

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

-----X
**SELECTIVE AUTO INSURANCE COMPANY OF
NEW JERSEY a/s/o ALAN PINE,**

Plaintiffs,

-against-

KATHLEEN NESBITT and KHADIJA S. DAVIS,

Defendants,

-----X

INDEX No.:

Date Index No. Purchased:

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S):

**KHADIJA S. DAVIS
2338 Webster Avenue, #2N
Bronx, New York 10457**


**KATHLEEN NESBITT
2338 Webster Avenue
Bronx, New York 10453**

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.

The basis of venue is Bronx County, which is the residence of defendants.

Dated: Elmsford, New York
February 26, 2014

GAMBESKI & FRUM

By: 
GEORGE P. GAMBESKI, ESQ.
Attorneys for Plaintiffs
565 Taxter Road, Ste. 220
Elmsford, N.Y. 10523
(914) 347-5522

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**VERIFIED
COMPLAINT**

The plaintiffs, through their attorneys, Gambeski & Frum, as and for their Verified Complaint against the defendant(s), allege as follows:

1. Plaintiff subrogor, Selective Auto Insurance Company of New Jersey, (hereinafter referred to as Selective) is a foreign corporation doing business within the State of New York.
2. The basis of venue is residence of defendants.
3. Plaintiff subrogee, ALAN PINE, is a resident of the State of NEW JERSEY.
4. At all times hereinafter mentioned, plaintiff subrogee, ALAN PINE, was the owner of a 2010 Mercury motor vehicle with the license plate number VTM60J for the State of New Jersey.
5. At all times hereinafter mentioned, defendant, KHADIJA S. DAVIS, was the operator of a 1996 Chevrolet motor vehicle bearing license plate number FLA7307 for the State of New York.
6. At all times hereinafter mentioned, defendant, KATHLEEN NESBIT, was the owner of the 1996 Chevrolet motor vehicle bearing license plate number FLA7307 for the State of New York.

7. At all times hereinafter mentioned, defendant, KHADIJA S. DAVIS, operated, managed and controlled the afore described motor vehicle with the consent and /or permission of the owner of the vehicle as described above.

8. At all times hereinafter mentioned, plaintiff subrogor, Selective , was the insurer of the aforesaid 2010 Mercury motor vehicle, owned by plaintiff subrogee, ALAN PINE, bearing license plate number VTM603 of the State of New Jersey under policy number F1276330.

9. That on July 22, 2011, the above vehicles were in contact on the Cross Bronx Expressway, County of Bronx, State of New York.

10. That said contact was brought about solely through the carelessness, Recklessness and/or negligence of the defendants with no negligence of the plaintiffs' contributing thereto.

11. As a result of the foregoing, plaintiff subrogor motor vehicle was caused to sustain damages in the amount of Twenty one thousand, seven hundred and five dollars and ninety cents (\$21,705.90).

12. That Selective issued a draft to plaintiff subrogee in the amount of Twenty one thousand, seven hundred and five dollars and ninety cents (\$ 21,705.90) pursuant to the terms of the policy of insurance issued by Selective, representing the amount of damage sustained as a result of defendant(s) negligence less the one thousand dollars (\$ 1,000.00) deductible called for in the policy provisions.

13. That Selective, thereby became subrogated to the rights of its insured up to the amount of \$21,705.90, and that the defendants are liable to Selective for that amount and to plaintiff subrogee, ALAN PINE, in the amount of \$ 1,000.00 representing the unreimbursed deductible.

14. That prior demand for payment has gone unanswered.

WHEREFORE, plaintiffs request judgment over and against the defendants in the amount of twenty one thousand, seven hundred and five dollare and ninety cents (\$ 21,705.90), plus the cost and disbursements of this action, and any and all damages and expenses, including attorney fees incurred.

DATED: Elmsford, New York
February 25, 2012

GAMBESKI & FRUM

By:  _____

George P. Gambeski, Esq.

Attorneys for Plaintiffs

565 Taxter Road, Ste. 220

Elmsford, New York 10523

914-347-5522

ATTORNEY'S VERIFICATION

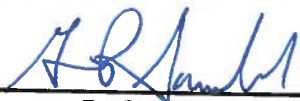
George P. Gambeski, Esq., an attorney duly admitted to practice in the courts of New York State, hereby affirms under penalty of perjury and pursuant to CPLR § 2106 as follows:

Affirmant is associated with the law firm of GAMBESKI & FRUM, the attorneys of record for the plaintiffs, **SELECTIVE AUTO INSURANCE OF NEW JERSEY a/s/o ALAN PINE**, in the within action and as such is fully familiar with the facts and circumstances heretofore had herein by virtue of the file maintained by this office.

Affirmant has read the foregoing Summons & Complaint and the same is true to affirmant's own knowledge except as to the matters therein stated to be alleged upon information and belief, and as to those matters affirmant believes them to be true.

This verification is made by an attorney because the plaintiffs, Pine is not in the same County where your affirmant's office is located.

Dated: Elmsford, New York
February 21, 2014



George P. Gambeski, Esq.

Index Number:

Year: 2014

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SUMMONS AND VERIFIED COMPLAINT

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