

SUPREME COURT OF THE STATE OF NEW  
COUNTY OF NASSAU

-----X  
MANHASSET DENTAL P.C. and  
MADELEINNE ZAPANTIS,  
Plaintiffs,

-against-

ERIKA LUCASSI

Defendant(s).  
-----X

Index No.:  
Date Purchased: 4-25-18  
Plaintiff designates Nassau  
County as the place of trial

Basis for venue is plaintiff's address  
2110 Northern Blvd  
Manhasset NY 11030

YOU ARE HEREBY SUMMONED and required to appear in the SUPREME COURT OF THE COUNTY OF NASSAU, at the office of the Clerk of the said Court at 100 Supreme Court Drive, Mineola, New York in the County of Nassau, State of New York, by serving an answer to the annexed complaint upon plaintiff's attorney at the address stated, within the time provided by law as noted below; upon your failure to answer, judgment will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: Mineola, New York  
April 25, 2018

Defendant's Address: 95-09 103<sup>rd</sup> Street Apt C Ozone Park, NY 11416

By: /s/ Oscar Michelen /s/

\_\_\_\_\_  
Oscar Michelen,  
CUOMO LLC  
Attorneys for Plaintiffs  
200 Old Country Road  
Suite 2 South  
Mineola, New York 11501-4242  
(516) 741 3222

NOTE: The law provides that:

1. If this summons is served by its delivery to you personally within the County of NASSAU, you must answer within TWENTY (20) days after such service; or
2. If this summons is served by delivery to any person other than you personally, or is served outside the County of NASSAU or by publication, or by any means other than personal delivery to you within the County of NASSAU, you are allowed THIRTY (30) days after such proof of service thereof is filed with the clerk of this Court within which to answer.

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU

-----X  
MANHASSET DENTAL P.C and  
MADELEINNE ZAPANTIS

Plaintiffs,

-against-

**VERIFIED  
COMPLAINT**

Index No.:

ERIKA LUCASSI

Defendants.

-----X  
PLAINTIFF MANHASSET DENTAL P.C and PLAINTIFF MADELEINNE

ZAPANTIS ("Plaintiffs"), by and through their attorneys CUOMO LLC, as and for their  
Verified Complaint against the defendant ERIKA LUCASSI ("Defendant") respectfully  
sets forth and alleges as follows, upon information and belief:

**PARTIES**

1. At all times herein, Plaintiff MANHASSET DENTAL P.C. was a professional corporation, duly transacting business in the County of Nassau, State of New York.
2. At all times herein, Plaintiff MADELEINNE ZAPANTIS was an individual residing in the County of Nassau, State of New York and is the sole shareholder of MANHASSET DENTAL P.C.
3. At all times herein, Defendant ERIKA LUCASSI was an individual residing in the County of Queens, State of New York.
4. Plaintiff MANHASSET DENTAL P.C. has operated a dentistry practice in the County of Nassau State of New York for over fourteen years and continues to do so to this date.
5. From 2009 through December 2017, Defendant was employed by Plaintiff Manhasset Dental P.C.

**AS AND FOR A FIRST CAUSE OF ACTION**  
**FOR FRAUD AGAINST DEFENDANT**

6. Plaintiffs repeat and re-allege the allegations set forth in paragraphs 1-5 of this complaint as if fully set forth herein.
7. Defendant through her employment at Plaintiff MANHASSET DENTAL P.C. has access and control over the books, records, bank documents, payroll records, checks, data, and computer hard drive of the Plaintiff.
8. Over the course of her employment, Defendant would alter, modify, change and manipulate the corporate records and data of Plaintiff MANHASSET DENTAL P.C. to hide that Defendant was stealing money from the Plaintiffs.
9. Defendant would put in false entries into Plaintiffs' business records, falsify checks, put in improper invoices and vouchers for payment, and had other schemes and devices where she took money and income belonging to plaintiffs and kept it for herself.
10. Defendant took a number of steps to hide her theft and fraud from the Plaintiffs, including having herself receive false bonus payments and salary increases; writing checks to herself; and masking payments on her behalf as payments to vendors.
11. Even when Plaintiff ZAPANTIS would complain about the lack or loss of income at the Plaintiff MANHASSET DENTAL P.C., Defendant would put forth false reasons for the lack or loss of income in order to hide her fraud.
12. Through the various fraudulent schemes of Defendant, Defendant stole over Three Hundred Thousand (\$300,000.00) Dollars from Plaintiffs.
13. Defendants fraud was discovered in approximately December 2017.
14. Plaintiffs then terminated Defendant's employment from Plaintiff MANHASSET DENTAL P.C.

15. Plaintiffs have still not fully determined the total amount of loss as they are continuing to analyze and recreate their books, data and records.

16. By reason of the foregoing, Plaintiffs have been damaged in excess of \$300,000.00, plus interest, costs and disbursements and demand judgment in that amount along with such other and further relief as the court deems just and proper. Plaintiffs also seek punitive damages.

**AS AND FOR A SECOND CAUSE OF ACTION  
FOR CONVERSION AGAINST DEFENDANT**

17. Plaintiffs repeat and re-allege the allegations set forth in paragraphs 1-16 of this complaint as if fully set forth herein.

18. Through the above conduct, Defendant converted the assets and income of Plaintiffs for her own benefit.

19. By reason of the foregoing, Plaintiffs have been damaged in excess of \$300,000.00, plus interest, costs and disbursements and demand judgment in that amount along with such other and further relief as the court deems just and proper. Plaintiffs also seek punitive damages.

**AS AND FOR A THIRD CAUSE OF ACTION  
FOR FAITHLESS SERVANT AGAINST DEFENDANT**

20. Plaintiffs repeat and re-allege the allegations set forth in paragraphs 1-19 of this complaint as if fully set forth herein.

21. At points throughout her employment, Defendant used her position as an employee of Plaintiff MANHASSET DENTAL P.C. to engage in dishonest and improper actions including creating and filing false documents.

22. These dishonest and improper actions occurred while Defendant was on duty and/or actively employed with the Plaintiff MANHASSET DENTAL P.C.
23. These dishonest and improper actions related directly to Defendant's duties as a Plaintiff MANHASSET DENTAL P.C employee and/or related directly to her areas of responsibility.
24. These dishonest and improper actions put Defendant's interests ahead of Plaintiff MANHASSET DENTAL P.C's interests.
25. As an employee of Plaintiff MANHASSET DENTAL P.C, Defendant owed a duty of loyalty and fidelity to Plaintiff MANHASSET DENTAL P.C in the performance of her duties.
26. As an employee of Plaintiff MANHASSET DENTAL P.C, Defendant owed a duty to Plaintiff MANHASSET DENTAL P.C to not commit dishonest and improper actions.
27. Defendant performed some, if not all, of these dishonest and improper actions directly against her employer Plaintiff MANHASSET DENTAL P.C
28. Defendant through her actions attempted to defraud and did defraud Plaintiff MANHASSET DENTAL P.C.
29. Defendant's impropriety and dishonesty permeated her service to Plaintiff MANHASSET DENTAL P.C.
30. For all the foregoing reasons, Defendant was a faithless servant of Plaintiff MANHASSET DENTAL P.C.
31. Defendant's faithlessness breached the duties she owed Plaintiff MANHASSET DENTAL P.C as an employee.
32. Defendant's faithlessness harmed and damaged the Town.

33. Under the doctrine of faithless servant, as applied in New York, an employer has the right to receive back the entire compensation received by the faithless servant during the period of her disloyalty and impropriety.

34. For all the foregoing reasons, the Plaintiff MANHASSET DENTAL P.C. demands that the Defendant forfeit all of the compensation, including wages, bonuses, benefits and pension, back to Plaintiff MANHASSET DENTAL P.C due to her being a faithless servant.

35. By reason of the foregoing, Plaintiff MANHASSET DENTAL P.C. has been damaged in an amount to be determined by the trier of fact, but which is in excess of the jurisdictional limits of all lower courts, plus interest, costs and disbursements and demands judgment in that amount along with such other and further relief as the court deems just and proper. Plaintiff also seeks punitive damages.

**WHEREFORE** Plaintiffs demand judgment against Defendant as follows:

- A. On the First Cause of Action, damages in excess of \$300,000.00, plus interest, costs and disbursements;
- B. On the Second Cause of Action, damages in excess of \$300,000.00, plus interest, legal fees, costs and disbursements;
- C. On the Third Cause of Action, damages in an amount to be determined by the trier of fact, but which is in excess of the jurisdictional limits of all lower court;
- D. Interest Costs and Disbursements;

- E. Punitive damages on all three causes of action as permitted by law;
- F. Such other and further relief as the court deems just and proper.

Dated: April 2, 2018

Respectfully Submitted,

/s/ Oscar Michelen/s/

CUOMO LLC  
 BY: Oscar Michelen  
 Attorneys for Plaintiffs  
 200 Old Country Road  
 Suite 2 South  
 Mineola NY 11501  
 516-741-3222  
 Fax: 516-741-3223  
 omichelen@cuomollc.com

**VERIFICATION**

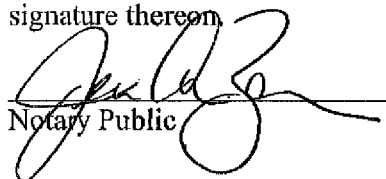
MADELEINNE ZAPANTIS under the penalties of perjury, hereby affirm and verify that I have read the attached COMPLAINT, and that the I know the contents thereof to be true of my own personal knowledge, except as to those matters which are alleged to be upon information and belief and as to those matters I believe them to be true based on the files maintained in my office

Dated: April 2018



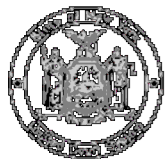
MADELEINNE ZAPANTIS

On the      day of April, 2018 before me appeared MADELEINNE ZAPANTIS known to me to be the person who affixed her signature above and she affixed her signature in my presence and swore to the truth of the contents of this verification prior to affixing her signature thereon.



Notary Public

**Jean Anne Zaremba**  
 Notary Public, State of New York  
 No 01ZA5056421  
 Qualified in Nassau County  
 Commission Expires March 04, 2022



# NYSCEF - Nassau County Supreme Court

## Confirmation Notice



This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

**Index Number NOT assigned**

**Manhasset Dental P.C. et al - v. - Erika Lucassi**

**Assigned Judge: None Recorded**

**Documents Received on 04/03/2018 05:30 PM**

<b>Doc #</b>	<b>Document Type</b>	<b>Motion #</b>
1	SUMMONS + COMPLAINT Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)	

### Filing User

<b>Name:</b>	<b>Oscar Michelen</b>	<b>E-mail Address:</b>	<b>omichelen@cuomolc.com</b>
<b>Phone #:</b>	<b>516-741-3222</b>	<b>Work Address:</b>	<b>200 Old Country Road Suite 2 South Mineola, NY 11501</b>
<b>Fax #:</b>			

### E-mail Notifications

An e-mail notification regarding this filing has been sent to the following address(es) on 04/03/2018 05:30 PM:

**MICHELEN, OSCAR - omichelen@cuomolc.com**

**NOTE: If submitting a working copy of this filing to the court, you must include as a notification page firmly affixed thereto a copy of this Confirmation Notice.**

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**Maureen O'Connell, Nassau County Clerk - <http://www.nassaucountyny.gov/agencies/Clerk/index.html>**

Phone: 516-571-2660 Website: <http://www.nassaucountyny.gov/agencies/Clerk/index.html>

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**NYSCEF Resource Center - [EFile@nycourts.gov](mailto:EFile@nycourts.gov)**

Phone: (646) 386-3033 Fax: (212) 401-9146 Website: [www.nycourts.gov/efile](http://www.nycourts.gov/efile)



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

-----x  
Manhasset Dental P.C., Madeleine Zapantis

Plaintiff/Petitioner,

-against-

Index No. \_\_\_\_\_

Erika Lucassi

-----x  
Defendant/Respondent.

**NOTICE OF COMMENCEMENT OF ACTION SUBJECT  
TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

**Parties represented by an attorney:** 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; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. 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 operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

**Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form.** However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit [www.nycourts.gov/efileunrepresented](http://www.nycourts.gov/efileunrepresented). Unrepresented litigants also are encouraged to visit [www.nycourthelp.gov](http://www.nycourthelp.gov) or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

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: 04/03/2018

\_\_\_\_\_  
Signature

OSCAR MICHELEN

\_\_\_\_\_  
Name

\_\_\_\_\_  
Firm Name

200 Old Country Road, Suite 2 South

\_\_\_\_\_  
Address

Mineola, NY 11501

\_\_\_\_\_  
City, State, and Zip

516-741-3222

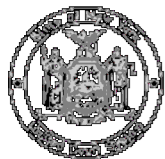
\_\_\_\_\_  
Phone

omichelen@cuomollc.com

\_\_\_\_\_  
E-Mail

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9/3/15

**NYSCEF - Nassau County Supreme Court****Payment Receipt**

This is an automated response for Supreme Court cases. The NYSCEF site has received your electronically filed documents for the following case.

**Index Number NOT assigned**

**Manhasset Dental P.C. et al - v. - Erika Lucassi**

**Documents Received on 04/03/2018 05:30 PM**

<b>Doc #</b>	<b>Document Type</b>	<b>Control #</b>	<b>Motion #</b>	<b>Fee</b>
1	SUMMONS + COMPLAINT Does not contain an SSN or CPI as defined in 202.5(e) or 206.5(e)			\$0.00
			<i>Index Fee</i>	+ \$210.00
			<b>Total Fee</b>	<b>\$210.00</b>

**Payment Information**

Generated Receipt #: 0000107166  
 Payment Type: **VISA/MC**  
 Date Paid: **04/03/2018**  
 Fee Amount: **\$210.00**  
 Authorization Code: **74797Z**  
 Comments:

**Filing User**

Name: **Oscar Michelen**  
 Phone #: **516-741-3222**  
 Fax #:  
 E-mail Address: **omichelen@cuomollic.com**  
 Work Address: **200 Old Country Road  
 Suite 2 South  
 Mineola, NY 11501**

**Maureen O'Connell, Nassau County Clerk - <http://www.nassaucountyny.gov/agencies/Clerk/index.html>**

Phone: 516-571-2660 Website: <http://www.nassaucountyny.gov/agencies/Clerk/index.html>

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