

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

THE ESTATE OF ANA FRONCKWICZ, by her Personal Representative, STANLEY FRONCKWICZ,

Plaintiff(s),

-against-

SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC d/b/a MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING; ABC CORPORATION; ABC PARTNERSHIP,

Defendant(s),

SUMMONS

Index No.:

Date Purchased:

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

The basis of venue is defendant **MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING**'s address:

340 East Montauk Highway
East Islip, NY 11730

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
January 13, 2023

NAPOLI SHKOLNIK, PLLC
Attorneys for Plaintiff



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

Defendant's Address:

**SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC d/b/a
MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING**
340 East Montauk Highway, East Islip, NY 11730

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

THE ESTATE OF ANA FRONCKWICZ, by her
Personal Representative, STANLEY FRONCKWICZ,

Index No:

Plaintiff(s),

**VERIFIED
COMPLAINT**

-against-

Plaintiff demands
a Jury Trial

SUFFOLK RESTORATIVE THERAPY AND
NURSING, LLC d/b/a MOMENTUM AT SOUTH BAY
FOR REHABILITATION AND NURSING; ABC
CORPORATION; ABC PARTNERSHIP,

Defendant(s)

Plaintiff, by his 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 STANLEY FRONCKWICZ, is the
husband of the decedent, ANA FRONCKWICZ, and is a resident of the State of New York, County of
Suffolk.

2. That at all times hereinafter mentioned, plaintiff's decedent, ANA FRONCKWICZ, was a
resident of the County of Suffolk, State of New York.

3. That on January 14, 2021, plaintiff's decedent, ANA FRONCKWICZ, died at South Shore
University Hospital, in the County of Suffolk, State of New York.

4. That at all times hereinafter mentioned, ANA FRONCKWICZ and her next of kin are
represented in this action by her husband, STANLEY FRONCKWICZ, 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 Suffolk Restorative Therapy And Nursing, LLC d/b/a Momentum at South Bay for Rehabilitation and Nursing

6. According to the New York Department of Health, defendant SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC is the owner and operator of MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, which is located at 340 East Montauk Highway, East Islip, NY 11730.

7. That at all times relevant hereto, the term “nursing home” shall refer to and include defendants SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC d/b/a MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, 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 SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC d/b/a MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING (hereinafter, “MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING”) is located at 340 East Montauk Highway, East Islip, NY 11730.

9. That at all times hereinafter mentioned, upon information and belief, defendant MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING 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, MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, 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 MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING maintained its principal place of business in the County of Suffolk, State of New York.

12. Prior to and at all times hereinafter mentioned, defendant SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC was authorized to do business and to operate a nursing home facility located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, State of New York, known as MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING.

13. Prior to and at all times hereinafter mentioned, defendant SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC was and is the owner of a certain nursing home facility located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, State of New York, known as MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING.

14. That at all times hereinafter mentioned, upon information and belief, defendant MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING was the lessor of the aforesaid nursing home facility.

15. That at all times hereinafter mentioned, upon information and belief, defendant MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING was the lessee of the aforesaid nursing home facility.

16. That at all times hereinafter mentioned, upon information and belief, defendant MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING maintained, managed, operated, controlled, supervised, and inspected the aforesaid nursing home facility.

17. Prior to and at all times hereinafter mentioned, defendant MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING 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 MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING owned the premises and appurtenances and fixtures thereto, located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, State of New York.

19. Prior to and at all times hereinafter mentioned, the defendant, SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC, was and still remains engaged in conducting and operating a nursing home facility known as MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, 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, SUFFOLK RESTORATIVE THERAPY AND NURSING, LLC, was and still remains engaged in conducting and operating a nursing home facility for nursing care known as MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, 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, SUFFOLK RESTORATIVE THERAPY AND NURSING, 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 MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING, located at 340 East Montauk Highway, East Islip, NY 11730, County of Suffolk, 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 MOMENTUM AT SOUTH BAY FOR REHABILITATION AND NURSING 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

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