SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF QUEENS

------------------------------------------------------------------------X Index No.:

MICHAEL FANG,

**VERIFIED COMPLAINT**

Plaintiff,

-against-

U.S. FOODSERVICE, INC. and EMANUEL PERRY

Defendants.

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The plaintiff, by his attorneys, LAW OFFICES OF MICHAEL C. BARROWS, as and for his verified complaint against the defendants herein, respectfully alleges as follows:

**AS AND FOR A FRIST CAUSE OF ACTION**

**FIRST:** That at all times hereinafter mentioned, the defendant U.S. FOODSERVICE, INC. was and still is a foreign corporation duly licensed and authorized to do business in the state of New York.

**SECOND:** That at all times hereinafter mentioned, the defendant U.S. FOODSERVICE, INC. was and still is the owner of the motor vehicle bearing New Jersey license plate number AF767T (“Subject Vehicle”).

**THIRD:** That at all times hereinafter mentioned, the defendant EMANUEL PERRY was the operator of Subject Vehicle.

**FOURTH:** That on the 30th day of March, 2010, the defendant EMANUEL PERRY was operating Subject Vehicle on a public roadway in the Borough of Queens, State of New York.

**FIFTH:** That on the 30th of March, 2010, the defendant EMANUEL PERRY caused the Subject Vehicle to come into violent contact with a motor vehicle operated by the plaintiff MICHAEL FANG (“Plaintiff”).

**SIXTH:** That this action falls within one of the exceptions of 1602 of the Civil Practice Law and Rules of the State of New York.

**SEVENTH:** That the defendants were negligent, reckless and careless in causing and/or permitting their vehicle to come into violent contact with the motor vehicle operated by Plaintiff herein; in failing to yield right of way; in failing to stop, signal and swerve and/or slow down in order to avoid the contingency which here occurred; in failing to take heed and cognizance of the motor vehicle being operated Plaintiff; in failing in the defendants’ duty of reasonable care; in failing to sound horn or warning and the defendants were in other ways negligent, reckless and careless.

**EIGHTH:** That as a result of the aforementioned, Plaintiff was caused to suffer severe and serious personal injury, suffering injuries to mind and body, some of which, upon information and belief, are believed to be permanent with permanent effects thereof; Plaintiff was caused to be rendered sick, sore, lame and disabled and subject to great physical and mental anguish. Further, Plaintiff may indefinitely into the future suffer further similar disabilities and injuries.

**NINTH**: That as a result of the foregoing, Plaintiff suffered a serious injury as defined by Section 5102 (d) of the Insurance Law of the State of New York.

**TENTH:** That Plaintiff is a “covered person” as defined by Section 5102 (j) of the Insurance Law of the State of New York.

**ELEVENTH:** That the amount of damages sought in this action exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

WHEREFORE, Plaintiff demands judgment against the defendants, jointly and severally, in an amount to be determined at trial, together with reasonable attorney's fees, costs of suit and such other and further relief as the Court may deem just and proper.

Dated: New York, New York

July 14, 2010

LAW OFFICES OF MICHAEL C. BARROWS

By:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Michael C. Barrows, Esq.

*Attorneys for Plaintiff*

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