

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
ALAN BOZIAN and JENNIFER BOZIAN,

Plaintiffs,

-against-

EMILIA GORZELSKA and KRZYSZTOF GORZELSKI,

Defendants.
-----X

COMPLAINT

**PLAINTIFFS DEMAND
TRIAL BY JURY**

Plaintiffs, ALAN BOZIAN (“plaintiff ALAN BOZIAN”) and JENNIFER BOZIAN (“plaintiff JENNIFER BOZIAN”) (collectively, “Plaintiffs”), by their attorneys, LAW OFFICE OF TODD J. KROUNER, P.C., allege for their complaint as follows:

NATURE OF THE ACTION

1. This is a case involving an intoxicated, underaged driver who destroyed the lives of the Plaintiffs after a night of partying. On Saturday, October 9, 2021, apparently after drinking all night, defendant EMILIA GORZELSKA passed out while driving, drifted into the oncoming lane of traffic, and at high speed collided with plaintiff ALAN BOZIAN’s vehicle on Route 22 in Bedford, New York, at approximately 7:20 a.m. (the “SUBJECT ACCIDENT”). The impact of the violent crash totaled plaintiff ALAN BOZIAN’s Land Rover SUV, and necessitated the closure of Route 22 for approximately five hours.

2. Plaintiff ALAN BOZIAN sustained serious personal injuries, the full extent of which is not presently known, but is believed to include, without limitation, brain bleed, post-concussive syndrome, broken eye socket, three broken ribs, shattered ankle (trimalleolar

fracture), broken teeth, and broken nose, with accompanying traumatic anosmia (loss of scent).

3. As a further consequence of defendant EMILIA GORZELSKA's drunk driving, defendant EMILIA GORZELSKA exacerbated the misery of plaintiff ALAN BOZIAN's wife, plaintiff JENNIFER BOZIAN, who is a Stage IV breast cancer survivor. Prior to the SUBJECT ACCIDENT, plaintiff ALAN BOZIAN served as plaintiff JENNIFER BOZIAN's primary care giver during a critical time in her treatment. However, as a result of his own extensive injuries and incapacity, including his inability to walk and drive, plaintiff JENNIFER BOZIAN has been deprived of her husband's invaluable support and services.

4. According to the Police Accident Report of the Bedford Police Department, Apparent Contributing Factors to the SUBJECT ACCIDENT were "Alcohol Involvement" and "Fall Asleep" on defendant EMILIA GORZELSKA's part. Defendant EMILIA GORZELSKA was charged with driving while intoxicated and failure to maintain lane. Her criminal prosecution is pending with the Westchester County District Attorney's Office.

5. Defendant KRZYSZTOF GORZELSKI was the registered owner of the vehicle which Defendant EMILIA GORZELSKA was operating at the time of the SUBJECT ACCIDENT.

JURISDICTION

6. Jurisdiction exists pursuant to 28 U.S.C. § 1332, based on diversity of citizenship, because plaintiffs are residents and citizens of the State of Florida, and defendants are residents and citizens of the State of Connecticut, and the amount in controversy exceeds SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), exclusive of interest and costs.

THE PARTIES

7. Plaintiff ALAN BOZIAN resides at 1241 Gulf of Mexico Drive, Unit 502, Long Boat Key, Florida 34228.

8. Plaintiff JENNIFER BOZIAN resides at 1241 Gulf of Mexico Drive, Unit 502, Long Boat Key, Florida 34228.

9. At all times relevant to this action, plaintiffs were lawfully married and resided together as husband and wife.

10. Defendant EMILIA GORZELSKA resides at 11 Duke Drive, Stamford, CT 06905.

11. Defendant KRZYSZTOF GORZELSKI resides at 11 Duke Drive, Stamford, CT 06905.

**FIRST CLAIM FOR
ALAN BOZIAN'S PERSONAL INJURIES**

12. On October 9, 2021, defendant KRZYSZTOF GORZELSKI was the registered owner of a certain 2015 Audi motor vehicle bearing Connecticut license plate number BD12655 (the "GORZELSKI Vehicle").

13. On October 9, 2021, defendant EMILIA GORZELSKA was driving, operating and controlling the GORZELSKI Vehicle at or about 7 a.m., on Route 22, in the vicinity of 594 Cantitoe Street, in the Town of Bedford, County of Westchester, State of New York.

14. At the time of the SUBJECT ACCIDENT, defendant EMILIA GORZELSKA operated the GORZELSKI Vehicle while under the influence of alcohol.

15. Upon information and belief, at all times relevant, defendant EMILIA

GORZELSKA operated the GORZELSKI Vehicle with the knowledge, permission and consent of defendant KRZYSZTOF GORZELSKI.

16. On October 9, 2021, at approximately 7:20 a.m., plaintiff ALAN BOZIAN was operating a 2016 Land Rover, bearing Connecticut license plate number BD67476 (the “BOZIAN Vehicle”), in the vicinity of 594 Cantitoe Street, in Bedford, New York.

17. Defendant KRZYSZTOF GORZELSKI is vicariously liable for the negligence of defendant EMILIA GORZELSKA, based on his actual or constructive ownership of the GORZELSKI Vehicle at the time of the accident.

18. Defendant KRZYSZTOF GORZELSKI is directly liable for the negligent entrustment of his motor vehicle to defendant EMILIA GORZELSKA.

19. In derogation of the Rules of the Road as codified in the Vehicle and Traffic Law of the State of New York, defendant EMILIA GORZELSKA operated the GORZELSKI Vehicle carelessly and negligently, under the influence of alcohol, and failed to avoid colliding with the BOZIAN Vehicle; failed to operate the GORZELSKI Vehicle in a safe and reasonable manner; failed to operate the GORZELSKI Vehicle in a manner consistent with prevailing road conditions and prevailing traffic conditions; failed to keep a proper lookout for other traffic; failed to apply her brakes to prevent impact with the BOZIAN Vehicle; failed to stay awake while operating the GORZELSKI Vehicle; and defendant EMILIA GORZELSKA was otherwise negligent.

20. The aforesaid SUBJECT ACCIDENT and injuries sustained by plaintiff ALAN BOZIAN were proximately caused and occasioned by reason of the carelessness, and/or

negligence of defendant EMILIA GORZELSKA in her operation and control of the GORZELSKI Vehicle.

21. The aforesaid SUBJECT ACCIDENT and injuries sustained by plaintiff ALAN BOZIAN were proximately caused and occasioned by reason of the gross negligence, wanton and reckless behavior, with conscious disregard for the health and safety of others, based on the misconduct of defendant EMILIA GORZELSKA in her operation and control of the GORZELSKI Vehicle while intoxicated.

22. The aforesaid SUBJECT ACCIDENT occurred with great force, causing serious and permanent personal injuries to plaintiff ALAN BOZIAN.

23. At all times mentioned herein, by reason of the foregoing, plaintiff ALAN BOZIAN suffered a “serious injury” as defined by Section 5102, subdivision (d), of the Insurance Law of the State of New York.

24. At all times mentioned herein, by reason thereof, plaintiff ALAN BOZIAN is entitled to recover for non-economic loss and for such economic losses as are not included within the definition of “basic economic loss”, as set forth in Section 5102 Subdivision (a) of the Insurance Law of the State of New York. Plaintiff ALAN BOZIAN is also entitled to recover punitive damages from defendant EMILIA GORZELSKA for driving while intoxicated.

25. At all times mentioned herein, further by reason of the foregoing and the carelessness and negligence of the defendants as aforesaid, plaintiff ALAN BOZIAN was seriously, severely and permanently injured, shocked, bruised and wounded, and suffered great physical and mental pain and injury to his body and limbs, and was rendered sick, sore, lame and

disabled, and was otherwise injured, and required and received medical care and treatment, and will require future medical care and treatment and has incurred expenses for such medical care and treatment as well as for allied purposes and may incur future expenses therefore.

26. By reason of the foregoing, Plaintiff ALAN BOZIAN has been damaged in such amount as a jury may award.

**SECOND CLAIM FOR PLAINTIFF
JENNIFER BOZIAN'S LOSS OF ALAN BOZIAN'S SERVICES**

27. Plaintiffs repeat Paragraph 1 through 26, above.

28. As a result of the foregoing, Plaintiff JENNIFER BOZIAN has been denied the services, society and consortium of her husband in a health and normal state. Therefore, Plaintiff JENNIFER BOZIAN has a claim for loss of consortium against defendant EMILIA GORZELSKA and defendant KRZYSZTOF GORZELSKI.

29. By reason of the foregoing, Plaintiff JENNIFER BOZIAN has been damaged in such amount as a jury may award.

WHEREFORE, plaintiffs demand judgment on each of their claims, against the defendants, EMILIA GORZELSKA and KRZYSZTOF GORZELSKI, in such amount as a jury may award, together with punitive damages, costs and disbursements of this action.

