

TO: THE COUNTY CLERK OF ORANGE COUNTY

Application for INDEX NUMBER pursuant to Section 8018 of CPLR

APR 15 2009

X SUPREME
COUNTY COURT
FEE

Space below to be TYPED or PRINTED by Applicant

FULL TITLE OF ACTION OR PROCEEDING

ELAINE LOPEZ AND HECTOR LOPEZ

VS

NEWBURGH COMMUNITY DEVELOPMENT AGENCY

Bonacic Krahulik Cuddeback McMahon & Brady, LLP, 90 Crystal Run Rd, Middletown, NY 10941

Name and Address of Attorney for Plaintiff or Petitioner

Newburgh Community Development Agency, City Hall, 83 Broadway, Newburgh, NY 12550

Name and Address of Attorney for Defendant or Respondent

Bonacic Krahulik Cuddeback McMahon & Brady, LLP

Name of Applicant

SUBMITTED PAPERS ARE: (Please check below)

- X Summons & Complaint
Summons w/Notice
Notice of Petition
Petition
Order to Show Cause
Poor Person Afft./Atty's Cert.
Other:

THIS FORM MUST BE COMPLETED AND SIGNED BY APPLICANT:

[Handwritten signature]
(signature)

SPACE BELOW FOR OFFICE USE ONLY

REQUISITIONED BY: Date:
Date:
Date:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

SUMMONS

2009 03984

Index No.:

Date Purchased: APR 16 2009

----- X
ELAINE LOPEZ and HECTOR LOPEZ,

Plaintiffs,

-against-

Plaintiffs designate
Orange County
as the place of trial

NEWBURGH COMMUNITY DEVELOPMENT
AGENCY,

Defendant.

The basis of venue is
Plaintiffs' residence


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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: April 7, 2009
Middletown, New York

Yours, etc.


PETER C. McMAHON, ESQ.
BONACIC, KRAHULIK, CUDDEBACK,
McMAHON & BRADY, LLP
Attorneys for Plaintiffs
90 Crystal Run Road, Suite 104
Middletown, New York 10941

TO: NEWBURGH COMMUNITY DEVELOPMENT AGENCY
City Hall
83 Broadway
Newburgh, New York 12550

SUPREME COURT OF THE STATE OF NEW YORK
NEWBURGH COMMUNITY DEVELOPMENT AGENCY

----- X
ELAINE LOPEZ and HECTOR LOPEZ,

Plaintiffs,

-against-

NEWBURGH COMMUNITY DEVELOPMENT
AGENCY,

Defendant.
----- X

VERIFIED COMPLAINT

Index No.:

2009 03984

Plaintiffs, by their attorneys, BONACIC, KRAHULIK, CUDDEBACK, McMAHON
& BRADY, LLP, as and for their Verified Complaint, sets forth the following:

1. That at all times hereinafter mentioned, the Plaintiffs were and still are residents of
the County of Orange, State of New York.

2. Upon information and belief, at all times hereinafter mentioned, the Defendant,
NEWBURGH COMMUNITY DEVELOPMENT AGENCY, was and still is a municipal
corporation duly organized and existing by virtue of and under the laws of the State of New
York.

3. Upon information and belief, and at all times hereinafter mentioned, the Defendant,
NEWBURGH COMMUNITY DEVELOPMENT AGENCY, owned the lot and/or parking lot
located at Section 12, Block 6, Lot 5, Newburgh, County of Orange, State of New York.

4. Upon information and belief, and at all times hereinafter mentioned, the Defendant,
NEWBURGH COMMUNITY DEVELOPMENT AGENCY, maintained the lot and/or
parking lot located at Section 12, Block 6, Lot 5, Newburgh, County of Orange, State of New
York.

5. Upon information and belief, and at all times hereinafter mentioned, the Defendant, NEWBURGH COMMUNITY DEVELOPMENT AGENCY, controlled the lot and/or parking lot located at Section 12, Block 6, Lot 5, Newburgh, County of Orange, State of New York.

6. Upon information and belief, and at all times hereinafter mentioned, the Defendant, NEWBURGH COMMUNITY DEVELOPMENT AGENCY, managed the lot and/or parking lot located at Section 12, Block 6, Lot 5, Newburgh, County of Orange, State of New York.

7. On October 28, 2008, and within ninety (90) days after the claim herein sued upon arose, Plaintiffs caused a Notice of Claim, in writing, sworn to on behalf of Plaintiffs, containing a statement in compliance with the General Municipal Law, to be served upon the Defendant, by delivering a copy thereof via Certified Mail Return Receipt to Director of Community Development and the City Clerk, at their authorized offices located at: City Hall, 83 Broadway, Newburgh, New York 12550.

8. On January 7, 2009, pursuant to demand by Defendant, NEWBURGH COMMUNITY DEVELOPMENT AGENCY, Plaintiff submitted to an examination under oath as required by the General Municipal Law 50(h).

9. At no time since October 28, 2008, has Defendant, NEWBURGH COMMUNITY DEVELOPMENT AGENCY, demanded that Plaintiff submit to a medical examination.

10. At least thirty (30) days have elapsed prior to the commencement of this action, since the Notice of Claim was presented to, NEWBURGH COMMUNITY DEVELOPMENT AGENCY, for adjustment, and the Defendant has neglected or refused to make an adjustment or payment therefore.

