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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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KATHLEEN E. MURRAY, as Executrix of the
Goods, Chattels and Credits which were
of BRIAN J. MURRAY and KATHLEEN E.
MURRAY, individually,

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Plaintiff,

-against-

VERIFIED BILL
OF PARTICULARS

CITY OF NEW YORK and the POLICE
DEPARTMENT OF THE CITY OF NEW YORK,

Defendants.
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Plaintiff, by her attorneys, GARBARINI, SCHER & DE CICC
P.C., as and for her verified bill of particulars, states upon in-
formation and belief:

1. It will be claimed that the acts of negligence took place on September 11, 1976 and at other dates prior to that time solely within the knowledge of the defendants.
2. It will be alleged that the acts of negligence took place at the New York City Police Department Firing Range, Rodman Neck, Bronx, New York at the bomb disposal pit and at other unspecified locations solely within the knowledge of the defendants.
3. It will be claimed that the defendants were negligent in that they failed and neglected to exercise that degree of care and caution commensurate with the circumstances then and there existing which a reasonably prudent person would have exercised thereunder; in that they failed and neglected to supply proper and adequate training and instructions to the decedent,

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BRIAN J. MURRAY, and others engaged in the demolition and deactivation of explosive devices; in failing and neglecting to provide adequate and proper supervision; in failing to provide and authorize the proper and adequate procedures for demolition and deactivation of explosive devices in line with the current state of knowledge on that subject; in that the defendants had knowledge or should have had knowledge of proper and adequate procedures for demolition and deactivation of explosive devices in line with the current state of knowledge on that subject; in failing to supply proper and adequate deactivation and safety equipment; in causing and permitting an explosion to occur in such proximity to the decedent, BRIAN J. MURRAY, so as to cause him to suffer the grievous injuries hereinafter alleged; in failing and neglecting to expect, anticipate and foresee the aforesaid occurrence; in allowing too many people in the bomb disposal pit at the time of the occurrence; in failing to direct adequate delay time after returning to the bomb pit after attempting to disarm the bomb; in failing to use techniques to dispose of the bomb without disarming it; in erroneously directing that the bomb be manually disarmed; in failing to provide sufficient laboratory backup to render manually disarming the bomb unnecessary and in being otherwise negligent and careless in the premises.

4. It will be claimed that the defendants are vicariously liable for the negligence of supervising officers and members of the bomb squad whose names are not presently known but will be supplied after completion of depositions.

5. Not applicable.

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age 4 at the time of decedent's death; (c) Christopher Murray, age 2 at the time of decedent's death.

14. Prior to the time of death, decedent, BRIAN J. MURRAY, contributed substantially all of his salary with the exception of job related expenses and taxes to the support of his wife, KATHLEEN MURRAY, and children, KEITH MURRAY and CHRISTOPHER MURRAY.

15. At the time of his death, BRIAN MURRAY was 27 years old and resided at 20 Tarence Street, Rockville Centre, New York.

Dated: New York, New York
December 1, 1978

Yours, etc.

GARBARINI, SCHER & DE CICCO, P.C.
Attorneys for Plaintiff
Office and P.O. Address
500 Fifth Avenue
New York, N.Y. 10036
(212) 354-4222

TO:

ALLEN G. SCHWARTZ
Municipal Building
New York, N.Y. 10007

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