

STATE OF NEW YORK

SUPREME COURT COUNTY OF WASHINGTON

BLAKE WALSH,

Plaintiffs,

-against-

SUMMONS

JINX P. MONAHAN a/k/a POLLY JINX
MONAHAN and KEVIN MONAHAN,

Defendants.

TO THE ABOVE NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED and required to serve upon the Plaintiff's attorney an Answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, 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 answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: March 19, 2024

Yours, etc.



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STATE OF NEW YORK

SUPREME COURT COUNTY OF WASHINGTON

BLAKE WALSH,

Plaintiffs,

-against-

COMPLAINT

JINX P. MONAHAN a/k/a POLLY JINX
MONAHAN and KEVIN MONAHAN,

Defendants.

Plaintiff, by and through his attorneys, The Scagnelli Law Firm, P.C., Peter J. Scagnelli, Esq., of counsel, as and for a Complaint alleges and states as follows:

1. Plaintiff, Blake Walsh, is a resident of the Town of Cambridge, County of Washington and State of New York.
2. All times relevant, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, is a resident of the County of Washington and State of New York.
3. Defendant, Kevin Monahan, was at all times relevant, an individual and a resident of the County of Washington, State of New York.
4. At all times relevant, Defendants, Jinx P. Monahan a/k/a Polly Jinx Monahan and Kevin Monahan, own certain real property located at 1263 Patterson Road, Town of Hebron, County of Washington and State of New York.
5. Said property, the residence of both Defendants, is improved by a dwelling place and a driveway for ingress and egress.

**AS AND FOR A FIRST CAUSE OF ACTION AGAINST DEFENDANT,
JINX P. MONAHAN A/K/A POLLY JINX MONAHAN**

6. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "5" of this Complaint as if more fully set forth herein.

7. On or about April 15, 2023 between the hours of 9:30PM and 10:30PM, Plaintiff, Blake Walsh, was operating a Ford Explorer along Patterson Hill Road in the Town of Hebron, County of Washington and State of New York.

8. On April 15, 2023 at the time and place aforesaid, Blake Walsh was traveling with two other vehicles occupied by others who were heading to the home of a friend who lived nearby.

9. At or about the same place and time, Plaintiff turned the vehicle he was operating onto the Monahan's driveway at 1263 Patterson Hill Road in the Town of Hebron, County of Washington and State of New York.

10. Said driveway was apparently a dirt road, unlit and was not marked.

11. Upon information and belief, on multiple occasions prior to April 15, 2023, other motorists and persons traveling along Patterson Hill Road in the Town of Hebron have mistakenly turned into the Defendants' driveway or used the Defendants' driveway as a means to turn around.

12. Upon information and belief, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, had on the premises, a firearm that was unsecured and readily accessible to Defendant, Kevin Monahan.

13. Upon information and belief, prior to April 15, 2023, Defendant, Jinx P.

Monahan a/k/a Polly Jinx Monahan, knew that Kevin Monahan easily became emotionally distraught and agitated in a variety of circumstances, including but not limited to, when uninvited motorists would erroneously enter the Monahan property and/or driveway to turn around.

14. Upon information and belief, Defendant, Kevin Monahan, prior to April 15, 2023 exhibited behavior that would make it unsafe for him to be in possession of firearms.

15. Given Jinx P. Monahan a/k/a Polly Jinx Monahan's knowledge of Kevin Monahan's agitation and emotional outbursts, it was negligent, careless and reckless for her to permit the firearms located on the premises to be unsecured and readily available to Defendant, Kevin Monahan.

16. Upon information and belief, between 9:30PM and 10:30PM on April 15, 2023, Defendant, Kevin Monahan, became aware that a motor vehicle, including Blake Walsh's vehicle, had entered the driveway to his residence. Despite this knowledge, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, took no steps to secure the weapons on the premises.

17. At the aforesaid time and place and without legal justification, Defendant, Kevin Monahan, negligently, carelessly and recklessly, discharged a firearm in the direction of the vehicles and in so doing, struck Blake Walsh's Ford Explorer and struck and killed Kaylin Gillis, who was seated in the front passenger seat directly next to and adjacent to Blake Walsh.

18. Ms. Gillis was struck by a bullet discharged from Mr. Monahan's weapon.

Ms. Gillis was bleeding in the vehicle and caused Plaintiff, Blake Walsh, to become emotionally distraught and in fear for the life of Ms. Gillis, as well as, his own and others in said vehicle.

19. Upon information and belief, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, negligently, carelessly and recklessly failed to properly secure said weapons from a person who is known to be easily agitated and disregarded the danger of Defendant Kevin Monahan's actions.

20. As a result of the negligence, carelessness and recklessness of Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, Plaintiff was caused to suffer severe emotional distress.

21. By reason of the foregoing, Plaintiff has been rendered emotionally distressed, has suffered psychological harm and remains so to this day.

22. As a result of the foregoing, Plaintiff has been damaged in an amount exceeding the limits of all inferior Courts to Supreme Court.

23. This action falls within one or more of the exceptions of CPLR Article 16.

**AS AND FOR A SECOND CAUSE OF ACTION AGAINST
DEFENDANT, JINX P. MONAHAN A/K/A POLLY JINX MONAHAN
FOR NEGLIGENT ENTRUSTMENT OF A FIREARM**

24. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "23" of this Complaint as if more fully set forth herein.

25. Upon information and belief, prior to April 15, 2023, Defendant Kevin Monahan, was known to become volatile, agitated, aggressive and at times, violent, in his response to whatever he perceived to be stressful or threatening situations.

26. Upon information and belief, for a considerable time prior to April 15,

2023, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, was in possession at her residence at 1263 Patterson Road, Hebron, New York, of several firearms, including but not limited to, a 20 gauge shotgun.

27. Upon information and belief, at all times relevant prior to April 15, 2023, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, failed to take any reasonable precaution to secure any weapons, keep them from or block the access to Kevin Monahan whenever he became agitated.

28. Given Defendant Kevin Monahan's dangerous propensities as hereinbefore described, Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan's failure to take reasonable precautions to secure any firearms created an unreasonable risk of harm to others.

29. Upon information and belief, on April 15, 2023, Defendant, Jinx P. Monahan a/k/a Polly Jinx Monahan, failed to use reasonable care, was negligent, careless and reckless in her failure to secure the weapons once Defendant, Kevin Monahan, was presented with a stressful situation wherein Plaintiff, while operating his motor vehicle, accidentally turned into the Monahan's driveway.

30. Upon information and belief, it was foreseeable that once the Plaintiff turned into Defendants' driveway, Defendant, Kevin Monahan, would have a volatile/violent reaction to the same and be inclined to use a firearm.

31. Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan's failure to secure the weapon under the circumstances created an unreasonable risk of harm to the Plaintiff and all others on the premises that night.

32. Because of Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan's

carelessness, recklessness and negligence failed to use reasonable care when she left the firearm in question in possession of or within easy access to Defendant, Kevin Monahan.

33. As a result of Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan's failure to properly secure the firearm, or otherwise entrusted or allowed access of the firearm near Defendant, Kevin Monahan, the Defendant, Kevin Monahan, discharged the firearm as hereinbefore described which struck Plaintiff's Ford Explorer killing the passenger therein, Kaylin Gillis.

34. As a result of Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan's negligence as described herein, Plaintiff, Blake Walsh, was caused to become emotionally distraught and in fear for his life, as well as, his own and others in said vehicle.

35. By reason of the foregoing, Plaintiff has been rendered emotionally distressed, has suffered psychological harm and remains so to this day.

36. As a result of the foregoing, Plaintiff has been damaged in an amount exceeding the limits of all inferior Courts to Supreme Court.

37. This action falls within one or more of the exceptions of CPLR Article 16.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, KEVIN MONAHAN**

38. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "37" of this Complaint as if more fully set forth herein.

39. Upon information and belief, prior to April 15, 2023, Defendant, Kevin

Monahan, was negligent, careless and reckless in the handling of his firearm in his possession on said evening.

40. On the aforesaid date, time and place, Defendant, Kevin Monahan, carelessly, negligently and recklessly, discharged a firearm in the direction of Plaintiff's vehicle thereby striking the same and killing Ms. Gillis and causing the Plaintiff and other passengers in said vehicle grave emotional distress by being placed in fear of being struck with bullets.

41. Due to Defendant Kevin Monahan's careless, negligent and reckless discharge of a weapon as hereinbefore described, Blake Walsh was forced to witness the shooting of Ms. Gillis who was seated immediately to his right and watched her perish.

42. As a result of the foregoing, Blake Walsh was caused to experience emotional distress and psychological harm and continues to experience the same through this day.

42. By reason of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower Courts.

44. This action falls within one or more of the exceptions set forth in CPLR Article 16.

**AS AND FOR A THIRD CAUSE OF ACTION AGAINST
DEFENDANT, KEVIN MONAHAN, FOR NEGLIGENT
INFLECTION OF EMOTIONAL DISTRESS**

45. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "44" of this Complaint as if more fully set forth herein.

46. On or about April 15, 2023, Defendant, Kevin Monahan, possessed a firearm with the ability to cause imminent and harmful bodily contact to the Plaintiff and all other passengers in his vehicle.

47. On or about April 15, 2023, Defendant, Kevin Monahan, carelessly, negligently and recklessly discharged his firearm in the direction of the vehicle operated by Plaintiff, Blake Walsh, and placing the Plaintiff, as well as all others riding in the vehicle at that time and others nearby, in anticipation of imminent physical harm and fear that they would be struck by a bullet.

48. As a result of Defendant Kevin Monahan's actions, Plaintiff suffered severe emotional distress and psychological harm.

49. As a result of the foregoing, Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all lower Courts.

50. This action falls within one or more of the exceptions set forth in CPLR Article 16.

**AS AND FOR A FOURTH CAUSE OF ACTION AGAINST
DEFENDANT, KEVIN MONAHAN, FOR ASSAULT**

51. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "50" of this Complaint as if more fully set forth herein.

52. On or about April 15, 2023, Defendant Kevin Monahan's conduct as described herein, was extreme and outrageous.

53. On April 15, 2023 Defendant, Kevin Monahan, carelessly, negligently and recklessly caused the Plaintiff and others in his vehicle severe emotional distress.

54. On April 15, 2023 Defendant, Kevin Monahan, as described herein, consciously disregarded substantial probability that his actions would cause the Plaintiff and others in his vehicle and in the immediate vicinity, severe emotional distress.

55. At the aforesaid date, time and place, Defendant, Kevin Monahan, by discharging the weapon described herein, assaulted the Plaintiff by recklessly placing the Plaintiff and others present, in apprehension of imminent harmful contact.

56. Defendant Kevin Monahan's actions on April 15, 2023 caused the Plaintiff to suffer severe emotional distress.

57. As a result of the foregoing, the Plaintiff has been damaged in an amount exceeding the jurisdictional limits of all inferior Courts.

58. This cause of action is not subject to the limitations set forth in CPLR Article 16.

AS AND FOR A FIFTH CAUSE OF ACTION FOR PUNITIVE DAMAGES

59. Plaintiff repeats and realleges each and every allegation contained in paragraphs "1" through "58" of this Complaint as if more fully set forth herein.

60. The conduct of Defendant, Kevin Monahan, exhibited a reckless disregard for human life and safety and more importantly, for the life and safety of the Plaintiff.

61. By reason of the foregoing, Plaintiff is entitled to an award of punitive damages.

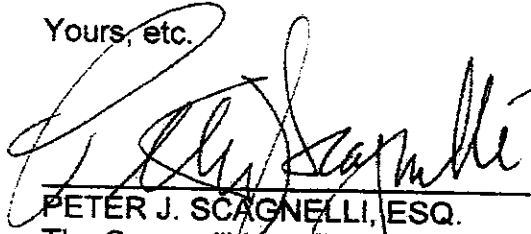
WHEREFORE, Plaintiff asks for a Judgment against the Defendants for the following relief:

- Compensatory damages in an amount to be awarded by the trier of fact;

- Punitive damages; and
- All other relief that the Court may seem just and proper.

DATED: March 19, 2024

Yours, etc.



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