

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

Index No.:

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MATTHEW ITKIN,

SUMMONS

Plaintiff,

Plaintiff designates
RICHMOND County
as the place of trial.

-against-

THE CITY OF NEW YORK and DETECTIVE
MARK SCARLATELLI, Tax#937502,

The basis of venue is:
the place of occurrence.

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 attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: NEW YORK, NEW YORK
May 5, 2015



Thomas G. Cascione, Esq.
CASCIONE, PURCIGLIOTTI & GALLUZZI, P.C.
Attorneys for Plaintiff
MATTHEW ITKIN
20 Vesey Street, Suite 1100
New York, New York 10007
(212) 964-9640
Our File No.: 3887

CORPORATION COUNSEL OF THE
CITY OF NEW YORK
Attorneys for Defendant **THE CITY OF NEW YORK**
Claim#:2014PI028670
100 Church Street,
New York, New York 10007

Detective MARK SCARLATELLI, Tax#937502
c/o NYPD/Narcotics 121 Precinct
970 Richmond Ave,
New York, NY 10314

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

Index No:

-----X
MATTHEW ITKIN,

VERIFIED COMPLAINT

Plaintiff,

-against-

THE CITY OF NEW YORK and DETECTIVE
MARK SCARLATELLI, Tax#937502,

Defendants.

-----X

Plaintiff, by his attorneys, CASCIONE, PURCIGLIOTTI & GALLUZZI, P.C.,
complaining of the Defendants, respectfully alleges, upon information and belief:

1. At the time of the commencement of this action, Plaintiff MATTHEW ITKIN was a resident of the County of Richmond, State of New York.
2. The cause of action alleged herein arose in the County of Richmond, State of New York.
3. At all times relevant and material herein, the defendant CITY OF NEW YORK was and still is a domestic municipal corporation, duly organized and existing under and by virtue of the Laws of the State of New York.
4. At all times relevant and material herein, the defendant DETECTIVE MARK SCARLATELLI, Tax#937502 (hereinafter referred as to SCARLATELLI) was a member of the New York City Police Department and employee of the CITY OF NEW YORK.
5. That on September 9, 2014, a duly executed notice of claim addressed to the Office of the Comptroller of the City of New York was served on behalf of the above plaintiff.
6. That a hearing was held pursuant to General Municipal Law 50(h) on December 16, 2014.
7. At least thirty (30) days have elapsed since the service of such notice and adjustment or

payment thereof has been neglected or refused.

8. This action is commenced within one year and ninety days after the happening of the events upon which it is based.

9. At approximately 7:15 pm on July 18, 2014 in the vicinity of 1060 Willowbrook Road, in the County of RICHMOND, the plaintiff was lawfully operating a motor vehicle when without probable cause to believe he was committing any offense he was improperly stopped by an unmarked police car, subjected to a search and falsely arrested by Detective SCARLATELLI of the Staten Island Narcotics Squad of the New York City Police Department and improperly charged with possession or use of Marijuana and other false charges.

10. After his unlawful arrest on July 18, 2014, the plaintiff was handcuffed tightly to the point of injury to both wrists and driven around for nearly four hours in the back of a police van which was engaged in other car stops and being driven wildly at high speeds. During his time in the police van the plaintiff was repeatedly caused to strike his head against the interior of the vehicle causing head trauma and bruising.

11. The entire pretext arrest was based upon the plaintiff's passenger possessing a legal mini-hookah in his pocket which was of a sort that could not be adapted for use with contraband and even if it were unlawful it was wholly concealed in a pocket of said passenger and could not be charged against the plaintiff.

12. After a review of these facts all criminal charges against plaintiff were dismissed by the Staten Island District Attorney who declined to prosecute on August 19, 2014.

**As and For a First Cause of Action for False Arrest, Wrongful Imprisonment
and Malicious Prosecution on behalf of Plaintiff MATTHEW ITKIN**

13. The detention, search and arrest of MATTHEW ITKIN was unjustified and was not caused by any action on his part. The arrest and subsequent imprisonment of MATTHEW ITKIN was without probable cause.

14. That from on or about July 18, 2014 until August 19, 2014, Defendants deliberately and maliciously prosecuted Plaintiff, an innocent man, without any probable cause whatsoever, by filing or causing to be filed a complaint in Criminal Court of the City of New York, Richmond County, for the purpose of falsely accusing the Plaintiff of a violation of the criminal laws of the State of New York.

15. On August 19, 2014, all criminal charges against plaintiff were dismissed by the Staten Island District Attorney who declined to prosecute the case.

16. Because of the above stated false arrest, wrongful imprisonment and malicious prosecution, Plaintiff MATTHEW ITKIN was caused to lose time from his daily activities, suffered damage to his reputation and was otherwise financially damaged. Plaintiff was caused to have suffered emotional pain, suffering and humiliation.

17. That as a result of the foregoing search, seizure, false arrest, wrongful imprisonment and malicious prosecution, Plaintiff was damaged in an amount which exceeds the jurisdiction of all lower Courts that may otherwise have jurisdiction over this action.

As and for a Second cause of action for violations of Civil Rights

18. Plaintiff repeats and re-alleges the allegations set forth in paragraphs "1" through "15" with the same force and effect as if more fully set forth at length herewith.

19. The search, seizure, assault, arrest, and detention of the plaintiff by the Defendants CITY OF NEW YORK and SCARLATELLI, was under color of state law, statute, ordinance,

regulation, custom, or usage as the agents and employees of the NYPD of Defendant CITY OF NEW YORK acted in violation of plaintiffs' rights under *42 USCA §1983 and §1985* as well as the United States Constitution.

20. The search, seizure, assault, arrest and detention of the plaintiff by the Defendant CITY OF NEW YORK was effected by conspiracy involving SCARLATELLI and other various members of the NYPD to violate plaintiff's rights under *42 USCA §1985* as well as the United States Constitution.

21. Upon the above facts the defendants did deprive plaintiff of his Civil Rights as guaranteed by the United States.

22. Because of the above stated premises, Plaintiff MATTHEW ITKIN was caused to have suffered pain, shock, mental anguish; that these injuries and their effects will be permanent; and as a further result of said conduct Plaintiff has been caused to suffer pecuniary loss such as lost wages.

23. That as a result of said violation of rights plaintiff suffered actual financial loss.

24. That as a result of the foregoing violation of his Civil Rights, Plaintiff is entitled to the costs and attorney's fees of prosecuting this action and as a result of the foregoing violation of Civil Rights, Plaintiff was damaged in an amount which exceeds the jurisdiction of all lower Courts.

As and for a Third cause of action for Punitive Damages

25. Plaintiff repeats and re-alleges the allegations set forth in paragraphs "1" through "24" with the same force and effect as if more fully set forth at length herewith.

26. That as a result of the foregoing intentional and malicious violations of his State and Federal Civil Rights, Plaintiff is entitled to punitive damages in an amount to be assessed at trial

against defendant SCARLATELLI.

WHEREFORE, Plaintiff demands judgment against the Defendants upon the causes of action set forth above, jointly and severally, in an amount to be determined by the trier of fact; together with the costs and disbursements of this action and punitive damages.

Dated: New York, New York
May 5, 2015



Thomas G. Cascione, Esq.
CASCIONE, PURCIGLIOTTI & GALLUZZI, PC
Attorneys for Plaintiff
MATTHEW ITKIN
20 Vesey Street, Suite 1100
New York, New York 10007
(212) 964-9640
Our File No.:3887

ATTORNEY'S VERIFICATION

THOMAS G. CASCIONE, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at CASCIONE, PURCIGLIOTTI & GALLUZZI, P.C., attorneys of record for Plaintiff MATTHEW ITKIN. I have read the annexed **SUMMONS and VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not Plaintiff is that Plaintiff does not reside in the county wherein the attorneys for the plaintiff maintain their offices.

DATED: New York, New York
May 5, 2015



THOMAS G. CASCIONE

Index No.:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

MATTHEW ITKIN,

Plaintiff,

-against-

THE CITY OF NEW YORK and DETECTIVE
MARK SCARLATELLI, Tax#937502,

Defendants.

SUMMONS AND VERIFIED COMPLAINT

TO:
CORPORATION COUNSEL OF THE
CITY OF NEW YORK
Attorneys for Defendant **THE CITY OF NEW YORK**
Claim#:2014PI028670
100 Church Street,
New York, New York 10007

Detective MARK SCARLATELLI, Tax#937502
c/o NYPD/Narcotics 121 Precinct
970 Richmond Ave,
New York, NY 10314

NYSCEF Document Filed by [Name] & [Name] PC
Suitable Age Service

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**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND
AFFIDAVIT OF SERVICE**



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Index no : 150415/2015
Office No: . 3887

Plaintiff: **MATTHEW ITKIN**
Defendant: **THE CITY OF NEW YORK ETANO**

STATE OF NEW YORK COUNTY OF NEW YORK ss.:

ANDRE MEISEL, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the state of New York.

On **05/15/2015 at 10:30 AM**, I served the within **SUMMONS AND VERIFIED COMPLAINT; NOTICE OF COMMENCEMENT OF ACTION SUBJECT TO ELECTRONIC FILING** on **THE CITY OF NEW YORK** at **100 CHURCH STREET, NEW YORK, NY 10007** in the manner indicated below:

By delivering and leaving a true copy or copies of the aforementioned documents with said **Madelyn Santana**, **AUTHORIZED TO ACCEPT** a person of suitable age and discretion.

A description of the **Defendant**, or other person served on behalf of the **Defendant** is as follows:

Sex	Color of skin/race	Color of hair	Age	Height	Weight
Female	White	Black	30	5'5"	130
Other Features: glasses					

Sworn to and subscribed before me on
05/19/2015

HARVEY TAUBER
Notary Public, State of New York
No. 01TA4667012
Qualified in **BRONX**
Commission Expires 12/31/2018

X
ANDRE MEISEL
License#: 1372356
AAA Attorney Service Co. of NY, Inc.
20 Vesey Street, Room 1110
New York, NY 10007
(212) 233-3508 Clerk: ASHWINEE



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