SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF {court}

---------------------------------------------------------------------X

{lender\_legal\_name},

Plaintiff,

- against -

{merchants\_legal\_name}{#d\_b\_a} D/B/A {d\_b\_a}{/d\_b\_a} and {first\_guarantor},

Defendants.Index No.

Date Filed:

**SUMMONS**

Basis of venue designated:

Contract

Plaintiff’s address:

333 Pearsall Ave

Cedarhurst, NY 11516

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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 20 days after service of this Summons, exclusive of the day of service (or within 30 days after the service is completed 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: Garden City, New York

{currentDate}GENE ROSEN’S LAW FIRM

A PROFESSIONAL CORPORATION

Attorneys for Plaintiff

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Gene W. Rosen, Esq.

200 Garden City Plaza, Suite 405

Garden City, New York 11530

Tel (212) 529-3600 Ext. 101

Fax (347) 578-8793

[Gene@GeneRosen.com](mailto:Gene@GeneRosen.com)

Defendants’ addresses:

{merchants\_legal\_name\_title\_case}{#d\_b\_a} d/b/a {d\_b\_a\_title\_case}{/d\_b\_a}

{mail\_title\_case}

{city\_title\_case}, {state} {zip}{first\_guarantor\_title\_case}

{mail\_title\_case}

{city\_title\_case}, {state} {zip}

**SEE COMPLAINT ANNEXED HERETO**

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF {court}

--------------------------------------------------------------------X

{lender\_legal\_name},

Plaintiff,

- against -

{merchants\_legal\_name}{#d\_b\_a} d/b/a {d\_b\_a} {/d\_b\_a} and {first\_guarantor},

Defendants.Index No.

**VERIFIED COMPLAINT**

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Plaintiff, by its attorneys, Gene Rosen’s Law Firm - A Professional Corporation, as and for its complaint herein, alleges the following:

1. At all times hereinafter mentioned, Plaintiff was and still is a limited liability company formed under the laws of the State of New York.
2. At all times hereinafter mentioned, upon information and belief, Defendant {merchants\_legal\_name\_title\_case}{#d\_b\_a} d/b/a {d\_b\_a\_title\_case} {/d\_b\_a}(“{entityShortName}”) was and still is a {type\_of\_entity\_no\_llc} formed under the laws of the State of {state\_of\_incorporation}.
3. At all times hereinafter mentioned, upon information and belief, Defendant {first\_guarantor\_title\_case} (“{firstGuarShortName}”) was and still is a resident of the State of {state\_of\_incorporation}.
4. The parties entered into a written contract providing that any litigation between them must be commenced and maintained in any Court located in the State of New York. **Exhibit “A” at ¶ 4.5 and page 6**.

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

**(Breach of Contract Against {entityShortName})**

1. Plaintiff and {entityShortName} entered into a written contract, dated {agreement\_date}, a copy of which is annexed hereto as **Exhibit “A”**, whereby {entityShortName} sold Plaintiff {purchased\_amount} (“Purchased Amount”) of {entityShortName}’s accounts, contract rights, and other obligations arising from or relating to the payment of monies from {entityShortName}’s customers and other third party payors (“Receivables”) for the sum of {purchase\_price} (“Purchase Price”), to be paid to Plaintiff from {purchased\_percentage} of {entityShortName}’s revenue. **Exhibit “A” at page 1**.
2. {entityShortName} agreed that in the event of its default under the contract, the full uncollected Purchased Amount plus all fees due under the contract would become immediately due and payable in full to Plaintiff. **Exhibit “A” at ¶ 3.3**.
3. Plaintiff paid the Purchase Price, less applicable contractual fees and deductions, on {image\_date}. A copy of the proof of funding is annexed hereto as **Exhibit “B”**.
4. {entityShortName} breached the contract by defaulting on its representations and warranties to Plaintiff under the contract and by preventing Plaintiff from collecting the Purchased Amount.
5. Plaintiff held {entityShortName} in breach of contract on {default\_date}.
6. The payment history for the contract is annexed hereto as **Exhibit “C”**.
7. Inclusive of the unpaid balance of the Purchased Amount and all applicable contractual fees, {entityShortName} owes Plaintiff the sum of {damages}.
8. By reason of the foregoing, Plaintiff has been damaged by {entityShortName}’s breach of contract in the sum of {damages} with 9% interest thereon from {default\_date}.

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

**(Attorney Fees Against {entityShortName})**

1. Pursuant to the terms of the contract, {entityShortName} agreed to pay Plaintiff’s reasonable attorneys’ fees. **Exhibit “A” at ¶ 3.4**.

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

**(Breach of Guaranty Against {firstGuarShortName})**

1. {firstGuarShortName} executed a guarantee of performance of all the representations, warranties, and covenants made by {entityShortName} in the contract. **Exhibit “A” at page 6**.
2. By reason of the guarantee, {firstGuarShortName} is obligated to Plaintiff in the sum of {damages} with 9% interest thereon from {default\_date}.

**AS AND FOR A FOURTH CAUSE OF ACTION**

**(Attorney Fees Against {firstGuarShortName})**

1. By reason of the guarantee, {firstGuarShortName} is obligated to pay Plaintiff’s reasonable attorneys’ fees. **Exhibit “A” at ¶ 3.4.**

**DEMAND FOR RELIEF**

**WHEREFORE,** Plaintiff demands judgment against Defendants, jointly and severally, on the first and third causes of action in the sum of {damages} with 9% interest thereon from {default\_date}, and on the second and fourth causes of action in the sum of {legal} or such other amount as the Court deems just, together with the costs and disbursements of this action and any such other and further relief as the Court deems just.

Dated: Garden City, New York

{currentDate}

GENE ROSEN’S LAW FIRM

A PROFESSIONAL CORPORATION

Attorneys for Plaintiff

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF {court}

--------------------------------------------------------------------X

{lender\_legal\_name},

Plaintiff,

- against -

{merchants\_legal\_name}{#d\_b\_a} d/b/a {d\_b\_a}{/d\_b\_a} and {first\_guarantor},

Defendants.Index No.

**VERIFICATION**

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JACOB AVIGDOR, duly affirmed, deposes and says:

I am an Authorized Representative of {lender\_legal\_name\_title\_case}; I have read the foregoing complaint and know the contents thereof; that the same is true to my knowledge except those matters herein stated to be alleged upon information and belief, and as to those matters I believe them to be true. The grounds for my belief as to those matters herein not stated upon my knowledge is based upon the records in my possession.

I affirm on this day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

JACOB AVIGDOR

Authorized Representative

Velocity Capital Group LLC

**COMPLAINT**

**EXHIBIT “A”**

**COMPLAINT**

**EXHIBIT “B”**

**COMPLAINT**

**EXHIBIT “C”**

**SUPREME COURT OF THE STATE OF NEW YORK**

**COUNTY OF {court}**

-------------------------------------------------------------------------x

{lender\_legal\_name},

Plaintiff/Petitioner,

- against - Index No.

{merchants\_legal\_name}{#d\_b\_a} d/b/a {d\_b\_a} {/d\_b\_a} and

{first\_guarantor},

Defendant/Respondent.

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**NOTICE OF ELECTRONIC FILING**

**(Mandatory Case)**

(Uniform Rule § 202.5-bb)

**You have received this Notice because:**

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system (“NYSCEF”), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see “Information for Attorneys” pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

The **benefits of participating in e-filing** include:

● serving and filing your documents electronically

● free access to view and print your e-filed documents

● limiting your number of trips to the courthouse

● paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

● visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or

● contact the Clerk’s Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

To find legal information to help you represent yourself visit [www.nycourthelp.gov](http://www.nycourthelp.gov)

**Information for Attorneys**

**(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

1) immediately record his or her representation within the e-filed matter on the NYSCEF site [www.nycourts.gov/efile](http://www.nycourts.gov/efile); or

2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at [www.nycourts.gov/efile](http://www.nycourts.gov/efile) or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: [efile@nycourts.gov](mailto:efile@nycourts.gov)).

Dated: Garden City, New York

{currentDate}GENE ROSEN’S LAW FIRM

A PROFESSIONAL CORPORATION

Attorneys for Plaintiff

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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To:

{merchants\_legal\_name\_title\_case}{#d\_b\_a} d/b/a {d\_b\_a\_title\_case}{/d\_b\_a}

{mail\_title\_case}

{city\_title\_case}, {state} {zip}{first\_guarantor\_title\_case}

{mail\_title\_case}

{city\_title\_case}, {state} {zip}

6/6/18