

STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SARATOGA

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ANDREW B. GILLIS,  
Administrator of the ESTATE OF  
KAYLIN A. GILLIS,

Plaintiff,

- against -

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

Defendants.

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**SUMMONS**

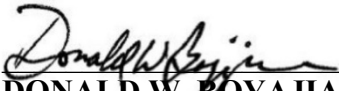
Index No.:

**TO THE ABOVE-NAMED DEFENDANTS:**

**YOU ARE HEREBY SUMMONED** and required to serve upon plaintiff’s attorneys 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. The basis of venue designated above is that plaintiff resides and the incident took place in the County of Saratoga, State of New York.

Dated: August 24, 2023  
Albany, New York

**DREYER BOYAJIAN LLP**

  
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STATE OF NEW YORK  
SUPREME COURT                      COUNTY OF SARATOGA

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ANDREW B. GILLIS,  
Administrator of the ESTATE OF  
KAYLIN A. GILLIS,

**COMPLAINT**

Index No.:

Plaintiff,

- against -

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

Defendants.

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**PARTIES**

1. Plaintiff Andrew B. Gillis was at all relevant times an individual and a resident of the County of Saratoga and the State of New York.

2. Kaylin A. Gillis was at all relevant times an individual and a resident of the County of Saratoga and the State of New York. On April 15, 2023, Kaylin suffered serious bodily injury, ultimately resulting in her death, as a direct and proximate result of the conduct of Defendants. At the time of her death, Kaylin A. Gillis was a vibrant twenty-year-old woman in good health and physical condition, industrious and in possession of all her faculties.

3. Pursuant to Limited Letters of Administration issued on May 10, 2023, Andrew B. Gillis was appointed as the Administrator of the Estate of his daughter, Kaylin A. Gillis.

4. Defendant Kevin D. Monahan was at all relevant times an individual and a resident of the County of Washington and the State of New York.

5. Defendant Jinx P. Monahan a/k/a Polly Jinx Monahan was at all relevant times an individual and a resident of the County of Washington and the State of New York.

6. That at all relevant times, Defendants Kevin D. Monahan and Jinx P. Monahan (Defendants) owned certain real property improved by among other things, a dwelling and a driveway for ingress and egress located and otherwise designated as 1263 Patterson Hill Road, Town of Hebron, County of Washington and State of New York.

7. On or about April 15, 2023, at approximately between 9:30 PM and 10:00 PM Kaylin A. Gillis was riding as a passenger in a Ford Explorer motor vehicle driven by Blake Walsh along Patterson Hill Road, Town of Hebron, County of Washington and State of New York.

8. The Ford Explorer in which Kaylin A. Gillis was riding as a passenger was traveling with two other vehicles occupied by other young adults who were heading to the home of a friend who lived in the area.

9. At or around that same time, Blake Walsh turned his vehicle into the driveway belonging to Defendants and entered upon Defendants' property mistaking it for the intended route to his destination.

10. That at all relevant times, the private driveway servicing the Defendants' residence is located at 1263 Patterson Hill Road, in the Town of Hebron, which appeared to be a dirt road and was poorly marked.

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

12. Upon information and belief, at all relevant times prior to April 15, 2023, Defendants knew or in the exercise of reasonable care should have known, that there was a foreseeable likelihood that unwitting motorists would pull into their driveway by mistake.

13. At all relevant times, Defendant Jinx P. Monahan knew that it was common for Defendant Kevin D. Monahan to become threatened and agitated in a variety of circumstances including but not limited to when uninvited motorists would erroneously drive up the Monahan driveway or use it to turn around.

14. Despite such knowledge, Defendants failed to properly post and/or mark their property or make appropriate improvements to the property or take any reasonable precautions to warn or alert unwitting motorists so as to avoid them from entering upon Defendants' property by mistake.

15. Defendants individually and/or jointly owned a 20-gauge shotgun which they kept, stored, and otherwise maintained in their home prior to April 15, 2023.

16. Upon information and belief, at or before 10:00 PM on the evening of April 15, 2023, Defendants became aware that motor vehicles including the Ford Explorer vehicle in which Plaintiff's decedent Kaylin A. Gillis was a passenger, had entered upon their property and specifically onto the driveway of their residence.

17. At all relevant times and without legal justification Defendant Kevin D. Monahan discharged a shotgun in the direction of the vehicles and in doing so struck the Ford Explorer and killed Kaylin A. Gillis who was seated in the front passenger seat of the Ford Explorer.

**AS AND FOR A FIRST CAUSE OF ACTION  
AGAINST DEFENDANT KEVIN D. MONAHAN**

18. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs “1” through “17” as if set forth fully and at length herein.

19. At all times relevant, Defendant Kevin D. Monahan owed a general duty of reasonable care to refrain from engaging in conduct that could foreseeably result in harm and injury to persons entering upon his property, including Plaintiff's decedent.

20. Defendant Kevin D. Monahan breached his duty owed to Plaintiff and was otherwise negligent and reckless by discharging a shotgun in the direction of the vehicle which entered Defendant's property.

21. As a result of the above-mentioned negligence and recklessness, Defendant is liable to Plaintiffs for the injuries, damages and wrongful death of Plaintiff's decedent as a direct result of Defendant's conduct, in an amount to be determined by the trier of fact, without diminution by any comparative fault on the part of Plaintiffs.

22. Pursuant to CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602.

**AS FOR A SECOND CAUSE OF ACTION AGAINST  
DEFENDANT JINX P. MONAHAN**

23. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs “1” through “22” as if set forth fully and at length herein.

24. At all times relevant, Defendant Jinx P. Monahan owed a general duty of reasonable care to refrain from engaging in conduct that could foreseeably result in harm and injury to persons entering upon their property and an affirmative duty to take action to prevent injury to persons

entering upon her property, including Plaintiff's decedent.

25. Defendant Jinx P. Monahan breached her duty owed to Plaintiff and was otherwise negligent by failing to maintain and keep her property in a reasonably safe condition given all of the circumstances and further failed to intercede, manage, direct and/or control the actions of her husband Kevin D. Monahan under the circumstances then and there present.

26. As a result of the above-mentioned negligence, Defendant Jinx P. Monahan is liable to Plaintiffs for the injuries, damages and wrongful death of Plaintiff's decedent as a direct result of Defendant's conduct in an amount to be determined by the trier of fact, without diminution by any comparative fault on the part of Plaintiffs.

27. Pursuant to CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602.

**AS FOR A THIRD CAUSE OF ACTION AGAINST  
DEFENDANTS KEVIN D. MONAHAN AND JINX P. MONAHAN**

28. Plaintiffs repeat and reallege each and every allegation set forth in paragraphs "1" through "27" as if set forth fully and at length herein.

29. At all times relevant, Defendants Kevin D. Monahan and Jinx P. Monahan owed a general duty of reasonable care to maintain their property in a reasonably safe condition and to take such other necessary acts as to prevent harm and injury to persons entering upon their property, including Plaintiff's decedent.

30. Defendants Kevin D. Monahan and Jinx P. Monahan breached their duty owed to Plaintiff and were otherwise negligent in the maintenance and security of their property.

31. As a result of the above-mentioned negligence and recklessness, Defendants are

liable to Plaintiff for the injuries, damages and wrongful death of Plaintiff's decedent as a direct result of Defendants' conduct in an amount to be determined by the trier of fact, without diminution by any comparative fault on the part of Plaintiffs.

32. Pursuant to CPLR § 1603, the foregoing cause of action is exempt from the operation of CPLR § 1601 by reason of one or more of the exemptions provided in CPLR § 1602.

**AS FOR A FOURTH CAUSE OF ACTION AGAINST  
DEFENDANTS KEVIN D. MONAHAN AND JINX P. MONAHAN FOR  
WRONGFUL DEATH**

33. Plaintiff repeats and realleges each and every allegation set forth in paragraphs marked and designated "1" through "32" of this Complaint with the same force and effect as if herein set forth at length.

34. At the time of the incident resulting in her wrongful death, Plaintiff's intestate was in good health, industrious and in possession of all her physical, emotional and mental faculties.

35. Upon her untimely death, Plaintiff's intestate left surviving her father Andrew and mother Angelique Gillis, who amongst others, were dependent upon Plaintiff's intestate for support, maintenance, nurturing and have suffered pecuniary damages, both economic and non-economic loss and have been compelled to expend sums for funeral expenses, administration expenses and other expenses and will suffer damage by reason of the loss.

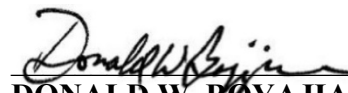
36. That by reason of the above, Defendants Kevin D. Monahan and Jinx P. Monahan are liable for Decedent's wrongful death and resulting damages sustained by Decedent's distributees.

37. WHEREFORE, Plaintiff asks for judgment against Defendants for the following:

- a. Actual damages in an amount to be determined by the trier of fact;
- b. Pre-judgment and post-judgment interest;
- c. Punitive and exemplary damages;
- d. Costs of the lawsuit, including reasonable attorney's fees; and
- e. All other relief the court deems appropriate.

Date: August 24, 2023  
Albany, New York

**DREYER BOYAJIAN LLP**



**DONALD W. BOYAJIAN, ESQ.**

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