

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF SULLIVAN

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In the Matter of the Application of

Index No.:

AUTUMN DONNELLY, individually and as Mother  
And Natural Guardian of J.M. and S.M., infants,

Petitioners,

**VERIFIED PETITION**

for an Order pursuant to Section 3102(c) of the  
Civil Practice Law and Rules of the State of New  
York and all other applicable laws, statutes and  
regulations, permitting Preservation, Discovery,  
Testing, and Inspection, in an Action about to be  
commenced, from:

BLUE FLAME PROPANE, INC., SUMONA  
EASMIN JONA and MONTICELLO FIRE  
DEPARTMENT,

Respondents.  
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Petitioner, AUTUMN DONNELLY, both individually and as mother and natural guardian  
of her children, J.M. and S.M., infants, by their attorneys, Gersowitz, Libo & Korek, P.C., upon  
information and belief, as and for their Verified Petition, state as follows:

1. I reside at 14 James Place, Kiamesha Lake, New York 12751.
2. I rented the home at the above address pursuant to a lease agreement with  
Respondent, SUMOMA EASMIN JONA.
3. On September 30, 2023, at approximately 12:30 p.m., the home I rented at the above  
address exploded due to a propane/gas malfunction. As a result, my children and fiancé, ROBERT  
MCDOWELL sustained serious and severe personal injuries.
4. The home at the above address was serviced some days prior to the day of the  
explosion by Respondent, BLUE FLAME PROPANE, INC.
5. ROBERT MCDOWELL and infants J.M. and S.M. were rushed to Westchester

Medical Center where they were all admitted to the emergency room burn unit with serious orthopedic and burn injuries.

6. They have all had to undergo multiple surgeries, including, but not limited to Open Reduction Internal Fixation, skin grafts and wound closures.

7. I intend to prosecute a civil action against those responsible for the personal injuries we sustained.

8. My attorneys have informed me that the Defendants may include Respondents, BLUE FLAME PROPANE, INC. and SUMONA EASMIN JONA, who are responsible for maintaining and keeping safe the home, including the soil and all underground gas/propane tanks, pipes or other parts.

9. The facts as currently known and adduced herein reveal that your Petitioner has a valid and meritorious cause of action.

10. I have been informed that it is critical for my attorneys and their representatives to obtain immediate access to the subject explosion area, including the soil and all underground gas/propane tanks, pipes or other parts in their post-accident state and condition (while ensuring the public is protected), in order that a meaningful inspection of them can be made.

11. My attorneys have also informed me that it is critical to obtain access to any surveillance video that exists pertaining to the incident.

12. I respectfully seek this Order pursuant to CPLR § 3102(c).

13. No prior application for the relief requested herein or for any relief has been made to this or any other Court.

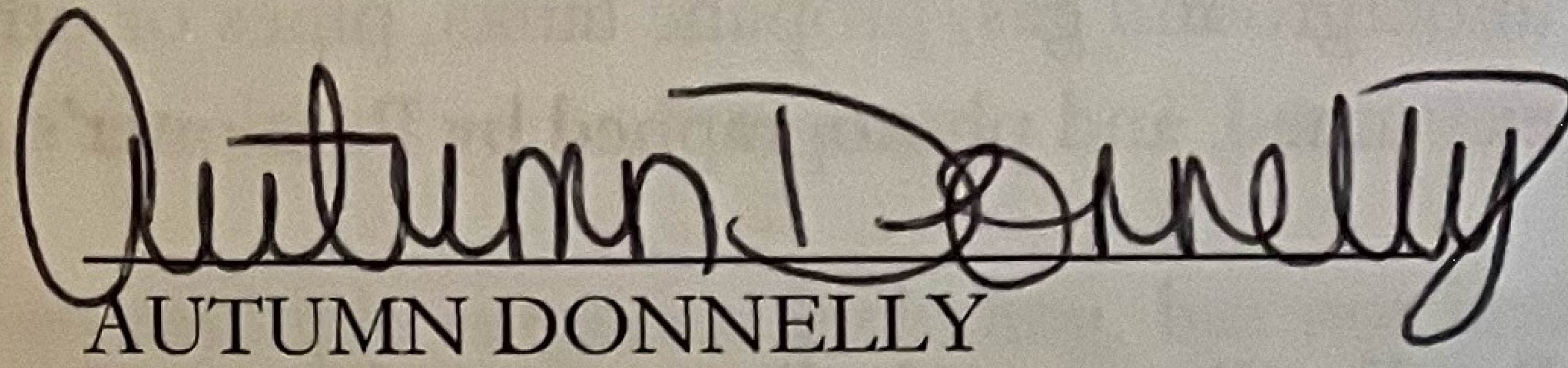
**WHEREFORE, PETITIONER RESPECTFULLY PRAYS FOR AN ORDER:**

- A. Compelling Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, their agents, servants, and/or employees to make available to Petitioner's attorneys and their representatives the

explosion area and location of September 30, 2023, including the soil and all underground gas/propane tanks, pipes or other parts, so that they may be inspected, examined, and photographed by Petitioner's attorneys and their representatives; and

- B. Pending Petitioner's discovery and inspection, compelling and directing Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, their agents, servants, and/or employees to keep and preserve the explosion area and location of September 30, 2023, including the soil and all underground gas/propane tanks, pipes or other parts, in their immediate post-accident state and condition, while ensuring the public is protected; and
- C. Compelling BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, to provide Petitioner's attorneys with copies of all post-occurrence incident reports and records, inspection reports, fire inspection report and records, and repair reports and records, if any; and
- D. Pending determination of the relief requested herein, Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, their agents, servants, and/or employees, be stayed from removing or altering the explosion area and location of September 30, 2023, including the soil and all underground gas/propane tanks, pipes or other parts, while ensuring the public is protected; and
- E. Pending determination of the relief requested herein, Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, their agents, servants, and/or employees, be stayed from disposing of the explosion area and location of September 30, 2023, including the soil and all underground gas/propane tanks, pipes or other parts, while ensuring the public is protected; and
- F. Compelling Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT to produce unredacted copies of all surveillance video depicting Petitioners and the occurrence; and
- G. Ordering that pending the hearing of this application, Respondents BLUE FLAME PROPANE, INC., SUMONA EASMIN JONA and MONTICELLO FIRE DEPARTMENT, their agents, servants, and/or employees be stayed from removing the explosion area and location of September 30, 2023, including the soil and all underground gas/propane tanks, pipes or other parts, while ensuring the public is protected.

Dated: New York, New York  
October 26, 2023

  
AUTUMN DONNELLY

INDIVIDUAL VERIFICATION

STATE OF NEW YORK    )  
  ) ss:  
COUNTY OF Westchester )

AUTUMN DONNELLY, both individually and as mother and natural guardian of her children, J.M. and S.M., infants, being duly sworn, depose and says: I am the Petitioner in the within action. I have read the foregoing Petition and know the contents thereof; the same are true to our own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters, I believe them to be true.

*Autumn Donnelly*  
AUTUMN DONNELLY

Sworn to before me this  
20 day of October, 2023

*[Signature]*

Notary Public

