

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

JAMES S. ALESI
936 Fairport Road
East Rochester, NY 14445

Plaintiff,

Plaintiff designates Monroe
County as the place of trial.

-vs-

The basis of the venue is
residence of the parties.

JOHN C. HECKER, JR. AND JANET N. HECKER
15 Conover Crossing
Perinton, New York 14450

SUMMONS

AND

DIRISIO BUILDERS, INC.
283 High Street Extension
Fairport, New York 14450

Index No.: _____
Date Filed: _____

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MONROE COUNTY CLERK

FILED

Defendants.

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 within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 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: January 18, 2011
Pittsford, New York



PAUL F. SHANAHAN, ESQ.
Attorney for Plaintiff
101 Sullys Trail, Building 20
Pittsford, New York 14534
(585) 381-9500

STATE OF NEW YORK
SUPREME COURT COUNTY OF MONROE

JAMES S. ALESI

Plaintiff,

-vs-

COMPLAINT

JOHN C. HECKER, JR., JANET N. HECKER, AND
DIRISIO BUILDERS, INC.

Index No.: _____

Date Filed: _____

Defendants.

The Plaintiff complaining of the Defendants, respectfully shows to the Court and alleges as follows:

1. At all times hereinafter mentioned the Plaintiff resided in the County of Monroe, State of New York.
2. That upon information and belief, at all times hereinafter mentioned the Defendant DiRisio Builders, Inc. was a domestic corporation with its principal office in the County of Monroe, State of New York.
3. Upon information and belief, at all times hereinafter mentioned Defendants John C. Hecker, Jr. and Janet N. Hecker (hereinafter also referred to as the Heckers), were residents of the County of Monroe, State of New York.

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AS AND FOR A FIRST CAUSE OF ACTION

4. That on January 19, 2008 the Heckers owned property located at 15 Conover Crossing, Perinton, New York (hereinafter also referred to as premises).
5. That on or about January 19, 2008, the Heckers were building or having a home built on said premises and the home was under construction.
6. That the home was being built by Defendant DiRisio Builders, Inc.
7. That said home and premises were part of the Trolley Brook Estates Subdivision in Perinton, New York.
8. That Defendant DiRisio Builders, Inc. was the developer of said Subdivision.
9. That on January 19, 2008, the Plaintiff was injured at said premises since the premises were not reasonably safe, the Defendants were negligent in not keeping the premises reasonably safe and the negligence of the Defendants was a substantial factor in causing injury to the Plaintiff.
10. That the unsafe condition was created and existed due to the negligence of the Defendants without any negligence on the part of the Plaintiff.

11. That as a result of the negligence of the Defendants, the Plaintiff sustained serious personal injuries including surgical fixation of his leg and ankle, permanent injuries, and other injuries.
12. That the incident and injuries were caused by the negligence of the Defendants.
13. That by virtue of the foregoing, the Plaintiff was damaged in an amount that exceeds the jurisdictional limits of all inferior courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION

14. Plaintiff, James S. Alesi realleges paragraphs number “1” through “13”.
15. That prior to and around the time of the incident which caused the injuries herein, the Trolley Brook Estates Subdivision was advertised as a new housing development that was open to the public.
16. That said Subdivision had homes under construction on January 19, 2008.
17. That the Defendants had a duty to keep the construction site safe and by their actions it was reasonably foreseeable that prospective homebuyers and others would enter the premises to view the

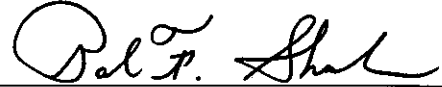
homes, if said homes were left open or were not posted or access restricted.

18. That Defendants were aware of the advertising, condition of the premises, and subdivision conditions, prior to January 19, 2008.
19. That as a result of the forgoing the Defendants had a duty to monitor and keep the construction site at 15 Conover Crossing in a reasonably safe condition and to otherwise comply with the legal duties of a construction contractor, site developer, or builder.
20. That Defendants created a dangerous condition and were otherwise negligent in failing to fulfill their legal duties.
21. That as a result of the negligence of the Defendants, the Plaintiff sustained serious personal injuries including surgical fixation of his leg and ankle, permanent injuries, and other injuries.
22. That the incident and injuries were caused by the negligence of the Defendants.
23. That by virtue of the foregoing, the Plaintiff was damaged in an amount that exceeds the jurisdictional limits of all inferior courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the Defendants on each cause of action in an amount in excess of the

jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter, together with the costs and disbursements of this action.

DATED: January 18, 2011
Pittsford, New York

A handwritten signature in cursive script, appearing to read "Paul F. Shanahan".

PAUL F. SHANAHAN, ESQ.
Attorney for Plaintiff
101 Sullys Trail, Building 20
Pittsford, New York 14534
(585) 381-9500