

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
XXXXXXXXXXXXXXXXXXXX,

Plaintiff,

-against-

XXXXXXXXXXXXXXXXXXXX,

Defendants,
-----X

Index No.:
Date Purchased:

SUMMONS

Plaintiffs designate Nassau
County as the place of trial.

The basis of venue is:
Plaintiff's residence

Plaintiffs reside at:
County of Nassau

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorney(s) within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: Mineola, N.Y.
November 11, 2011

CATHY FLANZIG
FLANZIG AND FLANZIG, LLP
Attorneys for Plaintiff(s)
BERTOLDO GARCIA-HERRERA
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516-741-8222
Our File No. 0970

TO:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
XXXXXXXXXXXXXXXXXXXX,

Plaintiff(s),

VERIFIED COMPLAINT

-against-

Index #:

XXXXXXXXXXXXXXXXXXXX,

Defendant(s).

-----X

Plaintiff, complaining of the Defendant, by attorneys, FLANZIG AND
FLANZIG, LLP respectfully sets forth and alleges as follows:

FIRST: That at all times hereinafter mentioned, Plaintiff was a resident of the
County of Nassau, State of New York.

SECOND: That at all times hereinafter mentioned, and upon information and
belief, Defendant was a resident of the County of Nassau, State of New York.

THIRD: That at all times hereinafter mentioned, and upon information and
belief, Defendant was the registered owner of a certain 2010 Toyota bearing New York State
registration number xxxxx.

FOURTH: That at all times hereinafter mentioned, and upon information and
belief, Defendant was the title owner of a certain 2010 Toyota bearing New York State
registration number xxxxxxx.

FIFTH: That at all times hereinafter mentioned, and upon information and belief, Defendant was the lessee of a certain 2010 Toyota bearing New York State registration number xxxxxx.

SIXTH: That at all times hereinafter mentioned, and upon information and belief, Defendant operated and controlled the aforescribed motor vehicle.

SEVENTH: That at all times hereinafter mentioned, Plaintiff, xxxxxxxxxxxx, operated, maintained, managed and controlled a bicycle on Fulton Street at its intersection with Maple Avenue, Westbury, New York.

EIGHTH: That at all times hereinafter mentioned, Fulton Street and Maple Avenue, County of Nassau, State of New York, were and are public highways and/or thoroughfares in common use by the residents of the said County, State and others.

NINTH: That on or about the 25th day of May, 2011, at approximately 4:53 p.m. on Fulton Street at or near its intersection with Maple Avenue, County of Nassau, State of New York, the Defendant's aforescribed motor vehicle struck the Plaintiff while a bicyclist traversing the aforescribed location.

TENTH: The negligence of the Defendant consisted of owning and operating the motor vehicle in a dangerous manner; failing to keep a proper lookout ahead; failing to obey and heed the road and traffic conditions then and there existing; failing to give warning or signal of approach; violating the "Rules of the Road" and the Vehicle and Traffic Regulations of the State of New York including but not limited to VAT§1122-a and 1146; failing to be provided with or timely utilize adequate, sufficient braking and/or other safety devices; placing Plaintiff in imminent hazard; failing to comprehend, apprehend and/or anticipate a hazardous and dangerous situation; failing to take reasonable steps to avoid the accident; in colliding with and striking the

bicycle of the Plaintiff; and the Defendant was otherwise reckless, careless and negligent in the premises.

ELEVENTH: That solely by reason of the negligence of the Defendant as hereinbefore alleged, Plaintiff, was rendered sick, sore, lame and disabled and suffered and still suffers great pain and anguish and sustained severe and serious injuries in and about his head, body, limbs, nerves and nervous system and was obliged to and did seek medical treatment, aid and assistance and was disabled and incapacitated in the performance of his normal duties and his habits and pattern of life was varied.

TWELFTH: Plaintiff has sustained a serious injury as defined in Subdivision (d) of Section 5102 of the Insurance Law of the State of New York, or economic loss greater than basic economic loss, as defined in Subdivision(a) of Section 5102 of the Insurance Law.

THIRTEENTH: That this action falls within one or more of the exceptions set forth in C.P.L.R. 1602.

FOURTEENTH: That as a result of the foregoing, Plaintiff, xxxxxxxxxxxx was damaged in a sum of money which exceeds the jurisdictional limits of all lower Courts.

WHEREFORE, Plaintiff, xxxxxxxxxxxx, demands Judgment against the Defendant in a sum of money which exceeds the jurisdictional limits of all lower Courts.

Dated: Mineola, N.Y.
November 11, 2011

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