

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X

SUMMONS

D.H.,

Plaintiff,

Index No.: /20

-against-

Date Purchased: /20

ERIE COUNTY, ERIE COUNTY DEPARTMENT OF
SOCIAL SERVICES, AND CHILD AND FAMILY
SERVICES,

Plaintiff designates ERIE County as
the place of trial.

Defendants.

The basis of venue is:
Place of occurrence

-----X

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 attorneys, within twenty days after the service of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. 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: Brooklyn, New York
July 28, 2020



John Bonina, Esq.
BONINA & BONINA, P.C.
Attorneys for Plaintiffs
16 Court Street, Suite 1800
Brooklyn, New York 11241
Phone No.: (718) 522-1786

TO:

Erie County
Edward A. Rath County Office Building
95 Franklin Street
Buffalo, NY 14202

Erie County Department of Social Services
478 Main Street
Buffalo, NY 14202

Child and Family Services
330 Delaware Avenue
Buffalo, NY 14202

{00175171}

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

-----X
D.H.,

Plaintiff,

VERIFIED COMPLAINT

-against-

ERIE COUNTY, ERIE COUNTY DEPARTMENT OF
SOCIAL SERVICES, AND CHILD AND FAMILY
SERVICES,

Index No.: /2020

Defendants.
-----X

Plaintiff, by and through his attorneys, BONINA & BONINA, P.C., complaining of the defendants herein, as and for his Verified Complaint in the above entitled action, respectfully shows to this Court, and alleges upon information and belief, as follows:

1. That prior to the service of this Summons & Complaint, plaintiff has purchased Index Number _____/20 from the Supreme Court of the State of New York, County of Erie, in accordance with the requirements of the CPLR.
2. This case falls within one or more of the exceptions to CPLR 1602.

NATURE OF THE ACTION

3. This is a case brought by D.H., who was in the Defendants' foster care system from 1995 to 2001, between the ages of nine and fifteen years old, and was placed by defendants in the home of Cynthia Frey and Ralph Frey in Buffalo, New York.

4. Having made a decision to remove D.H. from his home, defendants had a non-delegable duty to provide a safe environment for him, to adequately supervise him, to supervise the activities of the family with which he was placed, to fully and to properly screen the family with which he was placed before placing D.H. in their home and entrusting him to their care,

and to fully investigate claims of abuse, including complaints of sexual abuse. The defendants breached these duties by placing the plaintiff with a foster family and in a foster home in which he and others were frequently sexually abused and molested, and by failing to investigate complaints of sexual abuse with respect to Cynthia Frey and Ralph Frey, and failing to remove him from their home in a timely fashion when it was or should have been clear that he was being abused.

5. While he resided in the home of Cynthia Frey and Ralph Frey, plaintiff D.H. was repeatedly sexually abused, molested and raped by Cynthia Frey. At the time of this sexual abuse D.H. was between the ages of nine and twelve years old.

6. With the passage of the Child Victims Act, those who have endured such abuse need no longer be silent. The Child Victims Act revives previously barred claims (see CPLR 214-g), creating a one year window within which to file such claims beginning August 14, 2019. As such, this claim is timely.

THE PARTIES

7. That at all times mentioned herein, Defendant ERIE COUNTY is, was and has been a municipal corporation duly organized under and existing by virtue of the laws of the State of New York.

8. That at all times mentioned herein, Defendant ERIE COUNTY is, was and has been a governmental subdivision duly organized under and existing by virtue of the laws of the State of New York.

9. That at all times mentioned herein, Defendant ERIE COUNTY is, was and has been a municipal subdivision duly organized under and existing by virtue of the laws of the State of New York.

10. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY owned the ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

11. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY operated ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

12. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY maintained ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

13. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY supervised ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

14. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY controlled ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

15. Upon information and belief, at all times mentioned herein, Defendant ERIE COUNTY held itself out as owning, operating, maintaining, supervising and/or controlling ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES.

16. That at all times mentioned herein, Defendant ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES is, was and has been a Governmental Sub-Division, organized, maintained and controlled by ERIE COUNTY.

17. That at all times mentioned herein, Defendant CHILD AND FAMILY SERVICES is, was and has been a corporation duly organized under and existing by virtue of the laws of the State of New York.

18. That at all times mentioned herein, Defendant CHILD AND FAMILY SERVICES is, was and has been a corporation doing business within the State of New York.

19. That at all times mentioned herein, Defendant CHILD AND FAMILY SERVICES is, was and has been a not for profit corporation organized under and existing by virtue of the laws of the State of New York.

20. That at all times mentioned herein, Defendant CHILD AND FAMILY SERVICES is, was and has been an agency doing business within the State of New York.

21. Pursuant to the Child Victims Act and General Municipal Law 50-e(8)(b), General Municipal Law 50-e does not apply to this claim, and a Notice of Claim need not have been served.

22. Pursuant to the Child Victims Act and General Municipal Law 50-i(5), General Municipal Law 50-i does not apply to this claim, and a Notice of Claim need not have been served.

23. Plaintiff D.H., is currently a resident of the City of Buffalo, State of New York.

24. From 1995 through 2001, and for a considerable period of time prior and subsequent thereto, plaintiff D.H., was a resident of the City of Buffalo, State of New York.

25. Plaintiff D.H., was in defendants' foster care system from approximately 1995 through 2001.

26. From approximately 1995 through 2001 plaintiff D.H. resided in the home of Cynthia Frey and Ralph Frey located on Whitehall Avenue in Buffalo, New York, having been placed in that home by the defendants.

27. From approximately 1995 through 1999 plaintiff D.H., was repeatedly sexually abused, molested and raped by his foster mother Cynthia Frey, with whom he had been placed by defendants.

28. Defendants are liable and responsible for the actions of Cynthia Frey, as defendants made the decision to remove plaintiff from his home and to place him in foster care with the family of Cynthia Frey; and defendants are responsible for their own acts and omissions which caused, allowed and permitted the sexual abuse to occur.

29. Defendants had the ability and the authority, as well as the duty, to control the activities of Cynthia Frey.

THE FACTS

30. Defendants and/or their agents, servants, associates, partners and/or employees, made a decision to remove plaintiff D.H., from his home and place him in their foster care system in approximately 1995.

31. When defendants and/or their agents, servants, associates, partners and/or employees, made the decision to remove plaintiff D.H., from his home and place him in their foster care system in approximately 1995, they assumed control over his care, safety and upbringing, and assumed an in loco parentis duty towards him.

32. Defendants and/or their agents, servants, associates, partners and/or employees, made a decision to place plaintiff D.H. with the family of Cynthia Frey and Ralph Frey, in approximately 1995.

33. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to place plaintiff in a safe environment, and in an environment free from the risk of sexual abuse.

34. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to investigate the homes and families of prospective foster parents, so as

to ensure that the plaintiff was not placed in a home in which he would be subjected to sexual abuse.

35. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to adequately supervise the foster parents and foster families into which plaintiff was placed, so as to ensure that the plaintiff was not subjected to sexual abuse and molestation.

36. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to fully and completely investigate reports of sexual abuse by foster parents and foster families such as Cynthia Frey and Ralph Frey, so as to ensure that the plaintiff and others like him were not subjected to further sexual abuse and molestation by foster parents and foster families such as Cynthia Frey and her family.

37. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to fully and completely investigate significant changes in appearance, hygiene, personal care and demeanor of D.H., and to determine the cause of these changes, including whether or not the changes were a result of abuse.

38. Having made the decision to remove plaintiff from his home, defendants had a duty and an obligation to act *in loco parentis*, and stood in the place of plaintiff's parents and were charged with making decisions as if they were standing in the place of plaintiff's parents.

39. Several months after he was placed in the home of Cynthia Frey, in approximately 1995, D.H., began to be repeatedly sexually abused, molested and raped by Cynthia Frey. This sexual abuse included but was not limited to touching plaintiff's penis and his genitals, forcing plaintiff to perform oral sex upon her, performing oral sex upon him, and raping plaintiff and forcing plaintiff to have sexual intercourse with her.

40. At the time of this sexual abuse, D.H., was between the ages of nine and twelve years old.

41. Prior to the above referenced sexual abuse of plaintiffs, defendants were aware and/or should have been aware that Cynthia Frey had previously sexually abused other foster children who had been placed with her and had had inappropriate contact with and inappropriate relations with children.

**AS AND FOR A FIRST CAUSE OF ACTION ON BEHALF OF
PLAINTIFF D.H. BASED UPON A THEORY
OF STATUTORY LIABILITY AS AGAINST ALL DEFENDANTS**

42. That the Plaintiff D.H. repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "FORTY-SECOND" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

43. The conduct of defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes.

44. The conduct of defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible, constituted violations of Article 130 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to violations of Penal Law Sections 130.00, 130.05, 130.20, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.52, 130.55, 130.60, 130.65, 130.75, 130.80, 130.95, and 130.96.

45. The conduct of defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible, constituted violations of

Article 260 of the Penal Law of the State of New York and/or its predecessor statutes, including but not limited to 260.10.

46. That the subject sexual offenses were committed forcibly by the defendants' agents, servants, and/or employees, as well as those for whom they are responsible, against the plaintiff, who was a minor, while under defendants' custody, supervision and/or control.

47. That as a result of the statutory violations of the Defendants herein, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible, as aforesaid, the Plaintiff D.H., endured sexual abuse and molestation, as well as emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

48. That by reason of the foregoing, the Plaintiff D.H. has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A SECOND CAUSE OF ACTION ON BEHALF OF
PLAINTIFF D.H., BASED UPON A THEORY OF
NEGLIGENCE AS AGAINST ALL DEFENDANTS**

49. That the Plaintiff D.H. repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "FORTY-NINTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

50. While plaintiff D.H., was in the custody of and under the care and supervision of defendants and/or each of them from approximately 1995 to 2001, defendants stood in the place of plaintiff's parents (in loco parentis), and as such were responsible for his care, well-being, and safety amongst other things, and had a duty to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and sexual assaults.

51. From approximately 1995 to 2001 defendants had a duty to care for the welfare and well-being of D.H. as if they were his parents, and to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse.

52. Defendants breached their duty of care with respect to D.H.

53. Defendants breached their duty to care for D.H., failed to properly carry out their duty to stand in the place of his parents, and were negligent, careless and reckless in failing to protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assaults.

54. Defendants had both actual and constructive notice of the sexual abuse and sexually abusive tendencies of Cynthia Frey, and failed to institute appropriate measures to prevent and/or stop the abuse, failed to properly and timely remove plaintiff from defendant Cynthia Frey's home, and negligently and improperly placed plaintiff in defendant Cynthia Frey's home in the first place.

55. That as a result of the negligence and breach of duty of defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible, the Plaintiff D.H., endured sexual abuse and molestation, as well as emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional

suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

56. That by reason of the foregoing, the Plaintiff D.H., has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A THIRD CAUSE OF ACTION ON BEHALF OF
PLAINTIFF D.H., BASED UPON A THEORY OF
NEGLIGENT SUPERVISION AS AGAINST ALL DEFENDANTS**

57. That the Plaintiff D.H., repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "FIFTY-SEVENTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

58. While D.H., was under the care, custody, control, and supervision of defendants and/or each of them from approximately 1995 to 2001, defendants had a duty to supervise D.H., and to protect him from harm, abuse, assault and other harms, including but not limited to sexual assaults, and were responsible for his care, well-being, and safety amongst other things.

59. Defendants breached their duty to properly supervise D.H., failed to properly carry out their duty to supervise him in his activities, and were negligent, careless and reckless in failing to properly supervise him and in failing to adequately protect him from harm, abuse, assault and other harms, including but not limited to sexual abuse and assault.

60. Defendants breached their duty to properly supervise D.H., and failed to remove him from the home of Cynthia Frey, when it was or should have been clear that Cynthia Frey was abusing D.H.

61. That as a result of this negligent supervision and breach of duty of defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible as aforesaid, the Plaintiff D.H. endured sexual abuse and molestation, as well as emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

62. That by reason of the foregoing, the Plaintiff D.H., has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FOURTH CAUSE OF ACTION ON BEHALF OF
PLAINTIFF D.H., BASED UPON A THEORY OF NEGLIGENT HIRING, RETENTION,
SCREENING AND SUPERVISION AS AGAINST ALL DEFENDANTS**

63. That the Plaintiff D.H., repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SIXTY-THIRD" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

64. Defendants and/or each of them had a duty to conduct appropriate and proper hiring, screening, and retention practices with respect to the foster parents and foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken including but not limited to the plaintiff herein, to prevent the hiring and retention of those who may pose a risk of harm, including but not limited to sexual

abuse as well as emotional abuse, to minors who had been entrusted to their care, custody, supervision and control.

65. Defendants and/or each of them had a duty to adequately and properly supervise those whom they did hire, retain and/or contract with in a reasonably prudent fashion, to prevent those they hired, retained and/or contracted with from becoming a risk of harm, including but not limited to sexual abuse as well as emotional abuse, to those minors who had been entrusted to their care, custody, supervision and control including the plaintiff herein.

66. Defendants and/or each of them had a duty to prevent known risks of harm, and to prevent the foster parents and/or foster families from inflicting harm upon children who had been entrusted to them including the plaintiff herein.

67. Defendants and/or each of them had a duty to adequately supervise the foster parents and/or foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken including but not limited to the plaintiff herein, so as to ensure the safety and well-being of the children who had been entrusted to them including the plaintiff herein.

68. Defendants and/or each of them had a duty to adequately supervise the foster parents and/or foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken including but not limited to the plaintiff herein so as to ensure that they carried out their duties in a manner which reduced and/or eliminated the risk of harm, including but not limited to sexual abuse as well as emotional abuse, to those who had been entrusted to their care, custody, supervision and control including the plaintiff herein.

69. Defendants and/or each of them had a duty to adequately supervise the foster parents and/or foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken including but not limited to the plaintiff herein, so as to ensure that they did not sexually abuse and/or emotionally abuse those who had been entrusted to their care, custody, supervision and control including the plaintiff herein.

70. Defendants breached their duty to conduct their hiring, retention, screening and supervision practices in a reasonably prudent fashion, and to adequately and properly supervise and/or train the foster parents and foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken, including but not limited to Cynthia Frey.

71. Defendants were negligent, careless and reckless in the manner in which they conducted their hiring, recruitment, screening, supervision, retention and acceptance of foster parents and foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken, including but not limited to Cynthia Frey, and hired, retained and accepted foster parents and foster families who had a history of and propensity for abusing children.

72. Defendants were negligent, careless and reckless in the manner in which they supervised and/or trained their foster parents and foster families whom they accepted into their foster care system, and with whom they placed children whose care and custody they had undertaken, including but not limited to Cynthia Frey, and caused, allowed and permitted their foster parents and foster families to sexually abuse children under their supervision and for whom they were responsible.

73. Defendants were negligent, careless and reckless in the manner in which they supervised and/or trained their foster parents and foster families, including but not limited to Cynthia Frey, in that they failed to recognize signs of abuse, and failed to prevent them from sexually abusing those who had been entrusted to their care, custody, supervision and control including but not limited to Plaintiff D.H.

74. Defendants were negligent, careless and reckless in their failure to properly supervise their foster parents and foster families, including but not limited to Cynthia Frey, so as to ensure that they were not sexually abusing the children who were entrusted to their care, custody, supervision and control including but not limited to Plaintiff D.H.

75. That as a result of this negligent hiring, retention, screening and supervision by defendants, and/or each of them, and/or their agents, servants, and/or employees, as well as those for whom they are responsible as aforesaid, the Plaintiff D.H., endured sexual abuse and molestation as well as emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

76. That by reason of the foregoing, the Plaintiff D.H., has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

**AS AND FOR A FIFTH CAUSE OF ACTION ON BEHALF OF PLAINTIFF D.H.
BASED UPON A THEORY OF NEGLIGENT INFLECTION OF
EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS**

77. That the Plaintiff D.H., repeats, reiterates and realleges each and every allegation contained in of the Complaint set forth in paragraphs "FIRST" through "SEVENTY-SEVENTH" inclusive with the same force and effect as though said allegations were herein fully set forth at length.

78. Defendants and/or each of them, and/or their agents, servants, and/or employees, had the power, the ability and the authority, as well the duty, to stop the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff D.H., suffering severe emotional distress.

79. Defendants and/or each of them, and/or their agents, servants, and/or employees, had the duty to intervene to stop, prevent and prohibit the negligent, improper, unlawful and egregious conduct described hereinabove that resulted in plaintiff D.H., suffering severe emotional distress.

80. Defendants and/or each of them, and/or their agents, servants, and/or employees, knew or should have known that the failure to properly act would and in fact did cause plaintiff D.H., to suffer severe emotional distress.

81. Defendants and/or each of them, and/or their agents, servants, and/or employees, negligently failed to act to stop, prevent and/or prohibit the negligent, improper, unlawful and egregious conduct described hereinabove, thus resulting in plaintiff D.H., suffering severe emotional distress.

82. That as a result of the negligent infliction of emotional distress of defendants, and/or each of them, and/or their agents, servants, employees, and/or staff as aforesaid, the

Plaintiff D.H., endured sexual abuse and molestation as well as emotional abuse, and sustained serious and severe damage, harm and injuries, and was caused to suffer severe and significant conscious pain and suffering, including psychological suffering, emotional suffering and emotional distress, mental anguish and loss of enjoyment of life, and has incurred medical expenses and other economic damages and loss, and will continue to experience and incur these damages and losses in the future.

83. That by reason of the foregoing, the Plaintiff D.H., has been damaged in an amount in excess of the jurisdictional limits of all lower Courts which would otherwise have jurisdiction over the Defendants herein.

STATEMENT REGARDING INTENT TO SEEK PUNITIVE DAMAGES

While not seeking punitive damages as a separate cause of action, Plaintiff puts Defendants on notice that Defendants' acts and omissions and statutory violations were wonton and reckless and evidence of disregard of the rights and safety of the general public and of Plaintiff. Punitive damages will be requested to punish Defendants and deter others from similar conduct.

WHEREFORE, D.H. demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the First Cause of Action.

WHEREFORE, D.H. demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Second Cause of Action.

WHEREFORE, D.H. demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Third Cause of Action.

WHEREFORE, D.H. demands a monetary judgment in the form of damages against the

Defendants and/or each of them, on the Fourth Cause of Action.

WHEREFORE, D.H. demands a monetary judgment in the form of damages against the Defendants and/or each of them, on the Fifth Cause of Action, together with the costs and disbursements of this action.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES

Dated: Brooklyn, New York
July 28, 2020

“I have read the foregoing and I certify that, upon information and belief, the source of which is the review of a file maintained by my office, that the foregoing Summons and Verified Complaint is not frivolous as defined in Subsection (c) of Section 130-1.1 of the Rules of the Chief Administrator.”

Yours, etc.,



John Bonina, Esq.
Bonina & Bonina, P.C.
Attorneys for Plaintiff
16 Court Street – Suite 1800
Brooklyn, New York 11241
Phone No.: (718) 522-1786

STATE OF NEW YORK, COUNTY OF KINGS ss:

I, the undersigned, am an attorney admitted to practice in the courts of New York, and certify that the annexed has been compared by me with the original and found to be a true and complete copy thereof.

Attorney's Certification

Attorney's Verification by Affirmation

I, **John Bonina, Esq.**, say that: I am the attorney of record, or of counsel with the attorney(s) of record, for the plaintiff. I have read the annexed **Summons and Verified Complaint** know the contents thereof and the same are true to my knowledge, except those matters herein which are stated to be alleged on 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 on the following. By a review of a file maintained in my office.

The reason I make this affirmation instead of Plaintiff(s) is Plaintiff(s) reside(s) in a County other than the one in which I maintain my office.

I affirm that the foregoing statements are true under penalties of perjury.

Dated: July 28, 2020

JOHN BONINA, ESQ.

STATE OF NEW YORK, COUNTY OF KINGS ss:

being sworn says: I am the plaintiff in the action herein; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matter therein which are stated to be alleged on information and belief, and as to those matters I believe them to be true.

Individual Verification

Corporate Verification

the _____ of _____ a corporation, one of the parties to the action; I have read the annexed know the contents thereof and the same are true to my knowledge, except those matters therein which are stated to be alleged on 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 on the following:

Sworn to before me on

Notary Public

STATE OF NEW YORK, COUNTY OF KINGS ss:

, being sworn says: I am not a party to the action, am over the age of 18 years of age and reside in _____ On, I served a true copy of the annexed in the following manner:

Service by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

Service by E-filing

by E-filing the same with the Supreme Court – Kings County to the addressee(s) as indicated below:

Service by Electronic Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by the attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received, and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as I indicated below:

Service by Overnight Delivery

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below:

Sworn to before me on

Index No.: /2020
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ERIE

D.H.,
Plaintiff,
-against-

ERIE COUNTY, ERIE COUNTY DEPARTMENT OF SOCIAL SERVICES, AND CHILD
AND FAMILY SERVICES,
Defendants.

SUMMONS AND VERIFIED COMPLAINT

BONINA & BONINA, P.C.
Attorneys for Plaintiff(s)
16 Court Street – Suite 1800
Brooklyn, New York 11241
Tele. No.: (718) 522-1786
Fax No.: (718) 243-0414

Pursuant to 22 NYCRR 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 contentions contained in the annexed documents are not frivolous.

Dated: July 28, 2020



Signature: _____
Print Signer's Name: John Bonina, Esq.

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

Attorney(s) for

PLEASE TAKE NOTICE

that the within is a (certified) true copy of a
entered in the office of the clerk of the court of the within named Court on

Notice of
Entry

That an Order of which the within is a true copy will be presented for settlement to the Hon.
one of the Judges of the within named Court,

Notice of
Settlement

at on 20 , at M.

Dated:

BONINA & BONINA, P.C.
Attorneys for Plaintiff(s)
16 COURT STREET
BROOKLYN, N.Y. 11241

To: