THE STATE OF NEW YORK

SUPREME COURT COUNTY OF

,

 **VERIFIED COMPLAINT**

Index No.:

Plaintiff,

-against-

,

Defendants.

 The plaintiff, complaining of the defendants, alleges that:

1. At all times hereinafter mentioned the plaintiff was and still is a resident of the State of New York, County of .
2. Upon information and belief, at all times hereinafter mentioned the defendant, XX . was and still is a resident of the State of New York, County of --.
3. Upon information and belief, at all times hereinafter mentioned the defendant, XX was the owner of a 2000 Ford Ranger bearing VIN --- (“the vehicle”), said vehicle being duly registered to him in the State of New York.
4. Upon information and belief, at all times hereinafter mentioned the defendant, YY was and still is a resident of the State of New York, County of --.
5. At all times hereinafter mentioned the defendant YY was the operator of the aforementioned vehicle, and operated it with the permission and consent of its owner, XX.
6. That XX is vicariously jointly and severally liable for YY’s acts of negligence described hereinafter.
7. At all times hereinafter mentioned County Route (CR --) was a public highway and thoroughfare which the public had and has a right to use.
8. On the xxth day of September 20-- at approximately A.M. the plaintiff was a passenger in the aforementioned vehicle operated by the defendant, YY .
9. At or about the time and date aforementioned, the vehicle aforementioned collided with a stationary guardrail on Road, said guardrail being located generally west of the intersection of CR -- and County Route -- (CR -- a/k/a Road), County, New York.
10. That the crashand the injuries resulting to the plaintiff therefrom were caused solely by reason of the negligence of the defendants herein and without any negligence on the part of the plaintiff contributing thereto.
11. That the negligence of YY consisted of the following: he operated the vehicle in a careless and negligent manner; he failed to take reasonable precautions to insure the safety of the plaintiff; he failed to stop the vehicle before colliding into a guardrail; he drove and operated the vehicle at an excessive, unlawful and/or dangerous rate of speed, particularly at the time, place, and under the conditions then and there existing; he failed to keep the automobile under proper control; he operated the vehicle on County Route -- in a manner that violated the laws, regulations and statutes of the State of New York.
12. That because of the crash and collision aforementioned, the plaintiff was severely and permanently injured, suffered, and continues to suffer pain, mental anguish, loss of earnings, and medical expenses for his care and treatment, all of which upon information and belief are permanent.
13. That as a result of the foregoing, the plaintiff has sustained a serious injury as defined in N.Y. Ins. Law § 5102(d).
14. That as a result of the foregoing, the plaintiff sustained economic loss greater than basic economic loss, as defined in N.Y. Ins. Law § 5102(a), including but not limited to loss of wages, diminution of earning capacity, medical and surgical expenses, and necessary rehabilitation and therapy.
15. The amount of damages sought in this action exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction in this matter.

**WHEREFORE**, the plaintiff demands judgment against defendants, jointly and severally, in an amount to be determined upon the trial of this action, together with the costs and disbursements of this action.

Dated:

 **Arroyo Copland & Associates, PLLC**

By:

 Christopher N. Luhn

 Attorneys for the Plaintiff

 300 Great Oaks Blvd., Suite 312

 Albany, New York 12203-7911

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**VERIFICATION**

STATE OF NEW YORK :

 : ss.:

COUNTY OF :

, being duly sworn, states that he is the plaintiff in this action and that the foregoing complaint is true to his own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters he believes it to be true.

Sworn to before me this \_\_\_\_

day of August, 20--.

NOTARY PUBLIC