

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----X
COSIMO PANETTA and MIRELLA PANETTA,

Plaintiffs,

- against -

THE VILLAGE OF MAMARONECK, JOHN
WINTER in his capacity of Building Administrator
of the Village of Mamaroneck, and **individually**,
RICHARD SLINGERLAND in his capacity as Village
Manager of the Village of Mamaroneck, and **individually**,
CHRISTIE DERRICO in her capacity as former Village
Attorney of the Village of Mamaroneck, JANET INSARDI
in her capacity as former Village Attorney of the Village of
Mamaroneck, and **individually**, STUART TIEKERT and
CHARLES MORELLI,

Defendants.
-----X

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 attorneys within twenty (20) days after
service of the Summons, exclusive of the date of service, or within thirty (30) days after
service of Complaint where service is made in any other manner other than by personal
delivery within the State of New York. In case of your failure to appear or answer,
Judgment will be taken against you by default for the relief demanded in the Complaint.

NATURE OF THE ACTION

The action is based upon the continued failure of municipal officials of the
Village of Mamaroneck to issue a permanent certificate of occupancy for the premises
known as 514 Pine Street, Mamaroneck, New York, despite the fact that the dwelling

6/2/11
Index No.: 12060/11

**SUMMONS
WITH NOTICE**

Plaintiffs designate
Westchester County as the
place of trial. The basis of
venue is Plaintiffs' residence
514 Pine Street
Mamaroneck, NY 10543

VILLAGE OF MAMARONECK
NEW YORK

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complies with the applicable State and local building and fire codes. The relief sought is as follows.

FIRST: The action seeks declaratory relief as follows:

(1) A declaration that it is the sole responsibility of the Building Official of the Village of Mamaroneck to issue certificates of occupancy pursuant to the applicable building and fire codes; and

(2) A declaration that Plaintiffs have complied with all conditions and requirements to be entitled to the issuance of a permanent certificate of occupancy for the premises at 514 Pine Street in the Village of Mamaroneck.

SECOND: Claims at law for violations of 42 U.S.C. § 1983:

(1) A violation of substantive due process;

(2) A violation of equal protection under the Fourteenth Amendment;

(3) A conspiracy to deprive Plaintiffs of their constitutional rights; and

(4) A violation of Plaintiffs' First Amendment rights.

The relief sought under (1), (2), (3) and (4) is money damages.

THIRD: Plaintiffs' claim for punitive damages for individual liability against Defendants Winter, Slingerland, Insardi, Teikert and Morelli for acting individually and/or jointly in depriving Plaintiffs of their constitutional rights, such actions being performed recklessly, wantonly, maliciously and/or with callous indifference to the civil rights of Plaintiffs.

The relief sought is money damages.

FOURTH: A prima facie tort under New York State Law.

The relief sought is money damages.

Dated: June 1, 2011
Mamaroneck, NY

Yours, etc.

LAW OFFICES OF JOSEPH C. MESSINA
Attorney for Plaintiffs
424 Mamaroneck Avenue
Mamaroneck, NY 10543
(914) 381-2728

To:

JOHN WINTER, as Building Administrator & Individually
Village of Mamaroneck
Village Hall at The Regatta
123 Mamaroneck Ave.
Mamaroneck, NY 10543

RICHARD SLINGERLAND, as Village Manager & Individually
Village of Mamaroneck
Village Hall at The Regatta
123 Mamaroneck Ave.
Mamaroneck, NY 10543

CHRISTIE DERRICO, as former Village Attorney
Village of Mamaroneck
Village Hall at The Regatta
123 Mamaroneck Ave.
Mamaroneck, NY 10543

JANET INSARDI, as former Village Attorney & Individually
Village of Mamaroneck
Village Hall at The Regatta
123 Mamaroneck Ave.
Mamaroneck, NY 10543

STUART TIEKERT
130 Beach Avenue
Mamaroneck, NY 10543

CHARLES MORELLI
910 E. Boston Post Road
Mamaroneck, NY 10543

THE VILLAGE OF MAMARONECK
Village Hall at The Regatta
123 Mamaroneck Ave.
Mamaroneck, NY 10543

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-against-

THE VILLAGE OF MAMARONECK, JOHN WINTER in his capacity of Building Administrator of the Village of Mamaroneck, and individually, RICHARD SLINGERLAND in his capacity as Village Manager of the Village of Mamaroneck, and individually, CHRISTIE DERRICO in her capacity as former Village Attorney of the Village of Mamaroneck, JANET INSARDI in her capacity as former Village Attorney of the Village of Mamaroneck, and individually, STUART TIEKERT and CHARLES MORELLI,

Defendants.

SUMMONS WITH NOTICE

JOSEPH C. MESSINA, ESQ.

Attorney for Plaintiffs

424 MAMARONECK AVENUE
MAMARONECK, NEW YORK 10543
(914) 381-2728

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Dated: June 2, 2011

Signature.....

Print Signer's Name..... Joseph C. Messina.....

Service of a copy of the within

is hereby admitted.

Dated:

Attorney(s) for

PLEASE TAKE NOTICE

Check Applicable Box



NOTICE OF
ENTRY

that the within is a (certified) true copy of a
entered in the office of the clerk of the within named Court on

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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:

JOSEPH C. MESSINA, ESQ.

Attorney for

424 MAMARONECK AVENUE
MAMARONECK, NEW YORK 10543

To: