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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

-----X
ANTHONY SENECA,

Index No.: 152031/2017

Plaintiff,

- against -

**AMENDED
VERIFIED
COMPLAINT**

EMIL CANGRO and CARLO CANGRO,

Defendants.
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Plaintiff, ANTHONY SENECA, by his attorneys, BARRY, McTIERNAN &
WEDINGER, P.C., complaining of the defendants upon information and belief alleges as
follows:

1. That at all times hereinafter mentioned, plaintiff ANTHONY SENECA was and still is a resident of the County of Richmond, State of New York.
2. That at all times hereinafter mentioned, defendant EMIL CANGRO was and still is a resident of the County of Richmond, State of New York.
3. That at all times hereinafter mentioned, defendant CARLO CANGRO was and still is a resident of the Town of Matawan, State of New Jersey.
4. CLOVE ROAD DEVELOPMENT, LLC, was, and is a limited liability company duly organized under the laws of the State of New York and having an address located at 1874 Clove Road, Staten Island, New York, 10304.
5. CLOVE ROAD DEVELOPMENT, LLC, is the fee owner of premises known as 382 Flagg Place, Staten Island, New York 10304 and a vacant lot, Block 3154, Lot 47, Staten Island, New York.

6. C. SENECA CONSTRUCTION, INC., was and is a Corporation organized under the laws of the State of New York and having an address located in Richmond County, New York.

7. C. SENECA CONSTRUCTION, INC., is the fee owner of premises known as 1874 Clove Road, Staten Island, New York.

8. FLAGG PLACE DEVELOPMENT, LLC, was and is a limited liability company duly organized under the laws of the State of New York and having an address located in Richmond County, State of New York.

9. FLAGG PLACE DEVELOPMENT, LLC, is the fee owner of premises known as 378 Flagg Place, Staten Island, New York; 380 Flagg Place, Staten Island, New York; 392 Flagg Place, Staten Island, New York; 1890-1892 Clove Road, Staten Island, New York, and a vacant lot identified as Block 897, Lot 40, Staten Island, New York.

10. On or about September 9, 2016, defendants EMIL CANGRO and CARLO CANGRO commenced certain actions as against plaintiff ANTHONY SENECA, CLOVE ROAD DEVELOPMENT, LLC, C. SENECA CONSTRUCTION, INC., and FLAGG PLACE DEVELOPMENT, INC. (hereinafter jointly referred to as the "Corporations"), as well as against other parties not named herein. Said actions were commenced in Supreme Court, Richmond County bearing Index numbers 85036/2016; 85039/2016 and 85037/2016 (hereinafter referred to as the "Lawsuits").

11. That in support of commencement of said actions, defendants EMIL CANGRO and CARLO CANGRO submitted verified petitions purportedly verifying the truth of the statements as contained in the verified petitions and filed with the Court in support of the aforementioned Lawsuits.

12. That the verified petitioners are needlessly defamatory, containing statements not pertinent to the dissolution actions commenced, which themselves, were lacking in merit, and were expressly malicious resulting in damages sustained by plaintiff herein.

13. In addition to the foregoing, defendants' actions were commenced with the full knowledge that defendants EMIL CANGRO and CARLO CANGRO had no legally recognized ownership interest in the properties owned by CLOVE ROAD DEVELOPMENT, LLC, C. SENECA CONSTRUCTION, INC., and FLAGG PLACE DEVELOPMENT, LLC and the Lawsuits were maliciously brought as against plaintiff herein resulting in damages to plaintiff.

AS AND FOR A FIRST CAUSE OF ACTION

14. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "13" as if more fully set forth at length herein.

15. That on September 9, 2016, defendants EMIL CANGRO and CARLO CANGRO defamed and slandered plaintiff ANTHONY SENECA by publicly calling him a "thief" claiming he took money for his own personal use from the Corporations; that he "manipulated the books" of the Corporations; diverted assets for his own use; enriched himself at the expense of defendants herein; has taken improper loans from the Corporations; looted the Corporations; has misappropriated monies from the Corporations; has engaged in "illegal and fraudulent actions" and has filed false tax returns.

16. That as a result of all of the aforementioned defamatory per se and slanderous statements, plaintiff, ANTHONY SENECA has been subjected to humiliation, scorn, degradation, mental anguish and suffering, has sustained damage to his reputation and suffered personal injuries, pecuniary special damages and suffered defamation per se.

17. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A SECOND CAUSE OF ACTION

18. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "17" as if more fully set forth at length herein.

19. That on September 9, 2016, defendants EMIL CANGRO and CARLO CANGRO defamed and libeled plaintiff ANTHONY SENECA by publicly identifying him and labeling him a "thief" alleging he took money for his own personal use from the Corporations; that he "manipulated the books" of the Corporations; diverted assets for his own use; enriched himself at the expense of defendants herein; has taken improper loans from the Corporations; looted the Corporations; has misappropriated monies from the Corporations; has engaged in "illegal and fraudulent actions" and has filed false tax returns.

20. That as a result of all of the aforementioned defamatory and libelous statements, including libel per se plaintiff, ANTHONY SENECA has been subjected to humiliation, scorn, degradation, mental anguish and suffering, has sustained damage to his reputation and suffered personal injuries, pecuniary special damages and defamation per se.

21. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A THIRD CAUSE OF ACTION

22. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "21" as if more fully set forth at length herein.

23. The defendants caused the intentional infliction of emotional distress upon the plaintiff ANTHONY SENECA by subjecting plaintiff to malicious prosecution and making libelous, slanderous and defamatory claims as against plaintiff which were expressly malicious and without merit. Said statements made by defendants represented extreme and outrageous conduct.

24. That the intentional infliction of emotional distress occurred by publicly identifying plaintiff and falsely labeling him a "thief" alleging he took money for his own personal use from the Corporations; that he "manipulated the books" of the Corporations; diverted assets for his own use; enriched himself at the expense of defendants herein; has taken improper loans from the Corporations; looted the Corporations; has misappropriated monies from the Corporations; has engaged in "illegal and fraudulent actions" and has filed false tax returns.

25. That as a result of the aforementioned intentional infliction of emotional distress plaintiff, ANTHONY SENECA has been subjected to humiliation, scorn, degradation, mental anguish and suffering, has sustained damage to his reputation and suffered personal injuries, pecuniary special damages and defamation per se.

26. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A FOURTH CAUSE OF ACTION

27. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "26" as if more fully set forth at length herein.

28. The defendants caused the negligent infliction of emotional distress upon the plaintiff ANTHONY SENECA by subjecting plaintiff to malicious prosecution and making libelous, slanderous and defamatory claims as against plaintiff which were expressly malicious and without merit. Said statements made by defendants represent extreme and outrageous conduct.

29. That defendants negligently inflicted emotional distress by publicly identifying plaintiff and falsely labeling plaintiff a "thief" alleging he took money for his own personal use from the Corporations; claiming he "manipulated the books" of the Corporations; diverted assets for his own use; enriched himself at the expense of defendants herein; has taken improper loans from the Corporations; looted the Corporations; has misappropriated monies from the Corporations; has engaged in "illegal and fraudulent actions" and has filed false tax returns.

30. That as a result of the aforementioned negligent infliction of emotional distress plaintiff, ANTHONY SENECA has been subjected to humiliation, scorn, degradation, mental anguish and suffering, has sustained damage to his reputation and suffered personal injuries, pecuniary special damages and defamation per se.

31. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A FIFTH CAUSE OF ACTION

32. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "31" as if more fully set forth at length herein.

33. That on September 9, 2016, defendants committed libel per se, and defamation per se by charging plaintiff with a serious crime, publicly calling him and publicly identifying him as a "thief" and claiming he took money for his own personal use from the Corporations; that he "manipulated the books" of the Corporations; diverted assets for his own use; enriched himself at the expense of defendants herein; has taken improper loans from the Corporations; looted the Corporations; has misappropriated monies from the Corporations; has engaged in "illegal and fraudulent actions" and has filed false tax returns.

34. That the aforesaid statements damaged plaintiffs' reputation within the construction industry, his trade, business and profession, causing him humiliation, scorn, degradation, loss of reputation, mental anguish and suffering, personal injures pecuniary damages, special damages and damages as the result of libel per se and defamation per se.

35. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A SIXTH CAUSE OF ACTION

36. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "35" as if more fully set forth at length herein.

37. That on September 9, 2016, defendants published false statements to third-parties as against plaintiff constituting defamation per se as against plaintiff ANTHONY SENECA without privilege or authority with spite and ill will and/or with actual malice resulting in damages sustained by plaintiff.

38. That the aforesaid statements damaged plaintiffs' reputation within the construction industry, his trade, business and profession, causing him humiliation, scorn, degradation, loss of reputation, mental anguish and suffering, personal injures pecuniary damages, special damages and damages as the result of defamation per se.

39. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

AS AND FOR A SEVENTH CAUSE OF ACTION

40. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "39" as if more fully set forth at length herein.

41. That defendants verified petitions submitted in support of the Lawsuits as against plaintiff ANTHONY SENECA and the Lawsuits themselves represent sham litigations which were maliciously commenced solely to defame, slander and distress plaintiff ANTHONY SENECA in an attempt to gain an advantage over him and the Corporations. The underlying litigations involving the Corporations are meritless and defendants EMIL CANGRO and CARLO CANGRO lack standing to bring said actions.

42. That the statements made by defendants, as described in the foregoing paragraphs damaged plaintiffs' reputation within the construction industry, his trade, business and

profession, causing him humiliation, scorn, degradation, loss of reputation, mental anguish and suffering, personal injuries, pecuniary damages, special damages and damages as the result of defamation per se.

43. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

44. That by reason of the foregoing, plaintiff has been damaged in the sum which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action.

AS AND FOR AN EIGHTH CAUSE OF ACTION

45. Plaintiff, ANTHONY SENECA, repeats and reiterates each and every allegation contained in paragraphs "1" through "44" as if more fully set forth at length herein.

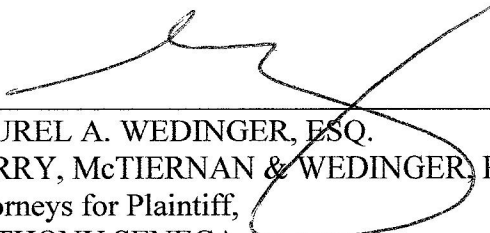
46. That defendants verified petitions submitted in support of the Lawsuits as against plaintiff ANTHONY SENECA and the Lawsuits themselves were commenced as a malicious prosecution begun with malice and without probable cause which lawsuits were dismissed ending in plaintiff's favor.

47. That defendants' malicious prosecution of their Lawsuits damaged plaintiff ANTHONY SENECA subjecting him to humiliation, scorn, degradation, mental anguish and suffering, has sustained damage to his reputation and suffered personal injuries, pecuniary special damages and defamation per se.

48. As a result of all of the aforementioned, plaintiff, ANTHONY SENECA has been damaged in a monetary sum exceeding the jurisdictional limits of all lower Courts of the State of New York.

WHEREFORE, plaintiff demands judgment against defendants in a sum which sum exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction of this action, together with costs and disbursements of this action.

Dated: Staten Island, New York
September 27, 2017



LAUREL A. WEDINGER, ESQ.
BARRY, McTIERNAN & WEDINGER, P.C.
Attorneys for Plaintiff,
ANTHONY SENECA,
265 Joline Avenue - Suite A
Staten Island, New York 10307
(718) 317-9000

RIDER VIA PROCESS SERVER:

Defendant

EMIL CANGRO
165 Buffalo Street
Staten Island, New York 10306

Defendant

CARLO CANGRO
11 Jasmine Road
Matawan, New Jersey 08857

VERIFICATION

STATE OF NY)
COUNTY OF Richmond) ss.

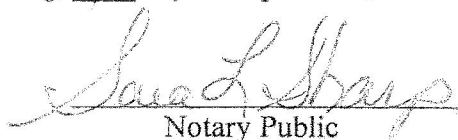
ANTHONY SENECA, being duly sworn, depose say:

That he is the plaintiff in the within action and that he has read the annexed SUMMONS and AMENDED VERIFIED COMPLAINT and know the contents thereof, and that the same is true to his own knowledge, except as to those matters which are stated to be alleged upon information and belief, and that as to those matters he believes them to be true.



ANTHONY SENECA

Sworn to before me this
27 day of September, 2017


Notary Public

SARA L SHARP
NOTARY PUBLIC-STATE OF NEW YORK
No. 015H6169427
Qualified in Richmond County
My Commission Expires June 25, 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND-----X
ANTHONY SENECA,

Index No.: 152031/2017

Plaintiff,

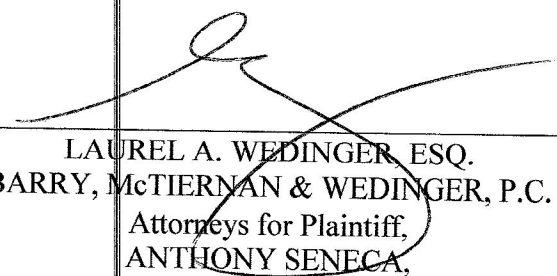
- against -

EMIL CANGRO and CARLO CANGRO,

Defendants.
-----X

SUMMONS and AMENDED VERIFIED COMPLAINT

PLEASE TAKE NOTICE

☐notice of
entrythat the within is a (certified) true copy of an
entered in the office of the clerk of the within named Court on _____.☐notice of
settlementthat a Proposed (Order/Judgment) of which the within is a true copy will be presented
for settlement before the Honorable _____ one of the judges of
the within named Supreme Court, _____ County, _____,
at 9:30 a.m. on the ____ day of _____.

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