

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

-----x  
DANIEL SCHULER, as Administrator of the  
Goods, Chattels and Credits of ERIN M. SCHULER,  
Deceased,

and

DANIEL SCHULER, as Father and Natural Guardian  
of BRYAN R. SCHULER, an infant under the age  
of fourteen (14),

Plaintiffs,

-against-

OFFICE OF THE SUFFOLK COUNTY PUBLIC  
ADMINISTRATOR as Administrator of the Estate  
of DIANE SCHULER, WARREN HANCE  
and ROSEANN M. GUZZO, as Administratrix of the  
Estate of GUY T. BASTARDI,

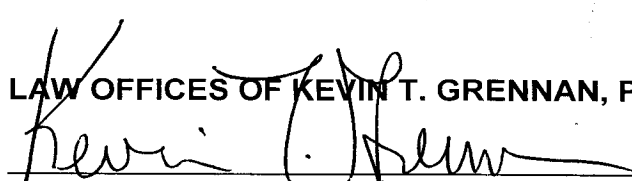
Defendants.  
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To the above named Defendants:

**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(s) within twenty (20) days after  
the service of this summons, exclusive of the day of service (or within thirty (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 the relief demanded in the complaint.

Dated: Garden City, New York  
July 21, 2011

LAW OFFICES OF KEVIN T. GRENNAN, PLLC

By:  KEVIN T. GRENNAN, ESQ.

Attorney for Plaintiffs

**DANIEL SCHULER, as Administrator of the  
Goods, Chattels and Credits of ERIN M.  
SCHULER, Deceased, and, DANIEL SCHULER, as  
Father and Natural Guardian of BRYAN R.  
SCHULER, an infant under the age of fourteen (14)**

Index No.: 21890/11  
Date purchased: 7/21/11

Plaintiffs designate  
**Suffolk** County as the  
place of trial

The basis of venue is  
Plaintiffs' residence

**SUMMONS**

Plaintiffs reside at:  
805 14<sup>th</sup> Street  
West Babylon, NY 11704

21 JUL 21 PM 4:19

**1000 Franklin Avenue, Suite 302**  
Garden City, New York 11530  
P: 516-745-5490

**Defendants' addresses:**

**Office of the Suffolk County Public Administrator**  
**300 Center Drive**  
**Riverhead, NY 11901**

**Warren Hance**  
**76 Vanderbilt Avenue**  
**Floral Park, NY 11001**

**Roseann M. Guzzo**  
**46 Granite Springs Rd.**  
**Yorktown Heights, NY 10598**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK

Index No.: 21890/11

-----x  
DANIEL SCHULER, as Administrator of the  
Goods, Chattels and Credits of ERIN M. SCHULER,  
Deceased,

and

**VERIFIED COMPLAINT**

DANIEL SCHULER, as Father and Natural Guardian  
of BRYAN R. SCHULER, an infant under the age  
of fourteen (14),

Plaintiffs,

-against-

OFFICE OF THE SUFFOLK COUNTY PUBLIC  
ADMINISTRATOR as Administrator of the Estate  
of DIANE SCHULER, WARREN HANCE  
and ROSEANN M. GUZZO, as Administratrix of the  
Estate of GUY T. BASTARDI,

Defendants.

-----x  
Plaintiffs, **DANIEL SCHULER, as Administrator of the Goods, Chattels and  
Credits of ERIN M. SCHULER, Deceased, and DANIEL SCHULER, as Father and  
Natural Guardian of BRYAN R. SCHULER, an infant under the age of fourteen (14),**  
by their attorney, LAW OFFICES OF KEVIN T. GRENNAN, PLLC, as and for their  
**VERIFIED COMPLAINT**, respectfully set forth and allege the following, upon  
information and belief:

1. At all times herein mentioned, plaintiff, DANIEL SCHULER, was a resident  
of the County of Suffolk and State of New York.
2. That by Order of the Hon. John M. Czygier, Jr., Surrogate Judge of the  
Suffolk County Surrogate's Court, Letters of Administration were issued to Daniel  
Schuler on July 21, 2011, with respect to the Estate of ERIN M. SCHULER, Deceased,

and that said Letters of Administration remain in full force and effect and that the Administrator is acting thereunder.

3. That by Order of the Hon. John M. Czygier, Jr., Surrogate Judge of the Suffolk County Surrogate's Court, Letters of Administration were issued to the Public Administrator of Suffolk County on October 7, 2009, with respect to the Estate of Diane Schuler, and that said Letters of Administration remain in full force and effect and that the Public Administrator is acting thereunder; in addition, Amended Letters of Administration expanding the powers of the Public Administrator were issued to the Public Administrator of Suffolk County on July 20, 2011, and that said Letters of Administration remain in full force and effect and that the Public Administrator is acting thereunder.

4. That by Order of the Hon. Anthony A. Scarpino, Jr., Surrogate Judge of the Westchester County Surrogate's Court, Letters of Administration were issued to ROSEANN M. GUZZO on September 23, 2009, with respect to the Estate of GUY T. BASTARDI, and that said Letters of Administration remain in full force and effect and that the Administrator is acting thereunder.

**AS AND FOR A FIRST, SEPARATE AND DISTINCT CAUSE OF ACTION BROUGHT  
ON BEHALF OF DANIEL SCHULER, AS ADMINISTRATOR OF THE GOODS,  
CHATELS AND CREDITS OF ERIN M. SCHULER, DECEASED**

5. Plaintiff repeats, reiterates and realleges each and every allegation previously set forth herein as if more fully set forth herein at length.

6. At all times herein mentioned, defendant WARREN HANCE was the owner of a certain motor vehicle registered as follows: New York State License Plate Registration Number BDR1916 for the year 2009.

7. At all times herein mentioned, Diane Schuler was the operator of a certain motor vehicle registered as follows: New York State License Plate Registration Number BDR1916 for the year 2009.

8. At all times herein mentioned, the motor vehicle registered as aforesaid was operated with the consent and permission, express or implied, of the owner thereof.

9. At all times herein mentioned, Diane Schuler was the operator of the motor vehicle owned by defendant WARREN HANCE and was operating the same with the permission and consent, express or implied, of said owner.

10. At all times herein mentioned, Diane Schuler was the operator of the motor vehicle owned by defendant WARREN HANCE and was operating the same as the agent of, in the furtherance of the business of, and in the scope of employment by said owner.

11. At all times herein mentioned, ERIN M. SCHULER was a passenger in the motor vehicle registered as follows: New York State License Plate Registration Number BDR1916 for the year 2009.

12. At all times herein mentioned, GUY T. BASTARDI was the owner of a certain motor vehicle registered as follows: New York State License Plate Registration Number BHP3898 for the year 2009.

13. At all times herein mentioned, GUY T. BASTARDI was the operator of a certain motor vehicle, registered as follows: New York State License Plate Registration Number BHP3898 for the year 2009.

14. At all times herein mentioned, the motor vehicle registered as aforesaid was operated with the consent and permission, express or implied, of the owner thereof.

15. At all times herein mentioned, GUY T. BASTARDI was the operator of the motor vehicle owned by GUY T. BASTARDI and was operating the same with the permission and consent, express or implied, of said owner.

16. At all times herein mentioned, GUY T. BASTARDI was the operator of the motor vehicle owned by defendant GUY T. BASTARDI and was operating the same as the agent of, in the furtherance of the business of, and in the scope of employment by said owner.

17. At all times herein mentioned, the following were public highways, intended for use and used as vehicular roadways, viz: Taconic State Parkway, approximately ten (10) feet north of Mile Post 4.1, Town of Mount Pleasant, County of Westchester and State of New York.

18. The motor vehicles aforementioned were being operated in the area aforementioned on or about July 26, 2009.

19. At the time and place aforementioned, the motor vehicles aforementioned were in collision, each with the other.

20. The occurrence aforementioned caused the death of ERIN M. SCHULER, as a result of the injuries, damages and harm hereinbelow set forth.

21. The occurrence aforementioned was caused by the negligence of Diane Schuler and Guy T. Bastardi, in that Diane Schuler and Guy T. Bastardi so carelessly, recklessly and negligently operated each said motor vehicle so as to cause said occurrence; operated each said motor vehicle at a dangerous, unlawful and excessive rate of speed; operated each said motor vehicle while in an inappropriate physical condition and state of mind; operated each said motor vehicle while the same was in a

state of disrepair; failed to operate each said motor vehicle in the proper portion of the roadway; failed to operate each said motor vehicle in the proper direction; failed to keep any or adequate lookout; failed to give any or adequate signal or warning of approach or intended maneuver; failed to observe the conditions of vehicular and pedestrian traffic obtaining; failed to accord the right of way; failed to keep adequate distance; failed to adequately utilize the braking and other mechanisms available in said motor vehicle; failed in the duty of mutual forbearance; permitted and allowed said motor vehicle to be and become in a state of disrepair; permitted and allowed said motor vehicle to be operated by one not then competent to operate same; failed to observe and violated the rules, regulations, statutes and ordinances in the circumstances then and there obtaining; and was otherwise negligent in respects presently unknown. The doctrine of *res ipsa loquitur* is claimed to be applicable herein.

22. As result of the foregoing, ERIN M. SCHULER was rendered sick, sore, lame and disabled, sustained severe and grievous injuries to head, body and limbs, suffered extreme pain, shock and emotional stress, pre-impact terror, fear of impending death, and was otherwise injured in and about person and body.

23. The cause of action is not subject to the provisions of Article 16 of the CPLR and/or falls within one or more of the stated exceptions set forth in CPLR §1602, including, but not limited to, the exception for any person held liable by reason of his or her use, operation, or ownership of a motor vehicle.

24. As a result of the foregoing, plaintiff's decedent ERIN M. SCHULER, sustained "serious injuries" as defined in Insurance Law § 5102(d).

25. As a result of the foregoing, plaintiff seeks damages in an amount which

exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

**AS AND FOR A SECOND, SEPARATE AND DISTINCT CAUSE OF ACTION  
BROUGHT ON BEHALF OF DANIEL SCHULER, AS ADMINISTRATOR OF THE  
GOODS, CHATTELS AND CREDITS OF ERIN M. SCHULER, DECEASED**

26. Plaintiff repeats, reiterates and realleges each and every allegation previously set forth herein as if more fully set forth herein at length.

27. On July 26, 2009, decedent ERIN M. SCHULER died due to the aforesaid negligence of defendants and/or their decedents.

28. Decedent ERIN M. SCHULER is survived by next of kin and distributes.

29. As a result of the foregoing wrongful death, decedent ERIN M. SCHULER's next of kin and distributes lost the services, companionship, income, support and guidance of decedent ERIN. M. SCHULER.

30. As a result of the foregoing wrongful death, decedent ERIN M. SCHULER's estate became liable for and expended money for funeral and burial costs and other expenses.

31. As a result of the foregoing wrongful death, decedent ERIN M. SHEA's next of kin and distributees suffered pecuniary loss as defined in the New York Estates, Powers and Trust Law.

32. The cause of action is not subject to the provisions of Article 16 of the CPLR and/or falls within one or more of the stated exceptions set forth in CPLR §1602, including, but not limited to, the exception for any person held liable by reason of his or her use, operation, or ownership of a motor vehicle.

33. As a result of the foregoing, plaintiff's decedent ERIN M. SCHULER,



sustained "serious injuries" as defined in Insurance Law § 5102(d).

34. As a result of the foregoing, plaintiff seeks damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

**AS AND FOR A THIRD, SEPARATE AND DISTINCT CAUSE OF ACTION BROUGHT ON BEHALF OF DANIEL SCHULER, AS FATHER AND NATURAL GUARDIAN OF BRYAN R. SCHULER, AN INFANT UNDER THE AGE OF FOURTEEN (14)**

35. Plaintiff repeats, reiterates and realleges each and every allegation previously set forth herein as if more fully set forth herein at length.

36. DANIEL SCHULER is the father and natural guardian of BRYAN R. SCHULER.

37. At all times herein mentioned, infant plaintiff BRYAN R. SCHULER was a passenger in the motor vehicle registered as follows: New York State License Plate Registration Number BDR1916 for the year 2009.

38. The occurrence aforementioned caused to infant plaintiff BRYAN R. SCHULER the injuries, damages and harm hereinbelow set forth.

39. As result of the foregoing, infant plaintiff BRYAN R. SCHULER was rendered sick, sore, lame and disabled, sustained severe and grievous injuries to head, body and limbs, suffered extreme pain, shock and emotional stress, and was otherwise injured in and about person and body, some of which injuries will be permanent in nature.

40. As a result of the foregoing, Daniel Schuler and infant plaintiff BRYAN R. SCHULER incurred and will continue to incur great expense in attempted medical care and cure.

41. As a result of the foregoing, infant plaintiff BRYAN R. SCHULER was disabled and will be disabled from pursuing normal and usual occupation and vocation.

42. The cause of action is not subject to the provisions of Article 16 of the CPLR and/or falls within one or more of the stated exceptions set forth in CPLR §1602, including, but not limited to, the exception for any person held liable by reason of his or her use, operation, or ownership of a motor vehicle.

43. As a result of the foregoing, infant plaintiff sustained "serious injuries" as defined in Insurance Law § 5102(d).

44. As a result of the foregoing, plaintiff seeks damages in an amount which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction over this action.

**WHEREFORE**, Plaintiffs demand judgment against the Defendants on the **first cause of action, second cause of action and third cause of action**, in an amount greater than the jurisdictional limits of all lower courts which would otherwise have jurisdiction, together with interest, costs and disbursements in this action.

Dated: Garden City, New York  
July 21, 2011

**LAW OFFICES OF KEVIN T. GRENNAN, PLLC**



By: KEVIN T. GRENNAN, ESQ.

Attorney for Plaintiffs

**DANIEL SCHULER, as Administrator of the Goods, Chattels and Credits of ERIN M. SCHULER, Deceased, and, DANIEL SCHULER, as Father and Natural Guardian of BRYAN R. SCHULER, an infant under the age of fourteen (14)**

1000 Franklin Avenue, Suite 302

Garden City, New York 11530

P: 516-745-5490


**VERIFICATION**

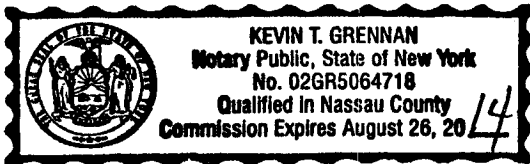
STATE OF NEW YORK    )  
  ) ss.:  
COUNTY OF NASSAU    )

I, **DANIEL SCHULER**, being duly sworn, deposes and says:

I am the Plaintiff in the within action; I have read the foregoing **VERIFIED COMPLAINT** and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.

  
\_\_\_\_\_  
DANIEL SCHULER

Sworn to before me this  
21<sup>st</sup> day of July, 2011  
  
\_\_\_\_\_  
Notary Public



Index No.:

Year 2011

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SUFFOLK**

**DANIEL SCHULER, as Administrator of the  
Goods, Chattels and Credits of ERIN M. SCHULER,  
Deceased,**

**and**

**DANIEL SCHULER, as Father and Natural Guardian  
of BRYAN R. SCHULER, an infant under the age  
of fourteen (14),**

**Plaintiffs,**

**-against-**

**OFFICE OF THE SUFFOLK COUNTY PUBLIC  
ADMINISTRATOR as Administrator of the Estate  
of DIANE SCHULER, WARREN HANCE  
and ROSEANN M. GUZZO, as Administratrix of the  
Estate of GUY T. BASTARDI,**

**Defendants.**

**SUMMONS AND VERIFIED COMPLAINT**

**LAW OFFICES OF KEVIN T. GRENNAN, PLLC**

*Attorney for Plaintiffs*

*Office and Post Office Address, Telephone and Fax*

1000 FRANKLIN AVENUE, SUITE 302

GARDEN CITY, NY 11530

Telephone: (516) 745-5490

Fax: (516) 745-5453

To  
Attorney(s) for

Service of a copy of the within \_\_\_\_\_ is hereby admitted.

Dated, \_\_\_\_\_

Attorney(s) for

Please take notice

NOTICE OF ENTRY

that the within is a (certified) true copy of a \_\_\_\_\_  
duly entered in the office of the clerk of the within named court on \_\_\_\_\_ 20

NOTICE OF SETTLEMENT

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,  
at \_\_\_\_\_ on \_\_\_\_\_ 20 at \_\_\_\_\_ M

Dated: Garden City, New York  
July 21, 2011

**LAW OFFICES OF KEVIN T. GRENNAN, PLLC**

*Attorney for Plaintiffs*

1000 Franklin Avenue, Suite 302

Garden City, NY 11530

P: (516) 745-5490

PAYOR'S RECEIPT

Endorse This  
Index Number  
On All Papers

SUPREME Court, Suffolk County  
SCHULER v. OFFICE of  
PUBLIC ADMIN.  
TITLE .....

Form 230 12-110..08/02kd

11-21890

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FILED

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SUFFOLK COUNTY CLERK