEW OWNERS CORP. and
JOHN B. LOVETT & ASSOCIATES, LTD.,Defendant.
-----X

Plaintiffs GILBERT VARGAS and SHIRLEY VARGAS by and through their attorneys,
THE PRICE LAW FIRM LLC, as and for their complaint herein, alleges as follows:

1. GILBERT VARGAS and SHIRLEY VARGAS (hereinafter "Plaintiffs") are the shareholders of Apartment 2C at 123-35 82 Road, Kew Gardens, New York 11415 (hereinafter "Subject Unit").
2. Defendant, COURTVIEW OWNERS CORP. is a cooperative housing corporation organized and existing pursuant to the laws of the State of New York, with a principal place of business within the State of New York, County of Queens.
3. Defendant, JOHN B. LOVETT & ASSOCIATES, LTD., is a corporation organized and existing pursuant to the laws of the State of New York, with a principal place of business within the State of New York, County of Queens.

JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to C. P. L. R. § 301 because all of the Defendants either reside or conduct business in the State of New York. Alternatively, this Court has jurisdiction pursuant to C. P. L. R. § 302 because all Defendants transact business in New York.

5. Venue is proper in this Court under C. P. L. R. § 503(a).

BACKGROUND FACTS

6. Plaintiffs are and were at all relevant times prior to the date hereof and at all times hereinafter referred to, the proprietary lessee and owner and shareholder of record of COURTVIEW OWNERS CORP., appurtenant to and allocated to Apartment 2C at 123-35 82 Road, Kew Gardens, New York 11415.
7. That, Defendant, COURTVIEW OWNERS CORP., is and was at all relevant times prior to the date hereof and at all times hereinafter referred to, the proprietary lessor and owner of the cooperative building located at Apartment 2C at 123-35 82 Road, Kew Gardens, New York 11415.
8. That, Defendant, JOHN B. LOVETT & ASSOCIATES, LTD., is and was at all relevant times prior to the date hereof and at all times hereinafter referred to, the management company for COURTVIEW OWNERS CORP., and responsible for the management of the cooperative building located at 123-35 82 Road, Kew Gardens, New York 11415.
9. Plaintiffs purchased the Subject Unit in October of 2001.
10. Plaintiffs have lived in the Subject Unit for more than 20 years.
11. Plaintiffs do not have a mortgage on the Subject Unit.
12. 123-35 82nd Road, Kew Gardens, New York 11415 (hereinafter "Subject Building") was built in 1948.
13. There are 129 residential units and 5 commercial units in the Subject Building.
14. On or about September 1, 2021, approximately 1/4 of the ceiling of Plaintiffs' primary bedroom came down with all of the ceiling debris on Plaintiffs' bedroom furniture, causing damage to Plaintiffs' bedroom, bed, television, and other chattel.

15. The collapsing of the ceiling on September 1, 2021 also caused damage to an adjacent bathroom.
16. Plaintiffs were fortunate not to be home when the ceiling collapse happened, or else it would have fallen on top of them and caused them serious physical injury.
17. The lack of response and accountability on behalf of the Defendant and the managing agent has significantly compromised Plaintiffs' quality of life.
18. An engineer's report (dated November 13, 2021) recommended that Plaintiffs move from the Subject Unit until it was repaired.
19. COURTVIEW OWNERS CORP. and JOHN B. LOVETT & ASSOCIATES, LTD. (collectively referred to as the "Defendants") performed no work in the Subject Unit and have taken no steps to remediate the damage that was caused to the Subject Unit.
20. Plaintiffs paid maintenance, notwithstanding the fact that occupying the Subject Unit was impossible, through November of 2021.
21. The Defendants continues to bill Plaintiffs for maintenance even though it is impossible to occupy the Subject Unit.
22. The occupants of Unit 3C performed renovations in the beginning of 2020 and beginning of COVID-19 to their primary bedroom when the former super and handyman of COURTVIEW OWNERS CORP. were working in Unit 3C. At this time Plaintiffs saw a crack from the bedroom ceiling plus some slight debris coming out of the top of the ceiling radiator in the bathroom. Plaintiffs voiced their concern to Frank Gonzalez, the handyman, at the time and who was covering for Miguel Chacon (super) who was out with COVID. Frank told Plaintiffs that crack in the ceiling was the building settling, and he cleaned the debris

from the bathroom. He also told Plaintiffs that while no renovations were allowed during COVID, residents who had already started on renovations were allowed to finish.

23. When the occupants of Unit 3C performed the renovations there was a lot of banging and vibrating noise in and above Plaintiffs' ceiling in their primary bedroom.

24. COURTVIEW OWNERS CORP. was also doing extensive renovations to the balconies and for considerable time, loud noises and vibrations were heard and experienced by Plaintiffs.

25. In August of 2021, a larger crack appeared in the ceiling.

26. Defendants came and inspected the larger crack that appeared in August of 2021.

27. Defendants' superintendent agreed that the larger crack was a serious problem that needed to be remedied but the Defendants' superintendent did not possess the knowledge or expertise to adequately and properly assess the damage or the cause thereof.

28. The work performed by the occupants of Unit 3C and COURTVIEW OWNERS CORP. caused a fracture in Plaintiffs' ceiling above their primary bedroom.

29. Plaintiffs complained repeatedly to Defendant about the noise, vibrations, and the damage done to the ceiling.

30. Defendants refused to send an engineer to inspect the larger crack.

31. After the refusal on the part of Defendants to have a professional or other such expert inspect the larger crack, the ceiling collapsed.

32. On September 7, 2021, Defendants (through Brian Rappaport) emailed Plaintiffs to let them know that Defendants were investigating the ceiling collapse and that it was Defendants' belief that the occupants in Unit 3C would be responsible for the damage.

33. On September 8, 2021, Defendants (through Brian Rappaport) informed Plaintiffs that a worker would visit Unit 3C.

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