FILED

STATE OF NEW YORK

SUPREME COURT

: COUNTY OF SARATOGA

SANDRA COULTER and STEPHEN COULTER,

Plaintiffs,

ATTORNEY'S AFFIDAVIT

-vs-

Index No. 20178

TOWN OF MOREAU, THE MICHAELS GROUP, LLC, and WOODSCAPE NORTH HOMEOWNERS' ASSOCIATION II, INC., Hon. Thomas D. Buchanan, J.S.C.

Defendants.

THE MICHAELS GROUP, L.L.C.,

Third-Party Plaintiff,

-vs-

COMMERCIAL PAVING COMPANY, LLC,

Third-Party Defendant.

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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.



- 4

- 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 respectively 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.

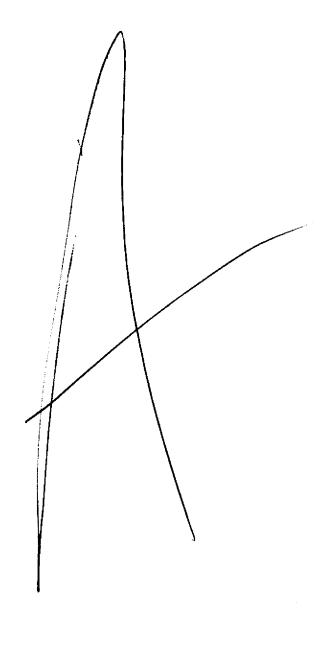
Vincent G. Saccomando

Sworn to before me this

14408643.1

MARY ANN TUMIEL
Notary Public, State of New York
Qualified in Erie County
My Commission Expires Feb. 3, 20 / 8

DOCKET A L A R M



STATE OF NEW YORK SUPREME COURT COUNTY OF SARATOGA

SANDRA COULTER AND STEPHEN COULTER.

Plaintiffs,

-against-

Index No.: 20178

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

2017212089065

Defendants.

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

INDEX NUMBERS Saratoga County Clerk

SUMMONS

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.

1

LeFave, Wein & Frament, PLLC, 2400 Western Ave., Guilderland, NY 12084-9770, 518-869-9094



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