

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

-----X
MICHAEL BALFE

Plaintiff,

-against-

Index No.: 152827/2022
**AMENDED VERIFIED
COMPLAINT**

WEBSTER HALL ENTERTAINMENT CORP, EV
EVENTS CENTER, LLC, UNITY GALLEGA EAST 11TH
STREET LLC, ANSCHUTZ ENTERTAINMENT GROUP
INC, ANSCHUTZ EXPLORATION CORPORATION and
CHRISTOPHER DURNAN,

Defendants.

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Plaintiff, **MICHAEL BALFE** by his attorney, **THE LAW OFFICES OF
DARREN MOORE P.C.**, as and for his Amended Verified Complaint, respectfully alleges
as follows:

**AS AND FOR A FIRST CAUSE OF ACTION WEBSTER HALL
ENTERTAINMENT CORP.
(General Negligence)**

1. At all times herein mentioned, Plaintiff MICHAEL BALFE was and is a resident of the County of Queens, State of New York.
2. That the cause of action alleged herein arose in the County of New York, State of New York.
3. That the defendants are jointly and/or severally liable under CPLR section 1602.
4. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was and is a foreign corporation authorized and licensed to do business within the State of New York.

5. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was and is a domestic corporation authorized and licensed to do business within the State of New York.

6. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. maintained a principle place of business within the State of New York.

7. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was the owner of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat (hereinafter referred to as the “premises” and also known as “Webster Hall”).

8. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was the operator of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat.

9. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. controlled the aforementioned premises and areas including the common and interior areas thereat.

10. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. managed the aforementioned premises and areas.

11. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. maintained the aforementioned premises and areas.

12. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. arranged the aforementioned premises and areas.

13. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was the lessor of the aforementioned premises and areas.

14. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. was the lessee of the aforementioned premises and areas.

15. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. supervised the aforementioned premises and areas.

16. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. provided security at the aforementioned premises and areas.

17. At all times hereinafter mentioned, the defendant, WEBSTER HALL ENTERTAINMENT CORP., by its servants, agents, employees and/or independent contractors, had a duty to operate, control, manage, arrange, maintain, supervise the premises and provide security for patrons and persons lawfully thereat, including the plaintiff.

18. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. hired security guards to carry out its business and maintain the safety of its premises and the safety of its patrons lawfully thereat.

19. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP. employed security guards to carry out its business and maintain the safety of its premises.

20. At all times hereinafter mentioned, defendant WEBSTER HALL ENTERTAINMENT CORP., was responsible for providing adequate security throughout the premises including but not limited to security guards/personnel and security cameras and that those security guards/personnel had a duty to act reasonably, act in a timely manner and prevent harm, danger and injury to patrons within its premises.

21. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully on the aforementioned premises.

22. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN was lawfully on the aforementioned premises.

23. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing him seriously bodily injuries and harm.

24. That as a result of the aforementioned attack, plaintiff MICHAEL BALFE was seriously injured both physically and mentally.

25. That plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

26. That on or about September 11, 2021, the defendant WEBSTER HALL ENTERTAINMENT CORP., was and is vicariously liable for the acts/omissions of its employees, security guards and security personnel whose duty it was to timely intervene and stop the vicious assault and prevent injury to Plaintiff.

27. That on or about September 11, 2021, employees, security guards and security personnel on behalf of defendant WEBSTER HALL ENTERTAINMENT CORP., failed to act reasonably and timely intervene to stop the attack and prevent injury and harm to Plaintiff.

28. That said incident was due solely and wholly through and by reason of the negligence of the defendants and/or their employees, herein; in improperly hiring, training, supervising and retaining its employees; in failing to act reasonably under the circumstances; and defendants were otherwise negligent herein.

29. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered

unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION EV EVENTS CENTER, LLC
(General Negligence)

30. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first cause of action.

31. That the cause of action alleged herein arose in the County of New York, State of New York.

32. That the defendants are jointly and/or severally liable under CPLR section 1602.

33. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was and is a foreign limited liability company authorized and licensed to do business within the State of New York.

34. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was and is a domestic corporation authorized and licensed to do business within the State of New York.

35. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC maintained a principal place of business within the State of New York.

36. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was the owner of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat (hereinafter referred to as the “premises” and also known as “Webster Hall”).

37. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was the operator of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat.

38. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC controlled the aforementioned premises and areas including the common and interior areas thereat.

39. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC managed the aforementioned premises and areas.

40. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC maintained the aforementioned premises and areas.

41. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC arranged the aforementioned premises and areas.

42. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was the lessor of the aforementioned premises and areas.

43. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was the lessee of the aforementioned premises and areas.

44. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC supervised the aforementioned premises and areas.

45. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC provided security at the aforementioned premises and areas.

46. At all times hereinafter mentioned, the defendant, EV EVENTS CENTER, LLC by its servants, agents, employees and/or independent contractors, had a duty to operate, control, manage, arrange, maintain, supervise the premises and provide security for patrons and persons lawfully thereat, including the plaintiff.

47. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC hired security guards to carry out its business and maintain the safety of its premises and the safety of its patrons lawfully thereat.

48. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC employed security guards to carry out its business and maintain the safety of its premises.

49. At all times hereinafter mentioned, defendant EV EVENTS CENTER, LLC was responsible for providing adequate security throughout the premises including but not limited to security guards/personnel and security cameras and that those security guards/personnel had a duty to act reasonably, act in a timely manner and prevent harm, danger and injury to patrons within its premises.

50. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully on the aforementioned premises.

51. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN was lawfully on the aforementioned premises.

52. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing him seriously bodily injuries and harm.

53. That as a result of the aforementioned attack, plaintiff MICHAEL BALFE was seriously injured both physically and mentally.

54. That plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

55. That on or about September 11, 2021, the defendant EV EVENTS CENTER, LLC was and is vicariously liable for the acts/omissions of its employees, security guards and

security personnel whose duty it was to timely intervene and stop the vicious assault and prevent injury to Plaintiff.

56. That on or about September 11, 2021, employees, security guards and security personnel on behalf of defendant EV EVENTS CENTER, LLC failed to act reasonably and timely intervene to stop the attack and prevent injury and harm to Plaintiff.

57. That said incident was due solely and wholly through and by reason of the negligence of the defendants and/or their employees, herein; in improperly hiring, training, supervising and retaining its employees; in failing to act reasonably under the circumstances; and defendants were otherwise negligent herein.

58. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION UNITY GALLEGA
EAST 11TH STREET LLC,
(General Negligence)

59. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through second causes of action.

60. That the cause of action alleged herein arose in the County of New York, State of New York.

61. That the defendants are jointly and/or severally liable under CPLR section 1602.

62. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was and is a foreign limited liability company authorized and licensed to do business within the State of New York.

63. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was and is a domestic limited liability company authorized and licensed to do business within the State of New York.

64. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, maintained a principal place of business within the State of New York.

65. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was the owner of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat (hereinafter referred to as the “premises” and also known as “Webster Hall”).

66. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was the operator of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat.

67. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, controlled the aforementioned premises and areas including the common and interior areas thereat.

68. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, managed the aforementioned premises and areas.

69. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, maintained the aforementioned premises and areas.

70. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, arranged the aforementioned premises and areas.

71. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was the lessor of the aforementioned premises and areas.

72. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was the lessee of the aforementioned premises and areas.

73. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, supervised the aforementioned premises and areas.

74. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, provided security at the aforementioned premises and areas.

75. At all times hereinafter mentioned, the defendant, UNITY GALLEGA EAST 11TH STREET LLC, by its servants, agents, employees and/or independent contractors, had a duty to operate, control, manage, arrange, maintain, supervise the premises and provide security for patrons and persons lawfully thereat, including the plaintiff.

76. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, hired security guards to carry out its business and maintain the safety of its premises and the safety of its patrons lawfully thereat.

77. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, employed security guards to carry out its business and maintain the safety of its premises.

78. At all times hereinafter mentioned, defendant UNITY GALLEGA EAST 11TH STREET LLC, was responsible for providing adequate security throughout the premises including but not limited to security guards/personnel and security cameras and that

those security guards/personnel had a duty to act reasonably, act in a timely manner and prevent harm, danger and injury to patrons within its premises.

79. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully on the aforementioned premises.

80. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN was lawfully on the aforementioned premises.

81. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing him seriously bodily injuries and harm.

82. That as a result of the aforementioned attack, plaintiff MICHAEL BALFE was seriously injured both physically and mentally.

83. That plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

84. That on or about September 11, 2021, the defendant UNITY GALLEGA EAST 11TH STREET LLC, was and is vicariously liable for the acts/omissions of its employees, security guards and security personnel whose duty it was to timely intervene and stop the vicious assault and prevent injury to Plaintiff.

85. That on or about September 11, 2021, employees, security guards and security personnel on behalf of defendant UNITY GALLEGA EAST 11TH STREET LLC, failed to act reasonably and timely intervene to stop the attack and prevent injury and harm to Plaintiff.

86. That said incident was due solely and wholly through and by reason of the negligence of the defendants and/or their employees, herein; in improperly hiring, training,

supervising and retaining its employees; in failing to act reasonably under the circumstances; and defendants were otherwise negligent herein.

87. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FOURTH CAUSE OF ACTION ANSCHUTZ
ENTERTAINMENT GROUP INC,
(General Negligence)

88. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through third causes of action.

89. That the cause of action alleged herein arose in the County of New York, State of New York.

90. That the defendants are jointly and/or severally liable under CPLR section 1602.

91. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was and is a foreign corporation authorized and licensed to do business within the State of New York.

92. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC was and is a domestic corporation authorized and licensed to do business within the State of New York.

93. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC maintained a principal place of business within the State of New York.

94. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was the owner of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat (hereinafter referred to as the “premises” and also known as “Webster Hall”).

95. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was the operator of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat.

96. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, controlled the aforementioned premises and areas including the common and interior areas thereat.

97. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, managed the aforementioned premises and areas.

98. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, maintained the aforementioned premises and areas.

99. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, arranged the aforementioned premises and areas.

100. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was the lessor of the aforementioned premises and areas.

101. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was the lessee of the aforementioned premises and areas.

102. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, supervised the aforementioned premises and areas.

103. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, provided security at the aforementioned premises and areas.

104. At all times hereinafter mentioned, the defendant, ANSCHUTZ ENTERTAINMENT GROUP INC, by its servants, agents, employees and/or independent contractors, had a duty to operate, control, manage, arrange, maintain, supervise the premises and provide security for patrons and persons lawfully thereat, including the plaintiff.

105. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, hired security guards to carry out its business and maintain the safety of its premises and the safety of its patrons lawfully thereat.

106. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, employed security guards to carry out its business and maintain the safety of its premises.

107. At all times hereinafter mentioned, defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was responsible for providing adequate security throughout the premises including but not limited to security guards/personnel and security cameras and that those security guards/personnel had a duty to act reasonably, act in a timely manner and prevent harm, danger and injury to patrons within its premises.

108. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully on the aforementioned premises.

109. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN was lawfully on the aforementioned premises.

110. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing him seriously bodily injuries and harm.

111. That as a result of the aforementioned attack, plaintiff MICHAEL BALFE was seriously injured both physically and mentally.

112. That plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

113. That on or about September 11, 2021, the defendant ANSCHUTZ ENTERTAINMENT GROUP INC, was and is vicariously liable for the acts/omissions of its employees, security guards and security personnel whose duty it was to timely intervene and stop the vicious assault and prevent injury to Plaintiff.

114. That on or about September 11, 2021, employees, security guards and security personnel on behalf of defendant ANSCHUTZ ENTERTAINMENT GROUP INC, failed to act reasonably and timely intervene to stop the attack and prevent injury and harm to Plaintiff.

115. That said incident was due solely and wholly through and by reason of the negligence of the defendants and/or their employees, herein; in improperly hiring, training, supervising and retaining its employees; in failing to act reasonably under the circumstances; and defendants were otherwise negligent herein.

116. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION ANSCHUTZ
EXPLORATION CORPORATION
(General Negligence)

117. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through fourth causes of action.

118. That the cause of action alleged herein arose in the County of New York, State of New York.

119. That the defendants are jointly and/or severally liable under CPLR section 1602.

120. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was and is a foreign corporation authorized and licensed to do business within the State of New York.

121. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was and is a domestic corporation authorized and licensed to do business within the State of New York.

122. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION maintained a principle place of business within the State of New York.

123. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was the owner of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat (hereinafter referred to as the “premises” and also known as “Webster Hall”).

124. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was the operator of the premises located at 125 E 11th Street, New York, NY 10003, including the common and interior areas thereat.

125. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION controlled the aforementioned premises and areas including the common and interior areas thereat.

126. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION managed the aforementioned premises and areas.

127. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION maintained the aforementioned premises and areas.

128. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION arranged the aforementioned premises and areas.

129. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was the lessor of the aforementioned premises and areas.

130. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was the lessee of the aforementioned premises and areas.

131. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION supervised the aforementioned premises and areas.

132. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION provided security at the aforementioned premises and areas.

133. At all times hereinafter mentioned, the defendant, ANSCHUTZ EXPLORATION CORPORATION by its servants, agents, employees and/or independent contractors, had a duty to operate, control, manage, arrange, maintain, supervise the premises and provide security for patrons and persons lawfully thereat, including the plaintiff.

134. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION hired security guards to carry out its business and maintain the safety of its premises and the safety of its patrons lawfully thereat.

135. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION employed security guards to carry out its business and maintain the safety of its premises.

136. At all times hereinafter mentioned, defendant ANSCHUTZ EXPLORATION CORPORATION was responsible for providing adequate security throughout the premises including but not limited to security guards/personnel and security cameras and that those security guards/personnel had a duty to act reasonably, act in a timely manner and prevent harm, danger and injury to patrons within its premises.

137. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully on the aforementioned premises.

138. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN was lawfully on the aforementioned premises.

139. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing him seriously bodily injuries and harm.

140. That as a result of the aforementioned attack, plaintiff MICHAEL BALFE was seriously injured both physically and mentally.

141. That plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

142. That on or about September 11, 2021, the defendant ANSCHUTZ EXPLORATION CORPORATION was and is vicariously liable for the acts/omissions of its employees, security guards and security personnel whose duty it was to timely intervene and stop the vicious assault and prevent injury to Plaintiff.

143. That on or about September 11, 2021, employees, security guards and security personnel on behalf of defendant ANSCHUTZ EXPLORATION CORPORATION failed to act reasonably and timely intervene to stop the attack and prevent injury and harm to Plaintiff.

144. That said incident was due solely and wholly through and by reason of the negligence of the defendants and/or their employees, herein; in improperly hiring, training, supervising and retaining its employees; in failing to act reasonably under the circumstances; and defendants were otherwise negligent herein.

145. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION
(Negligent Hiring)

146. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through fifth causes of action.

147. That Defendants WEBSTER HALL ENTERTAINMENT CORP, EV EVENTS CENTER, LLC, UNITY GALLEGA EAST 11TH STREET LLC, ANSCHUTZ ENTERTAINMENT GROUP INC, ANSCHUTZ EXPLORATION CORPORATION and each of them, hired their agents, servants and/or employees who were operating and working for Defendants on or about September 11, 2021 at the above mentioned location.

148. That the above incident described was caused by the negligence, carelessness and recklessness of the Defendants herein, in, among other things: negligently hiring their agents, servants and/or employees, who were not of a disposition, temperament and training suitable to perform the duties to which he was assigned; in failing to properly train, educate and teach said agents, servants and/or employees the appropriate procedures and techniques in discharging their duties; in hiring Defendants agents, servants and/or employees, without making proper background checks of said individuals; in hiring Defendants' agents, servants

and/or employees, without making proper use or evaluation of background checks of said agents, servants and/or employees; in causing, permitting and allowing Plaintiff to be assaulted; in negligently hiring, retaining, training and/or employing Defendants' agents, servants and/or employees; in failing to make, publish and enforce proper rules and regulation appropriate to the facts and circumstances of the episode herein complained of; Defendants, their agents, servants and/or employees, acting in disregard of any rules and regulations made.

149. That the policy of the Defendants, sanctioned, encouraged, promoted and/or was indifferent to the utilization and hiring and/or retention of unqualified agents, servants and/or employees and others including, but not limited to, Defendant's agents, servants and/or employees and others, who caused the injuries to which said Plaintiff complains of herein.

150. That by reason of the foregoing, Defendants, were grossly negligent in the hiring of their agents, servants and/or employees and others who failed to prevent the injuries to said Plaintiff herein.

151. That by reason of the foregoing, Plaintiff, MICHAEL BALFE, was injured; rendered sick, sore, lame and disabled; caused to undergo hospital and medical treatment and advice; unable to pursue his usual and regular activities; caused to undergo great conscious pain and suffering, continues to undergo such, and will permanently be affected by the injuries incurred as a result of the occurrence.

152. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A SEVENTH CAUSE OF ACTION
(Negligent Retention)

153. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through sixth causes of action.

154. That Defendants WEBSTER HALL ENTERTAINMENT CORP, EV EVENTS CENTER, LLC, UNITY GALLEGA EAST 11TH STREET LLC, ANSCHUTZ ENTERTAINMENT GROUP INC, ANSCHUTZ EXPLORATION CORPORATION and each of them, hired their agents, servants and/or employees who were operating and working for Defendants on or about September 11, 2021 at the above mentioned location.

155. That the above incident described was caused by the negligence, carelessness and recklessness of the Defendants herein, in, among other things: negligently hiring their agents, servants and/or employees, who were not of a disposition, temperament and training suitable to perform the duties to which he was assigned; in failing to properly train, educate and teach said agents, servants and/or employees the appropriate procedures and techniques in discharging their duties; in hiring Defendants agents, servants and/or employees, without making proper background checks of said individuals; in hiring Defendants' agents, servants and/or employees, without making proper use or evaluation of background checks of said agents, servants and/or employees; in causing, permitting and allowing Plaintiff to be assaulted; in negligently hiring, retaining, training and/or employing Defendants' agents, servants and/or employees; in failing to make, publish and enforce proper rules and regulation appropriate to the facts and circumstances of the episode herein complained of; Defendants, their agents, servants and/or employees, acting in disregard of any rules and regulations made.

156. That the policy of the Defendants, sanctioned, encouraged, promoted and/or was indifferent to the utilization and hiring and/or retention of unqualified agents, servants

and/or employees and others including, but not limited to, Defendant's agents, servants and/or employees and others, who caused the injuries to which said Plaintiff complains of herein.

157. That by reason of the foregoing, Defendants, were grossly negligent in the negligent retention of their agents, servants and/or employees and others who caused the injuries to said Plaintiff herein.

158. That by reason of the foregoing, Plaintiff, MICHAEL BALFE, was injured; rendered sick, sore, lame and disabled; caused to undergo hospital and medical treatment and advice; unable to pursue his usual and regular activities; caused to undergo great conscious pain and suffering, continues to undergo such, and will permanently be affected by the injuries incurred as a result of the occurrence.

159. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A EIGHTH CAUSE OF ACTION
(Negligent Supervision)

160. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through seventh causes of action.

161. That Defendants WEBSTER HALL ENTERTAINMENT CORP, EV EVENTS CENTER, LLC, UNITY GALLEGA EAST 11TH STREET LLC, ANSCHUTZ ENTERTAINMENT GROUP INC, ANSCHUTZ EXPLORATION CORPORATION and each of them, hired their agents, servants and/or employees who were operating and working for Defendants on or about September 11, 2021 at the above mentioned location.

162. That the above incident described was caused by the negligence, carelessness and recklessness of the Defendants herein, in, among other things: negligently hiring their agents, servants and/or employees, who were not of a disposition, temperament and training suitable to perform the duties to which he was assigned; in failing to properly train, educate and teach said agents, servants and/or employees the appropriate procedures and techniques in discharging their duties; in hiring Defendants agents, servants and/or employees, without making proper background checks of said individuals; in hiring Defendants' agents, servants and/or employees, without making proper use or evaluation of background checks of said agents, servants and/or employees; in causing, permitting and allowing Plaintiff to be assaulted; in negligently hiring, retaining, training and/or employing Defendants' agents, servants and/or employees; in failing to make, publish and enforce proper rules and regulation appropriate to the facts and circumstances of the episode herein complained of; Defendants, their agents, servants and/or employees, acting in disregard of any rules and regulations made.

163. That the policy of the Defendants, sanctioned, encouraged, promoted and/or was indifferent to the utilization and hiring and/or retention of unqualified agents, servants and/or employees and others including, but not limited to, Defendant's agents, servants and/or employees and others, who caused the injuries to which said Plaintiff complains of herein.

164. That by reason of the foregoing, Defendants, were grossly negligent in the supervision of their agents, servants and/or employees and others who caused the injuries to said Plaintiff herein.

165. That by reason of the foregoing, Plaintiff, MICHAEL BALFE, was injured; rendered sick, sore, lame and disabled; caused to undergo hospital and medical treatment and advice; unable to pursue his usual and regular activities; caused to undergo great conscious

pain and suffering, continues to undergo such, and will permanently be affected by the injuries incurred as a result of the occurrence.

166. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A NINTH CAUSE OF ACTION
AGAINST CHRISTOPHER DURNAN
(Assault)

167. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through eighth causes of action.

168. At all times herein mentioned, Defendant CHRISTOPHER DURNAN was and is a resident of the County of Nassau, State of New York.

169. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN, was lawfully attending a concert on the premises located at 125 E 11th Street, New York, NY 10003 (hereinafter referred to as the “premises” and also known as “Webster Hall”).

170. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully attending a concert on the premises.

171. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing bodily harm and seriously bodily injuries.

172. That as a result of the aforementioned incident, Plaintiff was intentionally placed in fear and fright of imminent physical harm.

173. That as a result of the aforementioned, plaintiff MICHAEL BALFE was seriously injured.

174. That this was an unprovoked attack and plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

175. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR AN TENTH CAUSE OF
ACTION AGAINST CHRISTOPHER DURNAN
(Battery)

176. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through ninth causes of action.

177. At all times herein mentioned, Defendant CHRISTOPHER DURNAN was and is a resident of the County of Nassau, State of New York.

178. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN, was lawfully attending a concert on the premises located at 125 E 11th Street, New York, NY 10003 (hereinafter referred to as the “premises” and also known as “Webster Hall”).

179. That on or about September 11, 2021, the plaintiff, MICHAEL BALFE, was lawfully attending a concert on the premises.

180. That on or about September 11, 2021, the defendant CHRISTOPHER DURNAN viciously attacked, bit and assaulted Plaintiff MICHAEL BALFE causing bodily harm and seriously bodily injuries.

181. That as a result of the aforementioned incident, plaintiff was intentionally made the object of battery.

182. That as a result of the aforementioned, plaintiff MICHAEL BALFE was seriously injured.

183. That this was an unprovoked attack and plaintiff MICHAEL BALFE did not provoke defendant CHRISTOPHER DURNAN or otherwise contribute in any way to the aforesaid occurrence by any act on his part.

184. That solely and wholly through and by reason of the foregoing, this plaintiff was rendered sick, sore, lame and disabled, sustained serious and permanent injuries, suffered, does suffer and will continue to suffer agony to body and mind, and was and will be rendered unable to attend to his usual duties and or vocations and was and will be compelled to incur expenses for medical care and medicines, in an effort to cure and minimize the effect of the injuries sustained, and that this plaintiff verily believes that his deprivation, impairment and expense have resulted in his damage in the maximum sum permitted by law since it exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A ELEVENTH CAUSE OF ACTION
AGAINST CHRISTOPHER DURNAN
(Intentional Infliction of Harm)

185. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through tenth causes of action.

186. On September 11, 2021 Plaintiff MICHAEL BALFE, was lawfully present in the aforesaid location when he was caused to be intentionally, wrongfully, willfully, maliciously and with gross negligence, physically assaulted by Defendant CHRISTOPHER DURNAN and was caused to sustain severe and permanent injuries.

187. That plaintiff was severely injured by Defendant CHRISTOPHER DURNAN who acted in a grossly negligent and willful manner with the intention of inflicting bodily injury on the Plaintiff for which the plaintiff demands punitive damages and attorneys fees as maybe just, proper and equitable.

188. That by reason of the foregoing, Plaintiff, MICHAEL BALFE, was injured; rendered sick, sore, lame and disabled; caused to undergo hospital and medical treatment and advice; unable to pursue his usual and regular activities; caused to undergo great conscious pain and suffering, continues to undergo such, and will permanently be affected by the injuries incurred as a result of the occurrence.

189. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction

AS AND FOR A TWELFTH CAUSE OF ACTION
AGAINST CHRISTOPHER DURNAN
(Negligent Infliction of Emotional distress)

190. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through eleventh causes of action.

191. That the defendant herein had a duty of care to the plaintiff; that said duty was breached by the defendant; that said breach resulted directly in emotional harm.

192. That the defendants, through extreme, outrageous, negligent and reckless behavior, caused severe emotional distress, mental trauma and/or bodily harm to the plaintiff;

that the defendant engaged in extreme and outrageous conduct; with an intent to cause, or disregard of a substantial probability of causing, severe emotional distress; and there lies a casual connection between the conduct and injury resulting in severe emotional distress.

193. That the acts of the defendant described herein were a negligent infliction of emotional distress against the plaintiff, and the plaintiff has suffered damages pursuant thereto, and he will continue to suffer same in the future.

194. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

AS AND FOR A THIRTEENTH CAUSE OF ACTION
AGAINST CHRISTOPHER DURNAN
(Negligence)

195. That plaintiff repeats, realleges and incorporates by reference those allegations contained in the first through twelfth causes of action.

196. That at all times hereinafter mentioned defendant owed a duty to plaintiff to use reasonable care to restrain themselves from conducting themselves in a vicious manner so as to create an unreasonable risk of harm to plaintiff.

197. That the aforementioned occurrence and the results thereof including injuries sustained by the plaintiff were caused by and due to the negligence, carelessness and recklessness of the defendant by failing to properly control their conduct, failing to monitor their conduct and in otherwise being negligent, reckless and careless under the circumstances.

198. That solely by reason of the foregoing, Plaintiff, MICHAEL BALFE sustained damages in the sum which exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, plaintiff MICHAEL BALFE demands judgment in the all causes of action against defendants in the maximum sums permitted by law since they exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction; all together with the costs and disbursements of this action.

Dated: New York, New York
October 18, 2022

Nicholas Blatti, Esq

Nicholas Blatti, Esq
LAW OFFICES OF DARREN T. MOORE P.C.
Attorneys for Plaintiff
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New York, New York 10016
Tel: (917) 809-7014
Fax: (917) 398-1772

ATTORNEY'S VERIFICATION

NICHOLAS BLATTI, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at LAW OFFICES OF DARREN MOORE P.C., attorneys of record for Plaintiff MICHAEL BALFE. I have read the annexed **AMENDED VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except as to those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

DATED: New York, New York
October 18, 2022

Nicholas Blatti, Esq

NICHOLAS BLATTI

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index No.152827/2022 :

MICHAEL BALFE

Plaintiff,

-against-

WEBSTER HALL ENTERTAINMENT CORP, EV EVENTS CENTER, LLC, UNITY
GALLEGA EAST 11TH STREET LLC, ANSCHUTZ ENTERTAINMENT GROUP INC,
ANSCHUTZ EXPLORATION CORPORATION and CHRISTOPHER DURNAN,

Defendants.

AMENDED SUMMONS AND VERIFIED COMPLAINT

**Law Office of Darren Moore, PC
Attorney for Plaintiff
171 Madison Ave, Suite 305
New York, NY 10016
Tel. No.: 917-809-7014**

Pursuant to 22NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of the State of New York, certifies, that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

Nicholas Blatti, Esq

Nicholas Blatti, ESQ.