

INDEX NO. _____

YEAR 19 _____

STATE OF NEW YORK

SUPREME

COURT

County of NIAGARA

SARAH WEBSTER

Plaintiff

vs.

REMI GONZALES

and

BARBARA GONZALES

Defendants

Original

SUMMONS & COMPLAINT

VINCENT AGNELLO

~~XXXXXXXXXXXX~~

Attorney for

Plaintiff

Office and Post Office Address

727 Main Street

NIAGARA FALLS, NEW YORK 14301

PHONE 285-2533

Due and personal service of the within

_____ is

admitted this _____ day of _____ 19 _____

Attorney for _____

SUPREME COURT
COUNTY OF NIAGARA

STATE OF NEW YORK

SARAH WEBSTER

Plaintiff

vs.

SUMMONS

REMI GONZALES

Index No. _____

and

BARBARA GONZALES

Defendants

To the above-named Defendants:

You are hereby summoned and required to serve upon Plaintiff's attorney an answer to the complaint in this action within twenty days after the service of this summons, exclusive of the day of service, or within thirty days after service is complete if this summons is not personally delivered to you within the State of New York. In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of the venue designated is Plaintiff's residence,
2421 North Avenue, Niagara Falls, New York.

Dated: October 12, 1989

VINCENT AGNELLO
Attorney for Plaintiff
727 Main Street
Niagara Falls, New York 14301
(716) 285-2533

VINCENT AGNELLO
ATTORNEY AND
COUNSELOR AT LAW
727 MAIN STREET
NIAGARA FALLS
NEW YORK 14301
(716) 285-2533

SUPREME COURT
NIAGARA COUNTY

STATE OF NEW YORK

SARAH WEBSTER
2421 North Avenue
Niagara Falls, New York 14305
Plaintiff

vs.

COMPLAINT

REMI GONZALES
2412 North Avenue
Niagara Falls, New York
and
BARBARA GONZALES
2412 North Avenue
Niagara Falls, New York
Defendants

Index No. _____

PLAINTIFF, complaining of the Defendants, by her attorney,
VINCENT AGNELLO, respectfully alleges:

1. At all times herein Plaintiff resided at 2421 North Avenue, in the City of Niagara Falls, County of Niagara and State of New York.
2. That the Defendants, REMI GONZALES and BARBARA GONZALES both resided at 2412 North Avenue, in the City of Niagara Falls, County of Niagara and State of New York.
3. That at all times herein, the Defendants REMI GONZALES and BARBARA GONZALES were and still are husband and wife.
4. That the Plaintiff, SARAH WEBSTER is the niece of the Defendant BARBARA GONZALES.
5. That Plaintiff was born on August 4, 1971 and is now 18 years of age.
6. That commencing on or about September 1979, and continuing through 1980 the Defendants engaged in a course of outrageous

conduct causing the Plaintiff severe mental and emotional distress.

7. That on numerous occasions between September 1979 through 1980, the Defendant REMI GONZALES sexually abused the Plaintiff.

8. That on numerous occasions, the Defendant, REMI GONZALES, would while purportedly babysitting the Plaintiff, who at the time was approximately 8 to 9 years old, would require the Plaintiff to disrobe and that the Defendant would touch the private areas of her person.

9. That the Defendant, REMI GONZALES, on numerous occasions would require Plaintiff to commit acts of sodomy with the Defendant.

10. That as a result of the foregoing, Plaintiff was been severely dramatized both mentally and emotionally.

11. That Plaintiff has been and continues to seek medical attention and counseling resulting directly from the outrageous conduct of the Defendant.

12. That the Plaintiff has and continues to incur medical expenses and expenses for counseling.

13. That as a result of the foregoing, Plaintiff has been injured by the Defendant in the amount of Five Hundred Thousand Dollars (\$500,000.00).

AS AND FOR A SECOND CAUSE OF ACTION,

14. Plaintiff repeats and realleges paragraphs 1 through 13 of this Complaint.

15. That during the period, September 1979 through 1980, and at all times thereafter, BARBARA GONZALEZ was aware of the outrageous conduct of REMI GONZALES, with respect to his conduct towards the Plaintiff and on previous occasions his respect to other minors.

16. That the Defendant, BARBARA GONZALES, failed to take any steps to stop such outrageous conduct of REMI GONZALES towards the Plaintiff.

17. That BARBARA GONZALES intentionally and or negligently allowed such outrageous conduct to continue against the Plaintiff.

18. That BARBARA GONZALES failed to stop such outrageous conduct by REMI GONZALES towards the Plaintiff, that she failed to notify the legal guardians of Plaintiff, of Defendant REMI GONZALES' outrageous conduct, allowed the Defendant REMI GONZALES numerous opportunities to commit sexual abuse against Plaintiff and other minors knowing that said outrageous activities was injuring the mental well-being of the Plaintiff and other minors.

19. Knowing that said activities occurred to Plaintiff, the Defendant, BARBARA GONZALES failed to take any steps towards assisting Plaintiff in obtaining counseling and medical attention.

20. That the Defendant BARBARA GONZALES actively concealed this outrageous conduct of REMI GONZALES from other persons including Plaintiff's legal guardians and thereby caused such activities to continue.

21. That as a result of the foregoing, Plaintiff has been severely dramatized both mentally and emotionally.

22. That as a result of the foregoing, Plaintiff has and continues to seek medical attention and counseling and incur additional medical expenses.

23. That as a result of the foregoing, the Plaintiff has been injured by conduct of the Defendant, BARBARA GONZALES, in the amount of Five Hundred Thousand Dollars (\$500,000.00).

WHEREFORE, Plaintiff demands judgment against the Defendants,
in the amount of Five Hundred Thousand Dollars (\$500,000.00) each and
requests such other and further relief as the court may deem just and proper.

Dated: October 12, 1989

VINCENT AGNELLO, ESQ.
Attorney for Plaintiff
727 Main Street
Niagara Falls, New York 14301
(716) 285-2533

STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within
has been compared by the undersigned with the original and
found to be a true and complete copy.
Dated: _____

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows; that deponent is
the attorney(s) of record for
in the within action; that deponent has read the foregoing
and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters
therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be
true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: _____

STATE OF NEW YORK, COUNTY OF Niagara

SS:

INDIVIDUAL VERIFICATION

deponent is SARAH WEBSTER, being duly sworn, deposes and says that
the Plaintiff in the within action; that deponent has
read the foregoing Summons and Complaint and knows the contents thereof; that
the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on informa-
tion and belief, and that as to those matters deponent believes it to be true.

Sworn to before me, this _____ day of October 19 89

Sarah Webster
SARAH WEBSTER

Notary Public: Niagara County

My Comm. Expires 1/31/91

STATE OF NEW YORK, COUNTY OF

SS:

CORPORATE VERIFICATION

_____ of _____, being duly sworn, deposes and says that deponent is the
the corporation
named in the within action; that deponent has _____ read the foregoing
and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters
therein stated to be alleged on information and belief, and as to those matters deponent believes it to be true.
This verification is made by deponent because _____

is a _____ corporation. Deponent is an officer thereof, to-wit, its

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this _____ day of _____ 19 _____

STATE OF NEW YORK, COUNTY OF

SS:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides
at _____

That on the _____ day of _____ 19 _____ deponent served the within
upon _____

attorney(s) for

in this action, at _____

_____ the address designated by said attorney(s) for that purpose
by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office —
official depository under the exclusive care and custody of the United States post office department within the
State of New York.

Sworn to before me, this _____ day of _____ 19 _____