

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

-----X Index No.:

YAUGENI KRALKIN,

Plaintiff,

Plaintiff designates RICHMOND
County as the place of trial
The basis of venue is place
of occurrence

-against-

SUMMONS

THE CITY OF NEW YORK, FIRE DEPARTMENT
OF THE CITY OF NEW YORK, E.M.T. FRANK
CICCIARELLO, in his official capacity and individually,
E.M.T. FRANKLYN BIRNBAUM, in his official capacity
and individually, E.M.T. KIMBERLY MARSHALL, in
her official capacity and individually and E.M.T. LAUREN
BROCCOLI, in her official capacity and individually,

Incident occurred:
County of Richmond
City and State of New York,

Defendants.

-----X

To the above-named Defendant (s) :

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, YAUGENI KRALKIN, attorney THE CHERNY LAW OFFICE, P.C. within twenty (20) days after 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 the case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Staten Island, New York
June 8, 2017

THE CHERNY LAW OFFICE, P.C.

By: 
Borislav Chernyy, Esq.
Attorney for Plaintiff
YAUGENI KRALKIN
171 Westwood Avenue, 1st Floor
Staten Island, NY 10314
718-494-7100

RIDER

Defendants' address:

THE CITY OF NEW YORK
100 CHURCH STREET
New York, NY 10007

FIRE DEPARTMENT OF THE CITY OF NEW YORK
9 METROTECH CENTER
BROOKLYN, NY 11201

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

-----X Index No.:

YAUGENI KRALKIN,

Plaintiff,

-against-

VERIFIED COMPLAINT

THE CITY OF NEW YORK, FIRE DEPARTMENT
OF THE CITY OF NEW YORK, E.M.T. FRANK
CICCIARELLO, in his official capacity and individually,
E.M.T. FRANKLYN BIRNBAUM, in his official capacity
and individually, E.M.T. KIMBERLY MARSHALL, in
her official capacity and individually and E.M.T. LAUREN
BROCCOLI, in her official capacity and individually,

Defendants.

-----X

Plaintiff, YAUGENI KRALKIN, by his attorney, THE CHERNY LAW
OFFICE, P.C. complaining of the Defendants, THE CITY OF NEW YORK, FIRE
DEPARTMENT OF THE CITY OF NEW YORK, E.M.T. FRANK CICCIARELLO, IN HIS
OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS
OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER
OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER
OFFICIAL CAPACITY AND INDIVIDUALLY, respectfully allege, upon information and
belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. At all times herein mentioned, Plaintiff, YAUGENI KRALKIN, was, and still is,
a resident of the County of Richmond, City and State of New York.

2. At all times herein mentioned, Defendant, THE CITY OF NEW YORK, was, and still is, a municipal corporation.

3. At all times herein mentioned, Defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK, was and still is an entity operated by Defendant, THE CITY OF NEW YORK, its agents, servants and employees.

4. Upon information and believe Defendant, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, resided and still resides in the City and State of New York.

5. Upon information and believe Defendant, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, resided and still resides in the City and State of New York.

6. Upon information and believe Defendant, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, resided and still resides in the City and State of New York.

7. Upon information and believe Defendant, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, resided and still resides in the City and State of New York.

8. That on August 1, 2016 and within the time prescribed by law, a sworn Notice of Claim stating, among other things the time when and the place where injuries and damages were sustained, together with Plaintiff's, YAUGENI KRALKIN, demands for adjustment thereof was duly served on Plaintiff's, YAUGENI KRALKIN, behalf on the Comptroller of the City of New York and that, thereafter, said Comptroller for THE CITY OF NEW YORK AND FIRE DEPARTMENT OF THE CITY OF NEW YORK, refused or neglected for more than thirty (30)

days, and up to the commencement of this action, to make any adjustment or payment thereof, and that, thereafter, and within the time provided by law, this action was commenced.

9. The Notice of Claim set forth the name and post office address of Claimant and the Claimant's attorneys, the nature of the claim, the time when, the place where and the manner in which the claim arose and the items of damage and injuries sustained.

10. That pursuant to General Municipal Law Section 50(h), a hearing was held on October 27, 2016, at a location designated by the Defendants, THE CITY OF NEW YORK AND FIRE DEPARTMENT OF THE CITY OF NEW YORK, or by a designated agent.

11. This action has been commenced within one year and ninety days after the cause of action occurred.

12. That at all times hereinafter mentioned, the Defendant, THE CITY OF NEW YORK, maintained FIRE DEPARTMENT OF THE CITY OF NEW YORK, as units and agencies of the city government, having the duty to protect life, health and property,

13. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments failed to adequately and properly test and/ or screen emergency medical technicians (hereafter E.M.T.) and of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

14. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly hired applicants for the position of E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

15. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly trained applicants for the position of E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

16. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly supervised the activities of their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

17. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly controlled the activities of their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

18. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly managed the activities of their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK..

19. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly maintained the activities of their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

20. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly inspected the activities of their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

21. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments caused, permitted and allowed their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK to act in an illegal manner.

22. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments caused, permitted and allowed their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK to act in an unprofessional manner.

23. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments caused, permitted and allowed their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK to act in a negligent and/or deliberate manner in carrying out their official duties and/or responsibilities.

24. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments failed to take proper action in suspending and/or reprimanding their E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

25. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments carelessly, negligently and recklessly continued to retain in their employment E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK clearly unfit to be E.M.T. of FIRE DEPARTMENT OF THE CITY OF NEW YORK.

26. That all times hereinafter mentioned, Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, were an agent, servant and/or employee of Defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK, an agency of Defendant, THE CITY OF NEW YORK.

27. That at all times hereinafter mentioned, Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY,

E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, were acting within the scope of their employment, by Defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK, an agency of Defendant, THE CITY OF NEW YORK.

28. That at all times hereinafter mentioned, Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, in their official capacity and individually, were acting within the scope of their employment with the permission and consent of Defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK, through its agency with Defendant, THE CITY OF NEW YORK.

29. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments failed to properly and adequately conduct investigations, obtain true facts and statements from witnesses and E.M.T.

30. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments, was careless, reckless and negligent in failing to discover the true facts which led to the injuries of the Plaintiff, YAUGENI KRALKIN.

31. The Defendant, THE CITY OF NEW YORK, by its agents, servants, employees, agencies and/or departments, was further careless, reckless and negligent in

the supervision of the activities of its agency, the Defendant, FIRE DEPARTMENT OF THE CITY OF NEW YORK.

32. That on June 11, 2016, at approximately 1:05 A.M. while Plaintiff, YAUGENI KRALKIN, was a passenger and a patient under the care of Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY. Plaintiff, YAUGENI KRALKIN was being treated and transported inside an ambulance owned and operated by the Defendants, THE CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK, at or about Richmond Avenue, in the County of Richmond, City and State of New York. That Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, were dispatched to 106 Dawson Circle, Staten Island, New York 10314 where they found Plaintiff, YAUGENI KRALKIN, sitting on the ground, uninjured, with unsteady gait, who stated to them that he had been drinking and that he wants to go home. Police officers removed alcohol from Plaintiff's, YAUGENI KRALKIN bag, and escorted Plaintiff, YAUGENI KRALKIN, to the ambulance because he was being uncooperative. Upon information and belief, while being driven to the hospital by Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, and while the ambulance was in motion, Plaintiff, YAUGENI KRALKIN, was permitted by bthe Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND

INDIVIDUALLY AND E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, to unbuckle his straps on the stretcher, open the door of the ambulance and jump out of the moving ambulance. Upon information and belief, Plaintiff, YAUGENI KRALKIN, landed on the concrete on Richmond Avenue, in the County of Richmond, City and State of New York, and was found unconscious by Defendants, E.M.T. FRANK CICCARELLO and E.M.T. FRANKLYN BIRNBAUM. Upon information and belief, Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, stayed on scene with Plaintiff, YAUGENI KRALKIN, who as a result of his fall was severely injured, without continuing to transport him to the hospital and delaying Plaintiff's, YAUGENI KRALKIN, medical care and treatment.

32. That on June 11, 2016, at approximately 1:16 A.M. while Plaintiff, YAUGENI KRALKIN, was a patient under the care of Defendants, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY who were dispatched to treat and transport, Plaintiff, YUGENI KRALKIN, from the scene where he jumped out of a moving ambulance to the hospital. Upon information and belief, after arriving on scene at approximately 1:15 A.M. where Plaintiff, YAUGENI KRALKIN, was permitted to jump out of a moving ambulance, Defendants, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY AND E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY E.M.T., delayed transporting a severely injured Plaintiff, YAUGENI

KRALKIN, to the hospital. Plaintiff's, YAUGENI KRALKIN, medical care and treatment was delayed for an additional twelve minutes.

33. That Defendants', E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, failed to properly diagnose, treat, care and transport Plaintiff, YAUGENI KRALKIN; failed to properly and skillfully perform the duties of an emergency medical technician and operate/manage an ambulance used to transport/treat Plaintiff, YAUGENI KRALKIN; failed to properly supervised Plaintiff, YAUGENI KRALKIN; failed to timely provide medical treatment to Plaintiff, YAUGENI KRALKIN; failed to control the Plaintiff's, YAUGENI KRALKIN inside the ambulance; failed to adequately provide guidance and supervision to Plaintiff, YAUGENI KRALKIN; failed to monitor the care of the Plaintiff, YAUGENI KRALKIN; failed to stop or prevent the activities which led to Plaintiff, YAUGENI KRALKIN injuries; improperly supervised the Plaintiff, YAUGENI KRALKIN inside the ambulance; failed to provide the Plaintiff, YAUGENI KRALKIN, with a safe environment inside the ambulance and therefore leaving the Plaintiff, YAUGENI KRALKIN unprotected; failed to comply with rules and regulations governing the proper standards of care and conduct in a course of duty as an emergency medical technician.

33. That the aforesaid occurrence was caused wholly and solely by reason of the negligence of Defendants', THE CITY OF NEW YORK, FIRE DEPARTMENT OF

THE CITY OF NEW YORK, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, without any fault or negligence on the part of Plaintiff, YAUGENI KRALKIN, contributing thereto.

34. That Defendants, THE CITY OF NEW YORK, FIRE DEPARTMENT OF THE CITY OF NEW YORK, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, their agents, servants and/or employees, departments, agencies and those acting under their directions behest and control in the screening, hiring, training, retention, management, control and supervision of agents, servants and/or employees of the Defendants, THE CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK, , failed to properly investigate and/or evaluate the results of any investigation of those persons, agents, servants and/or employees hired to operate, manage, control, supervise, perform the duties of an emergency medical technician and operate/manage an ambulance used to transport/treat Plaintiff's, YAUGENI KRALKIN; in failing to hire efficient and/or sufficient personnel in connection with the operation, management, control, teaching at and/or supervision of performance of the duties of an emergency medical technician and operation and management of an ambulance used to transport and/or treat Plaintiff, YAUGENI

KRALKIN; in failing to train their agents, servant and/or employees, so as to enable them to properly diagnose, treat, care and transport Plaintiff, YAUGENI KRALKIN; in failing to adequately train their agents servants and/or employees so as to enable them to properly diagnose, treat, care and transport Plaintiff, YAUGENI KRALKIN; in failing to properly and/or adequately supervise the teaching curriculum, staff and/or activities while emergency medical technicians who are in training; in failing to promulgate proper and/or adequate rules and regulations governing the proper standards of care and conduct of staff and/or supervision to be provided and rendered by those agents, servants and/or employees hired to operate, manage, control, supervise, ambulances owned by the Defendants, THE CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK; in failing to promulgate proper and/or adequate rules and/or regulations governing the proper care, transportation and/or supervision to be provided and rendered to those patients utilizing said services of the ambulance and the emergency medical technicians employed by the Defendants, CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK; in failing to properly and/or adequately monitor the care, guidance and/or supervision provided by emergency medical technicians; in failing to properly and/or adequately provide guidance for and/or supervise the Plaintiff, YAUGENI KRALKIN, herein; in failing to properly and/or adequately monitor and/or supervise the activities in which the Plaintiff, YAUGENI KRALKIN, was involved in, which led to the incident and the Plaintiff's, YAUGENI KRALKIN severe injuries; in failing to control the Plaintiff, YAUGENI KRALKIN, while being a passenger/patient inside the ambulance, in failing to prevent and/or stop the activity while inside the ambulance which caused the Plaintiff's, YAUGENI KRALKIN

severe injuries; in that the Plaintiff's, YAUGENI KRALKIN, was left untreated, Plaintiff, YAUGENI KRALKIN, treatment/and or medical care was delayed, Plaintiff, YAUGENI KRALKIN, was left unsupervised or improperly supervised, and therefore the Plaintiff, YAUGENI KRALKIN, was left unprotected; in failing to insure that said Defendants, THE CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, provided those in its charge and utilizing their ambulances with a safe and proper environment, in failing to prevent said activity, in failing to stop said activity, and that the Defendants, CITY OF NEW YORK and FIRE DEPARTMENT OF THE CITY OF NEW YORK, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, were otherwise negligent, careless, reckless, and grossly negligent in the screening, hiring, training, conducting professional activities, their supervision and retention of their agents, employees and/or servants.

35. That the Defendants', THE CITY OF NEW YORK, FIRE DEPARTMENT OF THE CITY OF NEW YORK, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS

OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, conduct was a substantial factor in causing the incident and the Plaintiff's, YAUGENI KRALKIN, injuries.

36. The aforesaid occurrence and resulting damages to the Plaintiff, YAUGENI KRALKIN, were due to misconduct of the Defendants, E.M.T. FRANK CICCARELLO, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. FRANKLYN BIRNBAUM, IN HIS OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. KIMBERLY MARSHALL, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, E.M.T. LAUREN BROCCOLI, IN HER OFFICIAL CAPACITY AND INDIVIDUALLY, herein.

37. That said occurrence and resulting injuries of Plaintiff's, YAUGENI KRALKIN, were due without fault or wrongdoing on the part of the Plaintiff's, YAUGENI KRALKIN, contributing thereto.

38. That as a result of the foregoing, Plaintiff, YAUGENI KRALKIN, sustained serious, severe and permanent personal injuries and was rendered sick, sore, lame, and disabled; Plaintiff, YAUGENI KRALKIN, was caused to suffer great pain, discomfort, and disability and, upon information and belief, will continue to suffer pain, discomfort, and disability in the future; Plaintiff's, YAUGENI KRALKIN Plaintiff, was caused to undergo hospital and medical care, aid and attention, and upon information and belief, may continue to require to undergo medical care, aid and attention for a long period of time to come in the future; Plaintiff's, YAUGENI KRALKIN, was obliged to expend and incur large sums of monies for medical care, aid and attention and, upon

information and belief, will continue to be obliged to expend and incur large sums of monies for future medical care, aid and attention; Plaintiff's, YAUGENI KRALKIN, was caused to become incapacitated his usual vocation and avocation, and upon information and belief, may continue to be caused to remain away from his usual vocation and avocation for a long period of time to come in the future. Plaintiff's, YAUGENI KRALKIN, has suffered and will continue to suffer a loss of enjoyment of life and emotional injuries which are permanent in nature.

39. By reason of the foregoing, the Plaintiff's, YAUGENI KRALKIN, has been damaged in an amount which exceeds the jurisdictional limits of all lower courts herein.

WHEREFORE, Plaintiff, YAUGENI KRALKIN, seeks damages herein on all causes of action, in sum exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with costs and disbursements of this action

Dated: Staten Island, New York
June 8, 2017

THE CHERNYI LAW OFFICE, P.C.

By: 

Borislav Chernyy, Esq.
Attorneys for Plaintiff
YAUGENI KRALKIN
171 Westwood Avenue, 1st Floor
Staten Island, NY 10314
718-494-7100

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

-----X Index No.:
YAUGENI KRALKIN,

Plaintiff,
-against-

**ATTORNEY'S
VERIFICATION**

THE CITY OF NEW YORK, FIRE DEPARTMENT
OF THE CITY OF NEW YORK, E.M.T. FRANK
CICCIARELLO, in his official capacity and individually,
E.M.T. FRANKLYN BIRNBAUM, in his official capacity
and individually, E.M.T. KIMBERLY MARSHALL, in
her official capacity and individually and E.M.T. LAUREN
BROCCOLI, in her official capacity and individually,

Defendants.

-----X

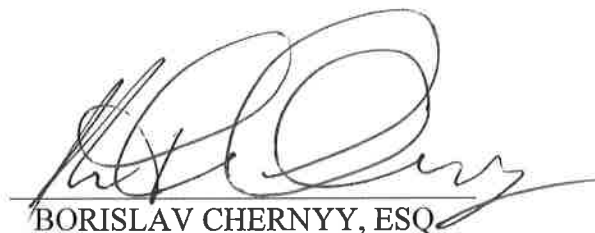
Borislav Chernyy, an attorney duly admitted to practice before the Courts of the
State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at THE CHERNY LAW OFFICE, P.C. attorneys of record for
the Plaintiff, YAUGENI KRALKIN. I have read the annexed **COMPLAINT** and know
the contents thereof, and the same are true to my knowledge, except those matters therein
which are stated to be alleged upon information and belief, and as to those matters I
believe them to be true.

My belief, as to those matters therein not stated upon knowledge, is based upon
facts, records, and other pertinent information contained in my files.

This verification is made by me because the Plaintiff, YAUGENI KRALKIN, is not presently in the county wherein I maintain my office.

DATED: Staten Island, New York
June 8, 2017



BORISLAV CHERNY, ESQ

Index No.:

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

-----X
YAUGENI KRALKIN,

Plaintiff,

-against-

THE CITY OF NEW YORK, FIRE DEPARTMENT OF THE CITY OF NEW YORK,
E.M.T. FRANK CICCARELLO, in his official capacity and individually,
E.M.T. FRANKLYN BIRNBAUM, in his official capacity and individually, E.M.T.
KIMBERLY MARSHALL, in her official capacity and individually and E.M.T.
LAUREN BROCCOLI, in her official capacity and individually,

Defendants.
-----X

SUMMONS AND VERIFIED COMPLAINT

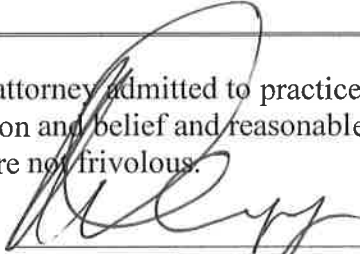
THE CHERNY LAW OFFICE, P.C.
Attorneys for Plaintiff
YAUGENI KRALKIN
171 Westwood Avenue, 1st Floor
Staten Island, NY 10314
(718) 494-7100

TO: See Rider

Signature (Rule 130-1. 1-a)

Service of a copy of the within is hereby admitted
Dated: _____

Pursuant to 22NYCR 130-1.1 the undersigned, an attorney admitted to practice in the courts of New York State, certifies that upon information and belief and reasonable inquiry, the contents contained in the annexed document are not frivolous.


Borislav Chernyy, Esq.

Dated: June 8, 2017