

VERIFIED BILL OF PARTICULARS, DATED JUNE 12, 2007 [28-34]

131588E PF

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ROCKLAND-----X
MAIRE CARMEN CHERY,

Plaintiff,

Index No.:9102/06

VERIFIED BILL
OF PARTICULARS

-against-

LAVAUD SOUFFRANT and JEAN RICOT,
Defendant(s),
-----X

Plaintiffs, as and for their verified bill of particulars, by their attorneys HARMON & LINDER, respectfully sets forth and alleges as follows:

1. The plaintiff Marie Carmen Chery resides at 5 Dunlop Drive, Spring Valley, New York 10977. She was born on [REDACTED]/54 and her SS# is [REDACTED].
2. She was employed by Uneeda Enterprise as a furniture polisher. The address is 40 Chestnut Ridge, Spring Valley, New York.
3. Will be provided at plaintiff's deposition.
4. Will be provided at plaintiff's deposition.
5. Not applicable.
6. The occurrence took place on 7/24/06 at 4:52pm.
7. The occurrence took place in the County of Rockland, Village of Spring Valley on Union Road.
8. Plaintiff Marie Carmen Chery already provided. Defendant Lavaud Souffrant 7 No. Hillside Avenue, Spring Valley, New York 10977. Defendant Jean Ricot 21 Noyes Avenue Spring Valley, New York 10977.
9. Answered in question #8.

10. Will be provided at plaintiff's deposition.

11. The plaintiff was driving a 1993 Toyota Four Runner truck, plate #ASN-2060.

The defendant was driving a 1996 Ford Crown Victoria, 4 door sedan, plate # 13762-TX.

12. Plaintiff's vehicle when they were rear-ended.

13. Plaintiff's vehicle was stopped.

14. Not applicable.

15. Will be provided at plaintiff's deposition.

16. Not applicable.

17. Not applicable.

18. Defendant was negligent in a combination of one or more of the following acts of omission and commission in that his said motor vehicle was being operated and controlled in a careless, reckless and negligent manner dangerous to the life and limb of persons upon the highway; in failing to observe and comply with the conditions of traffic on the roadway; in failing to proceed with due care under the circumstance on the roadway then and existing including weather conditions, in running into, striking and colliding with plaintiff's vehicle; in failing to yield; in failing to warn or notify the plaintiff before striking her vehicle; in improperly turning; in improper lane usage; in operating said vehicle in such a manner as to wrongfully, carelessly and negligently collide; in operating said vehicle without proper training, experience and/or licensing; in failing to be on the lookout for conditions of traffic and conditions of the roadway then and there existing; in failing to properly maintain the vehicle operated at the time of this occurrence; in negligently failing to slow down; in improperly braking and/or failing to brake; in using their aforesaid motor vehicle in a manner not intended; in operating same contrary to the police regulation, rules of the road and statutes pertaining to operation of motor

vehicles, and in failing to avoid the occurrence when same was imminent.

19. The plaintiff was stopped at a stop sign when they were rear-ended.
20. Not applicable.
21. Not applicable.
22. The plaintiff suffered the following injuries:

POSTERIOR HERNIATION OF THE L4-5 INTERVERTEBRAL IMPINGING
UPON THE THECAL SAC;

POSTERIOR BULGE OF THE L5/S1 INTERVERTEBRAL DISC IMPINGING
UPON THE SPINAL CANAL;

CERVICAL RADICULOPATHY;

LUMBOSACRAL RADICULOPATHY;

CERVICAL SPRAIN/STRAIN;

LUMBAR SPRAIN/STRAIN;

LIMITATION OF MOTION;

HEADACHES;

DEPRESSION;

ANXIETY;

FEAR;

EMOTIONAL UPSET AND SHOCK;

The above have resulted in pain, tenderness, weakness, discomfort, aching, restriction of motion, numbness, stiffness, atrophy, insomnia, deformity, the possible need for future surgery, spasm, stiffness, impairment of function, soft tissue injury, swelling partial and permanent loss of use of the right knee and back areas, and, as a result, the entire body. The

plaintiff also was and is required to take medication, with other side effects. In addition, this plaintiff was required to undergo painful and uncomfortable testing, casting, and treatment and therapy, and has suffered curtailment of a great many activities. Upon information and belief, all of the above injuries and/or their residuals, except those of a superficial nature, are of a permanent nature.

23. Plaintiff:

- a) was been confined to bed for a period of approximately 16 weeks to date except for necessary and essential excursion for required purposes.
- b) was been confined to home for a period of approximately 32 weeks to date, except for necessary and essential excursions for required purposes.
- c) was not treated at a hospital.

24. Plaintiff claims the following as items of special damages:

- a) Physicians services--approximately \$5000.00 to date;
- b) Medical supplies--approximately \$200.00 to date;
- c) Hospital services--approximately \$200.00 to date;
- d) Not applicable;
- e) Not applicable;
- f) Ambulance services--approximately \$450.00;
- g) X-ray expenses--approximately \$200.00 to date;
- h) Prescription drugs--approximately \$100.00 to date;
- i) Not applicable;
- j) Other items--approximately \$200.00 to date.

25. As a result of this occurrence, plaintiff sustained a serious injury as same is defined in the Insurance Law of the State of New York in that plaintiff sustained a permanent injury, a disabling injury for a period in excess of 90 out of the first 180 days following this occurrence, plaintiff sustained a significant limitation of use of a bodily function or system; plaintiff sustained a significant disfigurement; plaintiff sustained a permanent consequential limitation of use of a bodily organ and/or member and, in that the plaintiff has sustained an injury encompassed within the intent and meaning of the aforementioned Insurance Law.

Plaintiff sustained economic loss greater than basic economic loss as defined in Subdivision 1 of the Insurance Law, Section 5102(d) to the extent that any and all out of pocket expenses have not been reimbursed by the no-fault carrier.

26. The plaintiff's no fault provider is Liberty Mutual P.O. Box 15041, Albany, New York 12212.

27. Defendants violated all applicable law, statutes, rules, ordinances, and regulations plaintiff will ask the Trial Court to take judicial notice of same. Defendants violated specifically but not limited to Vehicle and Traffic Law Article 23, Section 1101; Article 24, Sections 1110, 1111, 1113; Article 28, Sections 140, 141, 142; Article 29, Section 1172; Article 30, Section 1180, 1181, 1182, 1183, 1184. Defendants also violated their common law duty of care towards plaintiff.


28. Will be provided at plaintiff's deposition.

29. Defendants are jointly and severally liable for this action falls within on or more of the exceptions set forth in Section 1602 of the CPLR.

30. Not applicable.
31. Not applicable.
32. Not other civil action against any other party or parties in connection with the events described in the Complaint.

Dated: New York, New York
June 12, 2007

Yours etc.,



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