

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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TISHA GOMEZ and DESTINEY RODRIGUEZ,

Plaintiff,

Index No.:

Date Purchased:

Date Filed:

-against-

MANCILLA & FANTONE, LLP,

Defendants.

SUMMONS

Plaintiff designates
Bronx County as
the place of trial

Plaintiff's residence:
1182 Union Avenue
Bronx, NY 10459

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TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and serve a copy of your answer, or if the Verified Complaint is not served with this Summons to serve a notice of Appearance on the Plaintiffs attorney 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 Verified Complaint.

The basis of venue designated is that the cause of action arose and the Plaintiff's residence is in the County of Westchester.

Dated: September 6, 2022
White Plains, NY

Yours, etc.

GLEN A. KURTIS, P.C.
Attorney for Plaintiffs
175 Main Street, Ste.#614
White Plains, NY 10601
914-686-3171

TO: Mancilla & Fantone, LLP
260 Madison Avenue, 22nd Floor
New York, NY 10016

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
TISHA GOMEZ and DESTINEY RODRIGUEZ,

Plaintiff,

VERIFIED COMPLAINT

Index No.:

-against-

MANCILLA & FANTONE, LLP

Defendants.

-----X

Plaintiffs, Tisha Gomez and Destiney Rodriguez, through their attorney, Glen A. Kurtis, P.C. complaining of the Defendants, Mancilla & Fantone, LLP, allege as follows:

1. That at all times hereinafter mentioned, the Plaintiff Tisha Gomez was and is an individual and resident of the State of Florida with a residence located 5400 Coraci Blvd, Port Orange, FL 32128.

2. That at all times hereinafter mentioned, the Plaintiff Destiney Rodriguez was and is an individual and resident of the County of Bronx, State of New York with a residence located 1182 Union Avenue, Bronx, NY 10459.

3. Upon information and belief, Defendant Mancilla & Fantone, LLP was and is a Limited Liability Partnership organized and existing

under the laws of the State of New York with a principal place of business located at 260 Madison Avenue, 22nd Flr., New York, NY 10016 and conducts business for the practice of law.

AS AND FOR A FIRST CAUSE OF ACTION

4. That Defendants Mancilla & Fantone, LLP, (hereinafter "Law Firm") is professional limited liability partnership organized and existing for primary purpose of the practice of law within the State of New York, and its members believed to be licensed to practice law before the Courts of the State of New York.

5. That Defendant Law Firm held itself out as qualified and capable of rendering competent legal services to the general public at large and these Plaintiffs in particular.

6. That on or about July 2, 2021 Plaintiffs retained Defendant Law Firm to advise, assist and represent Ajani Jones in a criminal proceeding pending in the criminal court of the State of New York, Bronx County, (Hereinafter "Defense Action").

7. That on or about July 2, 2021, and prior thereto, Defendant Law Firm, its agents and/or associates represented Plaintiffs that all file review and examination time would not be billed time to be

deducted from the Plaintiff's retainer payments.

8. That upon information and belief, and on or about February 28, 2022 Defendant law firm withdraw from the representation of Ajani Jones.

9. That upon information and belief, Defendant law firm billed the Plaintiffs for file review and examination contravention of the agreement entered into.

10. That upon information and belief, Defendant Law Firm billed the Plaintiffs for file review and examination and other services which either were not performed or not required to be performed during the Defendant Law Firm's representation of Ajani Jones in the Defense Action.

11. That said file review and examination and representation of Ajani Jones and subsequent billing to the Plaintiffs for same was a result of the Defendant Law Firm's negligence, carelessness and/or recklessness in the advice, assistance and representation which was not in accordance with good and accepted standards of legal practice, resulting in Plaintiffs to be damaged.

12. That as a result of the Defendant Law Firm's, their agents',

servants and/or employees negligence, carelessness and/or recklessness, in failing to advise, assist and represent the Ajani Jones; in failing to advise, assist and represent Ajani Jones Plaintiffs in accordance with good and accepted standards of legal practice; in billing the Plaintiff's for file review and examination and other services which were either not performed, or not required to be performed; in failing to respond to the Plaintiffs in a timely manner; Plaintiffs were caused to be damaged in an amount in excess of all available lower Courts.

13. That said damage to the Plaintiffs was a direct result of the negligence, carelessness and/or recklessness of the Defendant Law Firm's, their agents, servants and/or employees, without any negligence on the part of the Plaintiffs contributing thereto.

AS AND FOR A SECOND CAUSE OF ACTION

14. Plaintiffs repeat, reiterate and reallege the allegations contained in paragraphs one through thirteen as if more fully stated herein at length.

15. Upon information and belief, that on or about July 2, 2021, Plaintiffs and Defendant Law Firm entered into a retainer agreement for the representation of Ajani Jones in the Defense Action.

16. Upon information and belief, Plaintiffs paid the Defendant Law Firm the sum of \$36,000.00 pursuant to the retainer agreement.

17. Upon information and belief Defendant Law Firm breached the contract entered into between the parties.

18. Upon information and belief, that as a result of said breach, Plaintiffs were caused to suffer monetary damages in an amount that exceeds the jurisdictional limits of all available lower Courts.

WHEREFORE, Plaintiffs demands judgment against the Defendants as follows:

A. On the First Cause of Action in a sum to be determined at trial, which is in excess of all available lower Courts, plus interest from July 2, 2021;

B. On the Second Cause of Action in a sum to be determined at trial, which is in excess of all available lower Courts, plus interest from July 2, 2021;

C. Together with the costs and disbursements of this action;

D. Such further relief this Court deems just and proper.

Dated: September 6, 2022
White Plains, NY

Yours, etc.

GLEN A. KURTIS, P.C.
Attorney for Plaintiffs
175 Main Street, Ste#614
White Plains, NY 10601
914-686-3171