

# EMERGENCY LAWSUIT FOR IMMEDIATE RETURN OF SUPPORT ANIMAL

COURT: SUPREME COURT OF THE STATE OF NEW YORK COUNTY: BROOME

Plaintiff: Matthew Russell LaBarre 97 Theron Street Johnson City, NY 13790

-against-

Defendant: Jennifer [LAST NAME UNKNOWN] [Last Known Address, if available]

Index No.: [To be assigned by Clerk]

## VERIFIED COMPLAINT

Plaintiff, Matthew Russell LaBarre, as and for his complaint against the Defendant, alleges as follows:

### NATURE OF THE ACTION

- This is an emergency action seeking the immediate return of Plaintiff's documented support animal, unlawfully seized by the Defendant on October 15, 2025.
- Plaintiff seeks a judgment of **replevin**, compelling the immediate turnover of the animal, and damages for **conversion** and **intentional infliction of emotional distress**.
- This action is brought on an emergency basis due to the irreparable harm Plaintiff is suffering from the loss of his support animal, which is essential for the management of his documented disabilities.

### THE PARTIES

- Plaintiff Matthew Russell LaBarre is an individual residing in Broome County, New York.
- Upon information and belief, Defendant Jennifer [LAST NAME] is an individual residing in or about Broome County, New York. Plaintiff and Defendant are currently separated.

### FACTUAL ALLEGATIONS

1. Plaintiff is the rightful owner of [Dog's Name], a [Breed/Description of Dog] (hereinafter "the Support Animal").
2. The Support Animal is a documented emotional support animal prescribed to the Plaintiff to assist with symptoms of his disability, in accordance with the Fair Housing Act and other applicable laws.
3. On or about **October 15, 2025**, Defendant Jennifer [LAST NAME] did knowingly and willfully take the Support Animal from the Plaintiff's possession without permission or legal authority.
4. Defendant is aware that the animal is a support animal and is essential to Plaintiff's health and well-being.
5. The seizure of the Support Animal occurred shortly after a local court (Broome County Supreme Court, Hon. Oliver N. Blaise, III) issued an unlawful order barring Plaintiff from filing any court documents, leaving Plaintiff feeling legally defenseless and vulnerable.
6. Defendant's actions in seizing the Support Animal appear to be a direct and malicious exploitation of the court's unjust and prejudicial conduct against the Plaintiff.
7. Plaintiff has demanded the return of the Support Animal, and Defendant has refused.
8. Plaintiff is suffering extreme emotional distress, anxiety, and an exacerbation of his disability-related symptoms as a direct result of the Defendant's actions.

## **AS AND FOR A FIRST CAUSE OF ACTION**

### **(Replevin)**

1. Plaintiff repeats and realleges the allegations in paragraphs 1 through 13.
2. Plaintiff is the lawful owner of the Support Animal and is entitled to immediate possession.
3. Defendant is wrongfully detaining the Support Animal.
4. The value of the Support Animal is unique and cannot be compensated by money, but for the purposes of this action is estimated to be in excess of \$5,000, though its value to Plaintiff's health is incalculable.
5. Plaintiff has no adequate remedy at law.

## **AS AND FOR A SECOND CAUSE OF ACTION**

### **(Conversion)**

1. Plaintiff repeats and realleges the allegations in paragraphs 1 through 18.
2. Defendant has intentionally and unlawfully exercised dominion and control over

Plaintiff's property (the Support Animal) in defiance of Plaintiff's rights.

3. Defendant's interference is to the exclusion of the Plaintiff's rights, causing Plaintiff significant harm.

## **AS AND FOR A THIRD CAUSE OF ACTION**

### **(Intentional Infliction of Emotional Distress)**

1. Plaintiff repeats and realleges the allegations in paragraphs 1 through 21.
2. Defendant's conduct in seizing a known support animal from a person with a disability is extreme, outrageous, and utterly intolerable in a civilized community.
3. Defendant acted with the intent to cause, or with reckless disregard of a substantial probability of causing, severe emotional distress.
4. Plaintiff has, in fact, suffered severe emotional distress as a direct result of Defendant's outrageous conduct.

**WHEREFORE**, Plaintiff demands judgment against the Defendant as follows:

A. On the First Cause of Action, an order of replevin directing the immediate return of the Support Animal to Plaintiff's possession; B. On the Second Cause of Action, compensatory and punitive damages in an amount to be determined at trial, but not less than \$25,000; C. On the Third Cause of Action, compensatory and punitive damages for the intentional infliction of emotional distress in an amount to be determined at trial, but not less than \$50,000; D. An award of costs and attorneys' fees if applicable; and E. Such other and further relief as the Court deems just and proper.

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## **VERIFICATION**

STATE OF NEW YORK, COUNTY OF BROOME

Matthew Russell LaBarre, being duly sworn, deposes and says: I am the Plaintiff in the within action. I have read the foregoing Verified Complaint and know the contents thereof; the same are true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

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**Matthew Russell LaBarre**

Sworn to before me this 15th day of October, 2025

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Notary Public

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# DRAFT ORDER TO SHOW CAUSE WITH TEMPORARY RESTRAINING ORDER

At an IAS Part of the Supreme Court of the State of New York, held in and for the County of Broome, on the \_\_\_\_ day of October, 2025.

PRESENT: HON. \_\_\_\_\_, Justice

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*[SAME CAPTION AS ABOVE]*

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Upon the annexed Affidavit of Matthew Russell LaBarre, sworn to on October 15, 2025, and the Verified Complaint, let the Defendant, Jennifer [LAST NAME], show cause before this Court at a term thereof, to be held at the Courthouse, [Address of Courthouse], Broome County, New York, on the \_\_\_\_ day of \_\_\_\_\_, 2025, at \_\_\_\_ A.M., or as soon thereafter as counsel can be heard, why an Order should not be made and entered herein, pursuant to CPLR Article 71, granting Plaintiff the following relief:

1. Directing the immediate turnover and return of Plaintiff's support animal, [Dog's Name], to the Plaintiff's possession; and
2. For such other and further relief as this Court deems just and proper.

**AND IT APPEARING** to the satisfaction of this Court that a proper case has been presented for the granting of a Temporary Restraining Order, and that immediate and irreparable injury, loss, or damage will result to the Plaintiff unless the Defendant is restrained before a hearing can be had, it is hereby

**ORDERED**, that pending the hearing of this motion, the Defendant, Jennifer [LAST NAME], her agents, servants, employees, and all other persons acting in concert with her, are hereby **temporarily restrained and enjoined** from:

a) Harming, selling, giving away, or otherwise disposing of the support animal, [Dog's Name]; b) Removing the support animal from Broome County, New York; and c) Failing to provide the support animal with proper food, water, and care.

**AND IT IS FURTHER ORDERED**, that sufficient reason appearing therefor, let personal service of a copy of this Order, together with the papers upon which it was granted, upon the Defendant on or before the \_\_\_\_ day of \_\_\_\_\_, 2025, be deemed good and sufficient service.

**ENTER:**

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J.S.C. (Justice of the Supreme Court)

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