

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND

-----X

ANNA KULA,

Plaintiff,

Index No.: 033410/15

-against-

THIRD-PARTY
SUMMONS

RUTH R. COBRIN,

Defendant.

-----X

RUTH R. COBRIN,

Third Party Index No.:

Third-Party Plaintiff,

-against-

RIVKA GLUCK AND DAVID GLUCK,

Third-Party Defendants.

-----X

TO: RIVKA GLUCK;
DAVID GLUCK

YOU ARE HEREBY SUMMONED to answer the complaint of the defendant/third-party plaintiff, RUTH R. COBRIN, which is herewith served upon you, and serve copies of your answer upon the undersigned attorneys for the defendant/third-party plaintiff, RUTH R. COBRIN, and upon all other parties to this action, within twenty (20) days after the service of summons and the third-party complaint, exclusive of the day of service, or within thirty (30) days after completion of service where service is made in any other manner than by personal delivery within the State.

In the event of your failure to answer the complaint of the defendant/third-party plaintiff, RUTH R. COBRIN, judgment will be taken against you by default for the relief demanded in the third-party complaint.

Dated: White Plains, New York
February 29, 2016

Respectfully Submitted,

WILSON, BAVE, CONBOY,
COZZA & COUZENS, P.C.

By:



DONNA L. COOK, ESQ.

Attorneys for Defendant/Third Party Plaintiff

RUTH R. COBRIN

Two William Street

White Plains, New York 10601

(914) 686-9010

TO: RIVKA GLUCK
4 Bartlett Road
Monsey, NY 10952

DAVID GLUCK
4 Bartlett Road
Monsey, NY 10952

SUPREME COURT OF THE STATE OF NEW YORK
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THIRD-PARTY
VERIFIED COMPLAINT

Third Party Index No.:

The defendant/third-party plaintiff, RUTH R. COBRIN, by their attorneys, WILSON, BAVE, CONBOY, COZZA & COUZENS, P.C., complaining of the third-party defendants, RIVKA GLUCK AND DAVID GLUCK, respectfully allege that:

1. At all times hereinafter mentioned, the plaintiff, ANNA KULA, was and is a resident of the County of Rockland, State of New York.
2. At all times hereinafter mentioned, the defendant/third-party plaintiff, RUTH R. COBRIN, was, and still is, a resident of the County of Rockland, State of New York.
3. At all times hereinafter mentioned, the defendants/third-party plaintiffs, RIVKA GLUCK AND DAVID GLUCK, were, and still are, residents of the County of Rockland, State of New York.

4. That on March 6, 2014, the plaintiff, ANNA KULA, was a passenger in the 2013 Acura vehicle owned by third-party defendant, DAVID GLUCK, and operated by third-party defendant, RIVKA GLUCK, and bearing New York License Plate Number GCM9685.

7. That on March 6, 2014, the defendant/third-party plaintiff RUTH R. COBRIN, was the owner/operator of a 2011 Toyota motor vehicle bearing New York State License Plate Number EHU2092.

8. That on March 6, 2014, the motor vehicle owned by third-party defendant, DAVID GLUCK, and operated by the third-party defendant, RIVKA GLUCK, in which plaintiff, ANNA KULA, was a passenger, came into and/or caused contact with the vehicle owned/operated by defendant/third-party plaintiff, RUTH R. COBRIN.

9. That on December 15, 2014, the plaintiff, ANNA KULA, filed an Amended Summons and Amended Verified Complaint and served same upon the defendant/third-party plaintiff, RUTH R. COBRIN, a copy of which is annexed hereto as **Exhibit "A"**. On January 22, 2015, defendant/third-party plaintiff, RUTH R. COBRIN, served a Verified Answer to Amended Verified Complaint, a copy of which is annexed hereto as **Exhibit "B"**. A Decision and Order of July 8, 2015 by Honorable Judge David Vaughan of the Kings County Supreme Court denied plaintiff's motion for summary judgment on liability and granted defendant/third party plaintiff's motion to change venue to Rockland County, a copy of which is annexed hereto as **Exhibit "C"**.

12. That, in fact, if the plaintiff was caused to sustain damages by reason other than the plaintiff's own negligence, carelessness, recklessness and/or acts of omission or commission, then said damages were sustained by reason of the carelessness, recklessness, negligence and/or

acts of omission or commission, by and on the part of the third-party defendant, RIVKA GLUCK, who is or will be responsible therefore in whole or in part.

13. By reason of the foregoing, the third-party defendant, RIVKA GLUCK, will be bound to indemnify the defendant/third-party plaintiff, RUTH R. COBRIN, in the event and in the full amount of any recovery herein by the plaintiff or for the proportion thereof caused by the relative responsibility of the third-party defendants as the Court or jury may direct and, therefore, the defendant/third-party plaintiff are entitled to judgment over and against the third-party defendants.

14. That, in fact, if the plaintiff was caused to sustain damages by reason other than the plaintiff's own negligence, carelessness, recklessness and/or acts of omission or commission, then said damages were sustained by reason of the carelessness, recklessness, negligence and/or acts of omission or commission, by and on the part of the third-party defendant, DAVID GLUCK, who is or will be responsible therefore in whole or in part.

15. By reason of the foregoing, the third-party defendant, DAVID GLUCK, will be bound to indemnify the defendant/third-party plaintiff, RUTH R. COBRIN, in the event and in the full amount of any recovery herein by the plaintiff or for the proportion thereof caused by the relative responsibility of the third-party defendants as the Court or jury may direct and, therefore, the defendant/third-party plaintiff are entitled to judgment over and against the third-party defendants.

WHEREFORE, defendant/third-party plaintiff, RUTH R. COBRIN, demand judgment dismissing the complaint of the plaintiff with costs and disbursements and further demands judgment over and against third-party defendants, RIVKA GLUCK AND DAVID GLUCK, for


complete indemnification of any judgment that may be recovered herein by reason of the third-party defendants, RIVKA GLUCK AND DAVID GLUCK, affirmative and primary negligence; and in the alternative, defendant/third-party plaintiff, RUTH R. COBRIN, demand judgment over and against third-party defendants, RIVKA GLUCK AND DAVID GLUCK, for contribution for all or part of any recovery by plaintiff had herein in accordance with the relative responsibility of the defendant/third-party plaintiff and third-party defendants, for relative costs and disbursements, plus all attorneys' fees and other costs herein.

Dated: White Plains, New York
February 29, 2016

Respectfully Submitted,

WILSON, BAVE, CONBOY,
COZZA & COUZENS, P.C.

By:



DONNA L. COOK, ESQ.
Attorneys for Defendant/Third Party Plaintiff
RUTH R. COBRIN
Two William Street
White Plains, New York 10601
(914) 686-9010

TO: RIVKA GLUCK
4 Bartlett Road
Monsey, NY 10952

DAVID GLUCK
4 Bartlett Road
Monsey, NY 10952

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RUTH R. COBRIN,

Third-Party Plaintiff,

-against-

RIVKA GLUCK AND DAVID GLUCK,

Third-Party Defendants.

-----X
PLEASE TAKE NOTICE, that defendant/third-party plaintiff, RUTH R. COBRIN, has commenced a third-party action against RIVKA GLUCK AND DAVID GLUCK by the service of a third-party summons and complaint.


PLEASE TAKE FURTHER NOTICE, that upon proper appearance on behalf of the third-party defendants, RIVKA GLUCK AND DAVID GLUCK, you will be notified and further activities in this lawsuit shall await the appearance of said third-party defendants.

Dated: White Plains, New York
February 29, 2016

Respectfully Submitted,

WILSON, BAVE, CONBOY,
COZZA & COUZENS, P.C.

By:



DONNA L. COOK, ESQ.

Attorneys for Defendant/Third Party Plaintiff

Index No.: 033410/15

**NOTICE OF
THIRD-PARTY ACTION**

Third Party Index No.:

RUTH R. COBRIN
Two William Street
White Plains, New York 10601
(914) 686-9010

TO: PAUL SABAJ, P.C.
Attorney for Plaintiff
26 Court Street, Suite 2003
Brooklyn, New York 11242
(212) 518-8270

I, DONNA L. COOK, am an attorney admitted to practice in the Courts of New York State, and say:

I am an associate in the firm of WILSON, BAVE, CONBOY, COZZA & COUZENS, P.C., attorneys representing the Defendant/Third-Party Plaintiff, RUTH R. COBRIN;

I have read the annexed THIRD PARTY VERIFIED COMPLAINT and know the contents thereof and the same is true to my own knowledge, except those matters therein which are stated to be alleged on information and belief, and as to those matters I believe it to be true;

My belief, as to those matters therein not stated upon information is based upon the following: statements of Defendant/Third-Party Plaintiff and general investigation of the facts of this case.

The reason I make this affirmation instead of Defendant/Third-Party Plaintiff is that Defendant/Third-Party Plaintiff is not a resident of the County of Westchester, which is the County where I have my office.

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

Dated: White Plains, New York
February 29, 2016


DONNA L. COOK