

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

THE ESTATE OF MICHAEL PACCIONE, by his Personal Representative, DONNA DASILVA,

Plaintiff(s),

-against-

MASSAPEQUA CENTER LLC d/b/a MASSAPEQUA CENTER REHABILITATION & 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

MASSAPEQUA CENTER REHABILITATION & NURSING's address:

101 Louden Avenue
Amityville, NY 11701

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 27, 2023

NAPOLI SHKOLNIK, PLLC
Attorneys for Plaintiff



By: _____
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Melville, New York 11747
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Defendant's Address:

MASSAPEQUA CENTER LLC d/b/a
MASSAPEQUA CENTER REHABILITATION & NURSING
101 Loudon Avenue, Amityville, NY 11701

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CORPORATION; ABC PARTNERSHIP,

Defendant(s)

Index No:

**VERIFIED
COMPLAINT**

Plaintiff demands
a Jury Trial

Plaintiff, by her 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 DONNA DASILVA, is the daughter of the decedent, MICHAEL PACCIONE, and is a resident of the State of New York, County of Nassau.
2. That at all times hereinafter mentioned, plaintiff's decedent, MICHAEL PACCIONE, was a resident of the County of Nassau, State of New York.
3. That on January 29, 2021, plaintiff's decedent, MICHAEL PACCIONE, died at Massapequa Center Rehabilitation and Nursing, in the County of Suffolk, State of New York.
4. That at all times hereinafter mentioned, MICHAEL PACCIONE and his next of kin are represented in this action by his daughter, DONNA DASILVA, as Personal Representative of his 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 MASSAPEQUA CENTER REHABILITATION & NURSING

6. According to the New York Department of Health, defendant MASSAPEQUA CENTER LLC is the owner and operator of MASSAPEQUA CENTER REHABILITATION AND NURSING, which is located at 101 Louden Avenue, Amityville, NY 11701.

7. That at all times relevant hereto, the term “nursing home” shall refer to and include defendants MASSAPEQUA CENTER LLC d/b/a MASSAPEQUA CENTER 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 MASSAPEQUA CENTER LLC d/b/a MASSAPEQUA CENTER REHABILITATION AND NURSING (hereinafter, “MASSAPEQUA CENTER REHABILITATION AND NURSING”) is located at 101 Louden Avenue, Amityville, NY 11701.

9. That at all times hereinafter mentioned, upon information and belief, defendant MASSAPEQUA CENTER 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, MASSAPEQUA CENTER 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 MASSAPEQUA CENTER 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 MASSAPEQUA CENTER LLC was authorized to do business and to operate a nursing home facility located at 101 Louden Avenue, Amityville, NY 11701, County of Suffolk, State of New York, known as MASSAPEQUA CENTER REHABILITATION AND NURSING.

13. Prior to and at all times hereinafter mentioned, defendant MASSAPEQUA CENTER LLC was and is the owner of a certain nursing home facility located at 101 Louden Avenue, Amityville, NY 11701, County of Suffolk, State of New York, known as MASSAPEQUA CENTER REHABILITATION AND NURSING.

14. That at all times hereinafter mentioned, upon information and belief, defendant MASSAPEQUA CENTER REHABILITATION AND NURSING was the lessor of the aforesaid nursing home facility.

15. That at all times hereinafter mentioned, upon information and belief, defendant MASSAPEQUA CENTER REHABILITATION AND NURSING was the lessee of the aforesaid nursing home facility.

16. That at all times hereinafter mentioned, upon information and belief, defendant MASSAPEQUA CENTER 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 MASSAPEQUA CENTER 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 MASSAPEQUA CENTER REHABILITATION AND NURSING owned the premises and appurtenances and fixtures thereto, located at 101 Louden Avenue, Amityville, NY 11701, County of Suffolk, State of New York.

19. Prior to and at all times hereinafter mentioned, the defendant, MASSAPEQUA CENTER LLC, was and still remains engaged in conducting and operating a nursing home facility known as MASSAPEQUA CENTER REHABILITATION AND NURSING, located at 101 Louden Avenue, Amityville, NY 11701, 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.

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