

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

Index No.:  
Date Purchased:

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GABRIEL MARTINEZ,

Plaintiff,

Plaintiff designates Bronx  
County as the place of venue.  
The basis of venue is the  
Plaintiff's residence.

-against-

10<sup>th</sup> AVENUE HOSPITALITY GROUP, LLC,  
d/b/a CLUB MARQUEE,

Plaintiff resides at  
795 Garden St., Apt. 1EE  
Bronx, New York.

Defendant.  
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**SUMMONS**

**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 relief demanded in the complaint.

Dated: Chappaqua, New York  
April 7, 2016

LAW OFFICE OF TODD J. KROUNER



By: TODD J. KROUNER  
Attorneys for Plaintiff  
93 North Greeley Avenue  
Chappaqua, New York 10514  
(914) 238-5800

To:

10<sup>th</sup> Avenue Hospitality Group, LLC  
d/b/a Club Marquee  
289 10<sup>th</sup> Avenue  
New York, NY 10001

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

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GABRIEL MARTINEZ,

Plaintiff,

-against-

10<sup>th</sup> AVENUE HOSPITALITY GROUP, LLC,  
d/b/a CLUB MARQUEE,

Defendant.  
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**VERIFIED  
COMPLAINT**

Index No.:

Plaintiff GABRIEL MARTINEZ, by his attorneys, LAW OFFICE OF TODD J.

KROUNER, as and for his verified complaint, alleges upon information and belief as follows:

**INTRODUCTION**

1. Nightclubs are supposed to be fun. Nightclubs are known to be loud. But the pounding noise of the stereo speakers is not to be so loud that its vibration causes a five liter champagne bottle to fall off the stereo speaker, onto the head of security personnel whose job responsibility requires him to stand in front of the speaker by the stage. That is what happened to plaintiff at one of New York's premiere night clubs, Club Marquee, on October 30, 2015. As a result of defendant's negligence, plaintiff sustained serious personal injuries, including traumatic brain damage and partial deafness.

**AS AND FOR A FIRST CAUSE OF ACTION**

2. At all times relevant and hereinafter mentioned, plaintiff GABRIEL MARTINEZ ("MARTINEZ") resided at 795 Garden St., Apt. 1EE, Bronx County, New York.

3. At all times relevant and hereinafter mentioned, defendant 10th AVENUE HOSPITALITY GROUP, LLC, d/b/a CLUB MARQUEE ("MARQUEE"), a domestic limited liability company with a business address at 289 10<sup>th</sup> Avenue, New York, NY 10001.

4. At all times relevant and hereinafter mentioned, and specifically on or about October 30, 2015, defendant MARQUEE owned, operated, managed, maintained and controlled a public establishment known as CLUB MARQUEE, a/k/a MARQUEE NYC (the “CLUB”), that provided its patrons with liquor, food and entertainment at its principal place of business located at 289 10<sup>th</sup> Avenue, New York, NY 10001.

5. At all times relevant and hereinafter mentioned, and specifically on or about October 30, 2015, non-party FORTE NETWORK, INC., d/b/a FORTE SECURITY (“FORTE”), was a domestic business entity that provided private security services to MARQUEE.

6. At all times relevant and hereinafter mentioned, and specifically on or about October 30, 2015, non-party FORTE, was a domestic business entity that provided private security services to the CLUB.

7. At all times relevant and hereinafter mentioned, and specifically on or about October 30, 2015, plaintiff MARTINEZ was employed by FORTE as a security guard at the CLUB.

8. On or about October 30, 2015, plaintiff MARTINEZ was working at the CLUB as part of his duties as a security guard.

9. On or about October 30, 2015, plaintiff MARTINEZ sustained serious personal injuries when a large, decorative champagne bottle (the “BOTTLE”) fell from a height, atop a stereo speaker which was on the north side of the stage, onto the head of plaintiff MARTINEZ.

10. At all times mentioned herein, further by reason of the foregoing negligence of the defendant as aforesaid, plaintiff MARTINEZ was seriously, severely, and permanently injured, shocked, bruised, and wounded, and suffered great physical and mental pain and injury to her body and limbs, and was rendered sick, sore, and disabled, and required and received

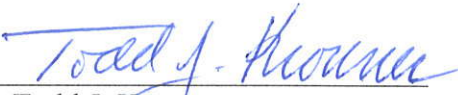
medical care and treatment, and will require future medical care and treatment and has incurred reasonable and necessary expenses for such medical care and treatment and may incur future expenses therefore.

11. By reason of the foregoing, plaintiff MARTINEZ has been damaged in such amount as a jury may award.

**WHEREFORE**, plaintiff MARTINEZ demands judgment against the defendant on the First Cause of Action in such sums as a jury may find fair, reasonable and just, all together with interest, costs and disbursements of this action.

Dated: Chappaqua, New York  
April 7, 2016

Yours, etc.  
LAW OFFICE OF TODD J. KROUNER

By:   
Todd J. Krouner  
Attorneys for Plaintiff  
93 North Greeley Avenue  
Chappaqua, New York 10514  
(914) 238-5800

**ATTORNEY VERIFICATION**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF WESTCHESTER    )

TODD J. KROUNER, being duly sworn, deposes and says:

That he is the principal of the Law Office of Todd J. Krouner with an office at 93 North Greeley Avenue, Chappaqua, New York 10514, attorney for plaintiff in the within action; that deponent has read and knows the contents of the foregoing Verified Complaint and the same is true to the knowledge of the deponent, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, he believes it to be true. Deponent further says that the reason this verification is made by deponent and not by plaintiff is that the said plaintiff are not within the county wherein deponent maintains his offices.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

  
TODD J. KROUNER

Sworn to before me this  
7 th day of April, 2016

  
Notary Public

