

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Trial Court of the Commonwealth
Department of the Superior Court

Dean Di Simone,)
Plaintiff,)
v)
Oliver Brochu,)
Defendant)

Docket No:

VERIFIED COMPLAINT

Comes now the Plaintiff, by and through counsel, and states as and for his Verified Complaint as follows:

1. Plaintiff is a natural person who resides at 9032 Wonderland Park Avenue, Los Angeles, California.
2. Defendant is a natural person who resides at 764 East 8th Street, Boston, Massachusetts.
3. Jurisdiction and Venue are appropriate as the Defendant resides in Suffolk County.
4. Donato De Simone is the great grandfather of Plaintiff, and the great-great grandfather of Defendant.
5. Plaintiff's great grandfather was named Donato De Simone. In various vital records, he alternately called himself Anthony Di Simone, Sr.; Tony Di Simone; Anthony Di Simone; Donatum De Simone; and Anthony J. DiSimone. In the Italian language, Anthony or Tony is a common alternate of Donato. In some renderings, there was a space between "De" and "Simone" and others not. These variations were due to the unfamiliarity of vital records officials who were tasked with recording names. It was not uncommon for name variations to appear in documents such as birth certificates, marriage certificate, death certificates, census records and immigration records.
6. On May 15, 2022, Defendant agreed to produce and deliver to Plaintiff an elaborate memorial plaque ("the Plaque") bearing the name of Plaintiff's great grandfather on or before December 15, 2022.
7. Defendant has averred that he has not provided Plaintiff with the Plaque because Plaintiff and Defendant cannot agree as to which spelling and alternate of their ancestor's names should appear on the Plaque.
8. Defendant complains that his great-great grandfather's name should be rendered as Anthony Di Simone.


9. Defendant is incorrect in that the Plaintiff's great-grandfather's name must be rendered as Donato De Simone.
10. Defendant's failure to provide the Plaque to Plaintiff on or before December 15, 2022 constitutes a breach of contract.
11. Plaintiff has been damaged as a result, and Plaintiff's remedy at law is neither adequate nor complete.

WHEREFORE, the plaintiff demands Judgment as follows:

1. For equitable relief requiring that Defendant provide the Plaque to Plaintiff.
2. For declaratory relief, setting forth an Order that Plaintiff's great grandfather's name is accurately rendered as Donato De Simone.

Respectfully submitted,
Dean Di Simone,
By his attorneys,

Grolman LLP




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Verification

I, Dean Di Simone, declare under the penalty of perjury that the following statements are true:

1. I have read the foregoing Complaint.
2. All of the statements made in this Complaint are true to the best of my knowledge.
3. To the best of my knowledge, information and belief formed after diligent inquiry, this Complaint is well founded in fact and is warranted by existing law or a good faith argument for the extension or modification of existing law.
4. This Complaint is not being filed for any improper purpose, such as to harass or to annoy Defendants.



Dean Di Simone