

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

D. ALEXANDRA DYER, derivatively on behalf of
HOSPITAL AUDIENCES, INC. a/k/a HEALING
ARTS INITIATIVE, INC.

Plaintiff,

-against-

D. LESLIE WINTER, ALAN GETTNER, GREG
LIBERTINY, LAURA ANNE WALKER,
JONATHAN PEARLROTH, J. DAVID SWEENY,
AND RICHARD GOMES,

Defendants,

and

HOSPITAL AUDIENCES, INC. a/k/a HEALING
ARTS INITIATIVE, INC,

Nominal Defendant.

Index No. _____

SUMMONS WITH NOTICE

Plaintiffs designate New York
County as the place of trial

The basis for the venue is
N.Y. C.P.L.R. § 503(a)

TO THE DEFENDANTS:

D. Leslie Winter
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Alan Gettner
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Greg Liberty
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Laura Anne Walker
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Jonathan Pearlroth
33-02 Skillman Avenue, 1st Floor
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J. David Sweeny
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Richard Gomes
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

Hospital Audiences, Inc. a/k/a Healing Arts Initiative, Inc.
33-02 Skillman Avenue, 1st Floor
Long Island City, New York 11101

YOU ARE HEREBY SUMMONED to appear in this action and to serve a Notice of Appearance upon plaintiff's attorney within twenty (20) days after the service of this Summons, exclusive of the day of service, if this Summons is personally delivered to you within the State of New York, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to appear, judgment will be taken against you by default for the relief demanded in the Notice below.

Your time to appear may be extended as provided for in CPLR § 3012 (b).

PLEASE TAKE NOTICE that this is an action to hold accountable the directors of Hospital Audiences, Inc. a/k/a Healing Arts Initiative, Inc. ("HAI") who, in violation of New York Not-For Profit Corporation Law ("N-PCL") §§ 717 and 720 and other applicable statutory or common law, have neglected, failed to perform, and/or violated their duties, including but not limited to, their duty to act in good faith and with the care of an ordinarily prudent person in a like position would exercise under similar circumstances, in the management of HAI, by permitting \$750,000 to be stolen by three former employees of HAI, hiring non-independent auditors, negligently hiring employees, and otherwise breaching their duties to HAI.

The foregoing actions constitute, *inter alia*, breach of contract, breach of fiduciary duty, and violations of N-PCL §§ 717 and 720. Plaintiff expressly reserves the right to amend its claims in this action to include other causes of action and other parties as may be appropriate.

PLEASE TAKE FURTHER NOTICE that the relief sought in this action is damages in an amount not less than \$750,000, believed to be foreseeably and proximately caused by Defendants' conduct referenced above, plus attorneys' fees and punitive damages, removal of the board of directors, as well as any other relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, in case of your failure to appear, judgment will be taken against you by default for the sum of \$750,000 plus pre-judgment interest, plus the costs and disbursements of this action, plus punitive damages and attorneys' fees.

Dated: New York, New York
April 6, 2016

Respectfully submitted,

SCHLAM STONE & DOLAN LLP

By: /s/
Jeffrey M. Eilender
Samuel L. Butt

26 Broadway
New York, New York 10004
(212) 344-5400

Attorneys for Plaintiff