

Exhibit: A. to Marked Pleadings
Summons and Verified Complaint (A1547-A1552)

A-1547

MARKED PLEADINGS.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

DATE FILED:
INDEX NUMBER:

-----X
CHRISTOPHER CICOLA,

Plaintiff,

-against-

COUNTY OF SUFFOLK and GLENN S. MULLER,

Defendants.
-----X

SUMMONS

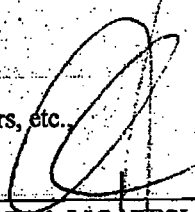
07-09991
Plaintiff(s) designate
Suffolk County as
the place of trial
The basis of Venue:
Place of Occurrence

TO THE ABOVE NAMED DEFENDANT(S):

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 within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after service is complete if this summons is not personally delivered to you within the State of New York), and 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: Garden City, New York
April 5, 2007

Yours, etc.


RUBIN & LICATESI, P.C.
By: Jason S. Firestein
Attorneys for Plaintiff
591 Stewart Avenue
Garden City, NY 11530
(516) 227-2662

Defendants Addresses:

The County of Suffolk & Glenn S. Muller
c/o County Attorney's Office
H. Lee Denison Building
100 Veterans Mem. Hwy, 6th Fl.
Hauppauge, NY 11788

FILED
07 APR 10 AM 11
JUDITH A. PASARIC
SUFFOLK COUNTY CLERK

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
CHRISTOPHER CICOLA,

Plaintiff,

VERIFIED COMPLAINT

-against

COUNTY OF SUFFOLK and GLENN E. MULLER,

Defendants.
-----X

07 APR 10 AM 11:00
JUDITH A. PASCARE
SUFFOLK COUNTY CLERK

FILED

Plaintiff, by his attorneys, RUBIN & LICATESI, P.C., complaining of the Defendants herein allege upon information and belief as follows:

DKI

1. At all times hereinafter mentioned, the Plaintiff was and still is a resident of the County of SUFFOLK, State of New York.

2. Upon information and belief, at all times hereinafter mentioned, Defendant COUNTY OF SUFFOLK was and still is a municipal corporation.

D except
Admits
employee

3. At all times hereinafter mentioned, the Defendant GLENN E. MULLER was and still is an employee of the Defendant COUNTY OF SUFFOLK.

D and
refers

4. On or about February 8, 2007, and within 90 days of the occurrence upon which this action is based, the Plaintiff served upon the Office of the County of Suffolk his Notice of Claim setting forth the time when, the place where and the manner in which the claim arose.

D and
refers

5. That more than thirty days have elapsed since the service of said Notice of Claim and no adjustment of payment has been made by Defendant COUNTY OF SUFFOLK.

D and
refers

6. That this action is commenced within one year and ninety days of the date when the accident occurred to the plaintiff.

D

7. That on the date of the accident and prior thereto, Defendant COUNTY OF SUFFOLK

employed certain individuals as police officers in the Suffolk County Sheriff's Department and entrusted these police officers with certain motor vehicles.

D except
Admits w/in
Scope

8. At all times hereinafter mentioned, the Defendant GLENNE E. MULLER worked for the Suffolk County Sheriff's Department and was in the scope of his employment at the time of the occurrence alleged herein.

DKI

9. On January 11, 2007, at approximately 5:20 p.m., Defendant GLENNE E. MULLER was operating a Suffolk County Sheriff's vehicle bearing Registration number 362.

DKI

10. On January 11, 2007, Defendant County of Suffolk owned a Suffolk County Sheriff's vehicle bearing Registration number 362.

DKI

11. At the above date and time and place, plaintiff CHRISTOPHER CICOLA owned and was operating his motor vehicle bearing New York Registration CXE4877.

D

12. While on Route 112 near its intersection with Greenport Street, the vehicle GLENN S. MULLER was operating bearing Registration 362 collided with the vehicle bearing New York Registration CXE4877 which the plaintiff was operating.

D

13. That the aforesaid occurrence was caused solely by the negligence and/or recklessness of the defendants in that the aforementioned motor vehicles were owned, operated, maintained and controlled in a careless, reckless and negligent manner, all of which resulted in the injuries sustained by the Plaintiff.

D

14. That in the event plaintiff is a covered person as defined in the insurance law, as a result of the foregoing Plaintiff suffered a serious injury as defined by the Subdivision (d) of Section 5102 of the Insurance Law of the State of New York.

D

15. That in the event plaintiff is a covered person as defined in the insurance law, by reason of the foregoing, Plaintiff is entitled to recover for "noneconomic loss", as defined in the Subdivision (c) of Section 5102 of the Insurance Law of the State of New York, and for such economic losses as are not included

within definition of "Basic Economic Loss", as set forth in Section 5102 Subdivision (a), (b), and (c), of the Insurance Law of the State of New York.

D

16. That plaintiff sustained injuries and was rendered lame, sick and sore, sustained damages to her vehicle and related losses and is entitled to damages.

D

17. That by reason of the foregoing, Plaintiff was damaged and seeks sums which otherwise exceeds the jurisdictional limits of all lower courts as against the Defendants.

WHEREFORE, Plaintiff demands judgement in his favor, against the Defendants, jointly and severally, in a sum that exceeds the jurisdictional limits of all inferior courts, all together with costs and disbursements of this action.

Yours, etc.

RUBIN & LICATESI, P.C.
Attorneys for Plaintiff
591 Stewart Avenue
Garden City, NY 11530
(516) 227-2662

Affirmative Defenses

- ① Culpable Conduct of Plaintiff
- ② Risks and Dangers open, obvious and apparent
- ③ Serious Injury
- ④ Seatbelts
- ⑤ GOL 15-108
- ⑥ Article 16
- ⑦ CPLR 4545(c)
- ⑧ NYS VTZ 1103/116
- ⑨ FX to State COA
- ⑩ Culpable Conduct of Plaintiff