

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHCESTER

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RUTH JOZWIAK,

Index No.: \_\_\_\_\_

Plaintiff,

- against -

**COMPLAINT**

PLANNED PARENTHOOD OF WESTCHESTER  
AND ROCKLAND, INC.,

Defendant.

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Plaintiff, Ruth Jozwiak, by her attorney, The Braunstein Law Firm, PLLC, complaining of Defendant herein, state as follows:

1. At the time of the accident, Plaintiff was a resident of the County of Rockland, State of New York.
2. Upon information and belief, at all times mentioned herein, Defendant was and remains a business organization authorized to do business and doing business in New York.
3. Upon information and belief, at all times mentioned herein, Defendant maintained a place of business at 175 Tarrytown Road, White Plains, NY.
4. Upon information and belief, and at all times mentioned herein, Defendant was and remains the owner of record and/or lessee of the premises located at 175 Tarrytown Road, White Plains, NY (“the Premises”).
5. Upon information and belief, Defendant maintained a place of business open to the public at the Premises and was chargeable with the duty of safely operating, maintaining, repairing and controlling said Premises.
6. At all times mentioned herein, Plaintiff was lawfully at the Premises.
7. On or about February 28, 2014, at approximately 11:00 a.m., Plaintiff was lawfully upon Defendant’s Premises.

8. On or about February 28, 2014, and prior thereto, Defendant, its officers, agents, servants, and/or employees conducted themselves in a careless, reckless and negligent manner in the operation, management, maintenance and control of the Premises, including, but not limited to, allowing the exterior stairs to remain in a state of disrepair, and be covered with snow and ice with inadequate lighting and warnings, which constituted a trap, nuisance, tripping hazard and dangerous condition for a substantial amount of time, and created a tripping hazard to invitees, tenants and/or the public, including Plaintiff.

9. On or about February 28, 2014, and for a time prior thereto, Defendant had both actual and constructive knowledge and notice of the dangerous and defective condition of its premises.

10. As a result of the dangerous and defective condition of the Premises, on or about February 28, 2014, at approximately 11:00 a.m., while Plaintiff was walking slowly and carefully and exercising that degree of care for her own safety that a reasonably prudent person would have exercised under the same circumstances, was caused to and did fall and was violently propelled to the ground, due to the aforesaid negligence and carelessness of Defendant, its officers, agents, servants, and/or employees, causing Plaintiff to sustain the grievous injuries alleged herein.

11. The aforesaid negligence of Defendant was the proximate cause of the accident and injuries herein and Plaintiff in no way or manner contributed thereto.

12. By reason of the negligence of Defendant, Plaintiff became sick, sore, lame and disabled, and so remains; suffered, and still suffers great physical and mental pain; sustained severe injuries; was obliged to and did expend and incur large sums of money for medical aid and nursing; and has been informed and believes that certain of her injuries are permanent, all to her damage.

13. This action falls within one or more of the exceptions set forth in CPLR section 1602.

14. Therefore, Plaintiff has been damaged, suffered serious and personal injuries herein, and has incurred monetary damages in an amount exceeding the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE Plaintiff demand judgment against Defendant, together with interest, costs and disbursements.

Dated: February 27, 2017

**THE BRAUNSTEIN LAW FIRM, PLLC**

By: /s/ Michael L. Braunstein  
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