

STATE OF NEW YORK  
SUPREME COURT : COUNTY OF SARATOGA

**SANDRA COULTER and STEPHEN COULTER,**

*Plaintiffs,*

-vs-

**TOWN OF MOREAU, THE MICHAELS GROUP,  
LLC, and WOODSCAPE NORTH HOMEOWNERS'  
ASSOCIATION II, INC.,**

*Defendants.*

**ATTORNEY'S AFFIDAVIT**

Index No. 20178

Hon. Thomas D. Buchanan, J.S.C.

**THE MICHAELS GROUP, L.L.C.,**

*Third-Party Plaintiff,*

-vs-

**COMMERCIAL PAVING COMPANY, LLC,**

*Third-Party Defendant.*

2018 JAN 10 PM 2:41  
SARATOGA COUNTY  
CLERK'S OFFICE  
BALLSTON SPA, NY

FILED

STATE OF NEW YORK )  
  )  
COUNTY OF ERIE        ) ss.:

Vincent G. Saccomando, being duly sworn, deposes and says:

1. I am an attorney licensed to practice law in the State of New York and am a member of the law firm of Barclay Damon LLP, attorneys for the defendant, Woodscape North Homeowners' Association II, Inc.. As such, I am fully familiar with the facts and circumstances of this matter as stated herein.

2. I submit this affidavit in support of the defendant's motion for an order pursuant to CPLR 3124 compelling the plaintiff to provide responses to the defendants' demand for a verified bill of particulars, omnibus discovery demands and demand for Medicare lien information

3. This case arises from an alleged trip and fall accident on November 25, 2015, in the City of Buffalo, New York. Copies of the plaintiff's summons and complaint and the defendant's answer are attached hereto as **Exhibits A and B**, respectively.


3. On or about March 9, 2017, the defendant served on plaintiff's counsel a demand for a verified bill of particulars, omnibus discovery demands, and a request for Medicare lien information, copies of which are attached hereto as **Exhibits C, D, and E**, respectively.

4. Pursuant to correspondence to the plaintiff's attorney on September 28, 2017, a copy of which is attached hereto as **Exhibit F**, this office requested that the plaintiff provide responses to the defendant's demand for a verified bill of particulars, omnibus discovery demands, and a request for a supplemental demand for relief. To date there has been no response from the plaintiff or a request for an extension other than provision of the various medical records and authorizations.

5. Based upon the foregoing, it is respectfully requested that this court issue an order compelling the plaintiff to provide the requested responses.

WHEREFORE, it is respectfully requested that this court issue an order pursuant to CPLR 3124 compelling the plaintiff to provide responses to the defendants' demand for a verified bill of particulars, omnibus discovery demands, and demand for Medicare lien

information, together with such other and further relief which as to this court may seem just and proper.



Vincent G. Saccomando

Sworn to before me this 7 day of December, 2017.

  
Notary Public

14408643.1

MARY ANN TUMIEL  
Notary Public, State of New York  
Qualified in Erie County  
My Commission Expires Feb. 3, 2018

A large, handwritten scribble or signature in black ink, consisting of several overlapping, curved lines that do not form a recognizable word or symbol.

**STATE OF NEW YORK  
SUPREME COURT COUNTY OF SARATOGA**

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SANDRA COULTER AND STEPHEN COULTER,

Plaintiffs,

-against-

TOWN OF MOREAU, THE MICHAELS GROUP,  
L.L.C., AND WOODSCAPE NORTH HOMEOWNERS'  
ASSOCIATION II, INC.,

2017212089063

Defendants.

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**SUMMONS**

Index No.: 20178

**20178** FILED  
01/04/2017 10:34:50 AM

INDEX NUMBERS  
Saratoga County Clerk

To the above-named Defendants:

You are summoned and required to serve upon Plaintiffs' attorneys, at the address stated below, a Verified Answer to the attached Verified Complaint.

If this Summons was personally served upon you in the State of New York, the Verified Answer must be served within twenty (20) days after such service of the Summons, excluding the date of service. If the Summons was not personally delivered to you within the State of New York, the Verified Answer must be served within thirty (30) days after the service of the Summons is complete as provided by law.

If you do not serve a Verified Answer to the attached Verified Complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the Verified Complaint, without further notice to you.

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