

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

-----X
**CHARLES J. THOMAS, as guardian of the property of
MAGOMED ABDUSALAMOV, an incapacitated person,
BAKANAY ABDUSALAMOVA, individually,
PATIMAT ABDUSALAMOVA, individually,
SHAKRIZAT ABDUSALAMOVA, individually, and
SAYGIBAT ABDUSALAMOVA, individually, as infants by
their mother and natural guardian BAKANAY
ABDUSALAMOVA,**

Plaintiffs,

-against-

**MATTHEW D. FARRAGO, ANTHONY G. CURRERI,
M.D., OSRIC S. KING, M.D., AVERY F. BROWNE, D.O.,
GERARD P. VARLOTTA, D.O., BARRY D. JORDAN, M.D.,
BENJAMIN ESTEVES, JR. and K2 BOXING PROMOTIONS,
LLC**

Defendants.

And

MATTHEW D. FARRAGO and BARRY D. JORDAN, M.D.,

Third-Party Plaintiffs,

-against-

**JOHN DAVID JACKSON, BORIS GRINBERG, SR., BORIS
GRINBERG, JR., SAMPSON LEWKOWICZ and NATHAN
LEWKOWICZ,**

**Third-Party
Defendants.**

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TO THE ABOVE-NAMED THIRD-PARTY DEFENDANTS:

You are hereby summoned and required to serve upon the undersigned third-party plaintiffs' attorney an answer to the annexed third-party complaint of the third-party plaintiffs,

**THIRD-PARTY
SUMMONS**

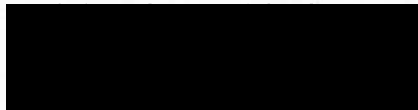
**Index No. 505880/2014
Date of Filing:**


which is herewith served upon you, together with all prior pleadings in the action, within twenty (20) days after service thereof, exclusive of the day of service, or within thirty (30) days after service is complete if service is made by any method other than personal delivery to you within the State of New York.

In case of your failure to answer, judgment will be taken against you by default for the relief demanded in the third-party complaint.

Dated: New York, New York
June 23, 2015

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
Attorney for Defendants/Third Party Plaintiffs
Matthew D. Farrago and Barry D. Jordan, M.D.



By: 

ROSS N. HERMAN
Assistant Attorney General

THIRD- PARTY DEFENDANTS' ADDRESSES:

John David Jackson



Boris Grinberg, Sr.



Boris Grinberg, Jr.



Sampson Lewkowicz



Nathan Lewkowicz



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**Third-Party
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Third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D., by their attorney,

Index No. 505880/2014

**THIRD-PARTY
COMPLAINT**

Eric T. Schneiderman, Attorney General of the State of New York, state and allege as follows:

THE PARTIES TO THE THIRD-PARTY COMPLAINT

1. Third-party plaintiff Matthew D. Farrago is a resident of Suffolk County, State of New York.

2. Third-party plaintiff Barry D. Jordan is a resident of Westchester County, State of New York.

3. Upon information and belief, third-party defendant John David Jackson is a resident of Broward County, State of Florida.

4. Upon information and belief, third-party defendant Boris Grinberg, Sr. is a resident of Broward County, State of Florida.

5. Upon information and belief, third-party defendant Boris Grinberg, Jr. is a resident of Broward County, State of Florida.

6. Upon information and belief, third-party defendant Sampson Lewkowicz is a resident of Clark County, State of Nevada.

7. Upon information and belief, third-party defendant Nathan Lewkowicz is a resident of Suffolk County, State of New York.

**THE BASES FOR PERSONAL JURISDICTION
OVER THE THIRD-PARTY DEFENDANTS**

8. The bases for personal jurisdiction over the third-party defendants is their commission of tortious acts within the State of New York and their transaction of business within the State of New York, as described below. CPLR §§ 302(a)(2) & 302(a)(1). In addition, upon information and belief, third-party defendant Nathan Lewkowicz is a resident of Suffolk County, New York.

THE UNDERLYING LAWSUIT

9. On or about June 26, 2014, plaintiffs commenced this action against defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D., and others, to recover damages allegedly sustained by reason of alleged negligence on the part of the defendants/third-party plaintiffs, and others. A copy of the Summons and Complaint served and filed by the plaintiffs is annexed hereto as Exhibit A. The Answers served and filed by defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D. are annexed hereto as Exhibits B and C, respectively and made a part hereof. Copies of the Answers served and filed by the other defendants not represented by the undersigned are annexed hereto as Exhibits D, E, F, G, H & I. Cross-Claims served and filed by certain defendants against defendant K2 Boxing Promotions, LLC are annexed hereto as Exhibits J, K & L.¹

10. It is alleged in the Complaint that on November 2, 2013, at Madison Square Garden, New York, New York, Magomed Abdusalamov engaged in a professional boxing match against Ismaikel Perez. It is further alleged that as a result of negligence allegedly committed by defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D., and the other named defendants, during the course of the boxing match and after the boxing match, Magomed Abdusalamov suffered severe physical injuries.

11. Among other things, the Complaint alleges that defendant/third-party plaintiff Matthew D. Farrago, who was an Inspector for the New York State Athletic Commission assigned to the boxing match, and Barry D. Jordan, M.D., who was the Medical Director of the New York State Athletic Commission and present at the boxing match, knew or should have known that Magomed Abdusalamov was suffering severe physical injury during the boxing

¹ MSG Holdings, L.P., d/b/a MSG Sports, formerly a defendant in the underlying action, was dismissed from the case by order of the Court filed February 26, 2015.

match, but failed to terminate the match or direct others to terminate the match.

12. It is further alleged in the Complaint that defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D. knew or should have known that Magomed Abdusalamov had suffered severe physical injury during the boxing match, but, following the completion of the match, failed to direct Magomed Abdusalamov to an ambulance present at Madison Square Garden, causing a delay in the rendering of medical care to Magomed Abdusalamov, further exacerbating his injuries.

13. In their Answers to the Complaint, annexed hereto as Exhibits B and C, defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D., respectively, have denied the Complaint's allegations and asserted various affirmative defenses. Defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D., respectively, continue to deny the Complaint's allegations and continue to assert said affirmative defenses, as stated in Exhibits B and C, annexed hereto.

**THE DEFENDANTS'/THIRD-PARTY PLAINTIFFS' ALLEGATIONS
AGAINST THE THIRD-PARTY DEFENDANTS**

14. Upon information and belief, third-party defendant John David Jackson was Magomed Abdusalamov's trainer and was in Abdusalamov's corner during the November 2, 2013 boxing match. Upon information and belief, John David Jackson had both the duty and ability to request that the referee and/or ring doctors terminate the boxing match, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during the match. However, John David Jackson did not request that the boxing match be terminated.

15. Upon information and belief, third-party defendant John David Jackson knew or

should have known that an ambulance was present at Madison Square Garden on November 2, 2013 and had both the duty and ability to request that Magomed Abdusalamov be taken by that ambulance to a hospital, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during or after the boxing match. However, John David Jackson did not make that request.

16. Upon information and belief, third-party defendant Boris Grinberg, Sr. was Magomed Abdusalamov's manager and was present at the November 2, 2013 boxing match. As Abdusalamov's manager, Boris Grinberg, Sr. had both the duty and ability to request that the referee and/or ring doctors terminate the boxing match, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during the match. However, Boris Grinberg, Sr. did not request that the boxing match be terminated.

17. Alternatively, upon information and belief, third-party defendant Boris Grinberg, Sr. had both the duty and ability to ask the members of Abdusalamov's corner to request that the referee and/or ring doctors terminate the boxing match, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during the match. However, Boris Grinberg, Sr. did not ask the members of Abdusalamov's corner to request the termination of the match.

18. Upon information and belief, third-party defendant Boris Grinberg, Sr. knew or should have known that an ambulance was present at Madison Square Garden on November 2, 2013 and had both the duty and ability to request that Magomed Abduslamaov be taken by that ambulance to a hospital, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during or after the boxing match.

However, Boris Grinberg, Sr. did not make that request.

19. Upon information and belief, third-party defendant Boris Grinberg, Jr. is the son of Boris Grinberg, Sr., was in Magomed Abdusalamov's corner during the November 2, 2013 boxing match, and acted as a Russian translator for communications between Abdusalamov and other members of Abdusalamov's corner, both during and after the match. As a member of Abdusalamov's corner and his translator, Boris Grinberg, Jr. had both the duty and ability to request that the referee and/or ring doctors terminate the boxing match, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during the match. However, Boris Grinberg, Jr. did not make that request.

20. Alternatively, upon information and belief, third-party defendant Boris Grinberg, Jr. had both the duty and ability to ask the other members of Abdusalamov's corner to request that the referee and/or ring doctors terminate the boxing match, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during the match. However, Boris Grinberg, Jr. did not ask the members of Abdusalamov's corner to request termination of the match.

21. Upon information and belief, third-party defendant Boris Grinberg, Jr. knew or should have known that an ambulance was present at Madison Square Garden on November 2, 2013 and had both the duty and ability to request that Magomed Abduslamaov be taken by that ambulance to a hospital, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during or after the boxing match. However, Boris Grinberg, Jr. did not make that request.

22. Upon information and belief, third-party defendant Sampson Lewkowicz was Magomed Abdusalamov's promoter and was present at the November 2, 2013 boxing match.

Upon information and belief, third-party defendant Sampson Lewkowicz knew or should have known that an ambulance was present at Madison Square Garden on November 2, 2013 and had both the duty and ability to request that Magomed Abduslamaov be taken by that ambulance to a hospital, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during or after the boxing match. However, Sampson Lewkowicz did not make that request.

23. Upon information and belief, third-party defendant Nathan Lewkowicz was Magomed Abdusalamov's co-promoter and was present at the November 2, 2013 boxing match. Upon information and belief, third-party defendant Nathan Lewkowicz knew or should have known that an ambulance was present at Madison Square Garden on November 2, 2013 and had both the duty and ability to request that Magomed Abduslamaov be taken by that ambulance to a hospital, if, as plaintiffs allege in the Complaint, Abdusalamov was suffering from, or appeared to be suffering from, severe physical injury during or after the boxing match. However, Nathan Lewkowicz, did not make that request.

24. In addition to the above, upon information and belief, in violation of their duty owed to Magomed Abdusalamov, third-party defendants John David Jackson and Boris Grinberg, Jr. failed to ensure that there was proper, adequate, meaningful and effective communication among and between the Russian-speaking Magomed Abdusalamov, his corner, the referee, the ring doctors, and officials of the New York State Athletic Commission concerning Abdusalamov's physical condition, both during the boxing match, and subsequent thereto, to the detriment of Magomed Abdusalamov.

25. If the plaintiffs suffered any damages and/or injuries through negligence other than their own, then such damages and injuries were caused in whole or in part by reason of the

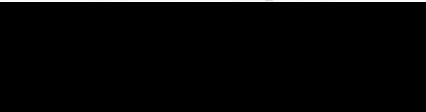
third-party defendants' negligence.


26. If plaintiffs recover any judgment against defendants/third-party plaintiffs Matthew D. Farrago and/or Barry D. Jordan, M.D., then defendants/third-party plaintiffs Matthew D. Farrago and/or Barry D. Jordan will be entitled to indemnification and/or contribution from the third-party defendants for all or part of the amount of such judgment, based upon the negligence of the third-party defendants.

WHEREFORE, in the event that a judgment is recovered by the plaintiffs against defendants/third-party plaintiffs Matthew D. Farrago and/or Barry D. Jordan, M.D., then defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D. demand judgment over and against the third-party defendants for all or part of the amount of any such judgment, together with the costs and disbursements of this action.

Dated: New York, New York
June 23, 2015

ERIC T. SCHNEIDERMAN
Attorney General of the State of New York
**Attorney for Defendants/Third Party Plaintiffs
Matthew D. Farrago and Barry D. Jordan, M.D.**



By: 

ROSS N. HERMAN
Assistant Attorney General

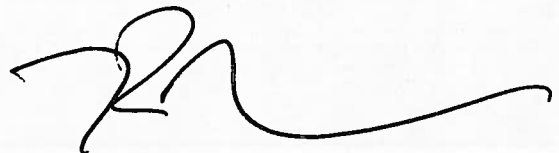
VERIFICATION

STATE OF NEW YORK)
 : SS.:
COUNTY OF NEW YORK)

The undersigned, an attorney admitted to practice in the courts of New York, shows: that he is of counsel to ERIC T. SCHNEIDERMAN, Attorney General of the State of New York, the attorney of record for defendants/third-party plaintiffs Matthew D. Farrago and Barry D. Jordan, M.D. in the within action; that I have read the foregoing Third-Party Complaint and know its contents. The matters therein are stated on information and belief, and as to those matters, I believe them to be true. This verification is made by deponent and not by defendants/third-party plaintiffs, because the defendants/third-party plaintiffs do not reside within the county where deponent has his office.

The grounds of my belief as to all matters not stated upon my knowledge are statements of the defendants/third-party plaintiffs.

Dated: New York, New York
 June 23, 2015



ROSS N. HERMAN
Assistant Attorney General