

STATE OF NEW YORK
SUPREME COURT COUNTY OF WESTCHESTER
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JOSEPH LONGO AS ADMINISTRATOR OF THE
ESTATE OF DANIEL LONGO,

INDEX NO.

Plaintiff,

-vs-

SUMMONS

OFFICE OF THE SUFFOLK COUNTY PUBLIC
ADMINISTRATOR AS ADMINISTRATOR OF THE
ESTATE OF DIANE SCHULER, WARREN J. HANCE,
AND ROSEANN M. GUZZO AS ADMINISTRATRIX OF
THE ESTATE OF GUY T. BASTARDI,

Defendants.

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THE ABOVE NAMED DEFENDANTS 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 Attorneys for Plaintiff within
twenty (20) days after the service of this summons, exclusive of
the day of service or within thirty (30) days after the 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.

COUNTY DESIGNATED AS THE PLACE OF TRIAL: WESTCHESTER COUNTY

BASIS OF VENUE: RESIDENCE OF PLAINTIFF:

150 Jay Court
Cross River, New York 10518

DATED: June 7, 2011
Yonkers, New York



JOHN A. GUARNERI
BABAJA & GUARNERI
Attorneys for Plaintiff
35 East Grassy Sprain Road
Suite 204
Yonkers, New York 10710
(914) 961-1359

STATE OF NEW YORK
SUPREME COURT COUNTY OF WESTCHESTER
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JOSEPH LONGO AS ADMINISTRATOR OF THE ESTATE
OF DANIEL LONGO,

INDEX NO.

Plaintiff,

-vs-

VERIFIED COMPLAINT

OFFICE OF THE SUFFOLK COUNTY PUBLIC
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Plaintiff by his attorneys, Babaja & Guarneri, for his
Complaint, alleges as follows upon information and belief:

AS AND FOR A FIRST CAUSE OF ACTION

1. That the residence of plaintiff is in the County of Westchester and State of New York.
2. That on May 23, 2011, Letters of Administration for the Estate of Daniel Longo were issued to Joseph Longo by Order of the Surrogate of the County of Westchester and State of New York.
3. That Joseph Longo is acting as Administrator of the Estate of Daniel Longo pursuant to said Letters of Administration which remain in full force and effect.
4. That on October 7, 2009, Letters of Administration for the Estate of Diane Schuler were issued to the Public

Administrator of Suffolk County by Order of the Surrogate of the County of Suffolk and State of New York.

5. That the Office of the Suffolk County Public Administrator is acting as Administrator of the Estate of Diane Schuler pursuant to said Letters of Administration which remain in full force and effect.

6. That on September 21, 2009, Letters of Administration for the Estate of Guy T. Bastardi were issued to Roseann M. Guzzo by Order of the Surrogate of the County of Westchester and State of New York.

7. That Roseann M. Guzzo is acting as Administratrix of the Estate of Guy T. Bastardi pursuant to said Letters of Administration which remain in full force and effect.

8. That at all times herein mentioned, decedent Guy T. Bastardi was the registered owner of a 2004 Chevrolet motor vehicle registered in the State of New York, bearing license plate number BHP3898.

9. That at all times herein mentioned, decedent Guy T. Bastardi was the titled owner of a 2004 Chevrolet motor vehicle registered in the State of New York, bearing license plate number BHP3898.

10. That at all times herein mentioned, defendant Warren J. Hance was the registered owner of a 2003 Ford motor vehicle registered in the State of New York, bearing license plate

number BDR1916.

11. That at all times herein mentioned, defendant Warren J. Hance was the titled owner of a 2003 Ford motor vehicle registered in the State of New York, bearing license plate number BDR1916.

12. That on or about July 26, 2009, at approximately 1:35 p.m., decedent Diane Schuler operated the aforementioned 2003 Ford motor vehicle southbound in the northbound lanes of the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York.

13. That on or about July 26, 2009, at approximately 1:35 p.m., decedent Guy T. Bastardi operated the aforementioned 2004 Chevrolet motor vehicle northbound on the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York.

14. That on or about July 26, 2009, at approximately 1:35 p.m., decedent Daniel Longo was a passenger in the aforementioned 2004 Chevrolet motor vehicle operated by decedent Guy T. Bastardi northbound on the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York.

15. That at all times herein mentioned, the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York was and is a public highway.

16. That on or about July 26, 2009, at approximately 1:35

p.m., decedent Diane Schuler operated the aforementioned 2003 Ford motor vehicle with the permission and consent of the owner of said motor vehicle.

17. That on or about July 26, 2009, there was contact between the vehicle operated by decedent Guy T. Bastardi and the vehicle operated by decedent Diane Schuler.

18. That the contact between the vehicles herein described occurred at approximately 1:35 p.m.

19. That the contact between the vehicles occurred in the northbound lanes of the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York.

20. That the negligent, careless, and reckless acts and omissions of the defendants and/or their decedents, as stated herein, caused said contact to occur.

21. That as a result of the negligent, careless, and reckless acts and omissions of the defendants and/or their decedents, as stated herein, and the resulting contact between the vehicles, decedent Daniel Longo suffered severe and grievous personal injuries, severe pain and suffering, and death.

22. That the incident complained of herein and resulting damages were caused solely by the negligence of the defendants and/or their decedents, as stated herein, without any negligence on the part of decedent, Daniel Longo, contributing thereto.

23. That decedent Diane Schuler and defendant Warren J. Hance as owner of the aforementioned vehicle operated by

decedent Diane Schuler, were negligent, careless and reckless in the operation, maintenance, ownership, care and control of the aforementioned vehicle, in that decedent Diane Schuler:

I. Failed to observe or take cognizance of traffic proceeding along the subject roadway;

II. Failed to adjust the speed and direction of her vehicle in time to give other users of the highway a clear chance to proceed along the subject roadway without hazard;

III. Failed to take reasonable, prudent, and necessary precautions to avoid injuring plaintiff's decedent;

IV. Failed to be reasonably and prudently alert at the aforementioned time and place of said accident;

V. Failed to maintain a proper lookout;

VI. Failed to properly operate the braking and acceleration devices of her motor vehicle under the circumstances of the roadway where the collision occurred;

VII. Failed to observe and obey the traffic and weather conditions, rules, signals, warnings, statutes and ordinances existing at, near and/or about the aforementioned location of said collision;

VIII. Failed to operate her vehicle at a reasonable and prudent rate of speed under the law and surrounding circumstances;

IX. Failed to stop and/or slow down;

X. Failed to properly apply the brakes;

XI. Failed to observe and obey traffic control devices;

XII. Failed to yield the right of way to other vehicles proceeding on the subject roadway, causing hazard to said other vehicles;

XIII. Failed to observe that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances;

XIV. Failed to operate her vehicle without causing her vehicle to collide into the aforementioned 2004 Chevrolet motor vehicle;

XV. Failed to avoid colliding her vehicle into the aforementioned 2004 Chevrolet motor vehicle;

XVI. Operated her vehicle in the wrong direction on the Taconic State Parkway, in the Town of Mount Pleasant, County of Westchester, and State of New York;

XVII. Operated her vehicle while intoxicated due to her consumption of alcohol;

XVIII. Operated her vehicle while her ability to operate said motor vehicle was impaired by the use of a drug.

24. That decedent Guy T. Bastardi was negligent in the operation, maintenance, care, and control of his aforementioned motor vehicle in that he: failed to adjust the speed and direction of his vehicle in time to avoid said collision; failed to take reasonable, prudent, and necessary precautions to avoid

injuring plaintiff's decedent; failed to be reasonably and prudently alert at the aforementioned time and place of said collision; failed to maintain a proper lookout; failed to properly operate the braking and acceleration devices of his motor vehicle under the circumstances of the roadway where the collision occurred; failed to observe and obey the traffic and weather conditions, rules, signals, warnings, statutes and ordinances existing at, near and/or about the aforementioned location of said collision; failed to operate his vehicle at a reasonable and prudent rate of speed under the law and surrounding circumstances; failed to observe that degree of caution, prudence and care which was reasonable and proper under the controlling circumstances; and failed to avoid the collision between his vehicle and the aforementioned 2003 Ford motor vehicle.

25. The limited liability provisions of C.P.L.R. 1601 do not apply pursuant to one or more of the exceptions of C.P.L.R. 1602.

26. That as a result of the above referenced negligence, plaintiff's decedent Daniel Longo sustained "serious injuries" as defined in Insurance Law Section 5102(d).

27. That as a result of the foregoing, plaintiff seeks damages in an amount which exceeds the jurisdictional limits of all lower courts which otherwise have jurisdiction over this action.

AS AND FOR A SECOND CAUSE OF ACTION

28. Plaintiff, repeats, and reiterates each and every allegation set forth in paragraphs "1" through "26" inclusive of this complaint, with the same force and effect as though more fully set forth at length herein.

29. On July 26, 2009, decedent Daniel Longo died due to the aforesaid negligence of defendants and/or their decedents.

30. Decedent Daniel Longo is survived by next of kin and distributees.

31. As a result of the foregoing wrongful death, decedent Daniel Longo's next of kin and distributees lost the services, companionship, income, support and guidance of decedent Daniel Longo.

32. As a result of the foregoing wrongful death, decedent Daniel Longo's estate became liable for and expended money for funeral and burial costs and other expenses.

33. As a result of the foregoing wrongful death, decedent Daniel Longo's next of kin and distributees suffered pecuniary loss as defined in the New York Estates, Powers and Trust Law.

34. That as a result of the foregoing, plaintiff seeks damages in an amount which exceeds the jurisdictional limits of all lower courts which otherwise have jurisdiction over this action.

AS AND FOR A THIRD CAUSE OF ACTION

35. Plaintiff, repeats and reiterates each and every

allegation set forth in paragraphs "1" through "26" inclusive of this complaint, with the same force and effect as though more fully set forth at length herein.

36. That as a result of the foregoing, and prior to his death, decedent Daniel Longo was caused to suffer great mental, anguish, agony, nervous shock, pre-impact terror, fear of impending death, and great conscious pain and suffering.

37. That as a result of the foregoing, plaintiff seeks damages in an amount which exceeds the jurisdictional limits of all lower courts which otherwise have jurisdiction over this action.

WHEREFORE, Judgment is demanded by the plaintiff against the defendants as follows:

I. That the plaintiff be awarded judgment on all causes of action against the defendants in an amount which exceeds the jurisdictional limits of all lower courts which otherwise have jurisdiction over this action.

II. That the plaintiff be awarded such general relief as he may be entitled to receive either at law or in equity together with interest, costs, disbursements, and attorneys' fees for prosecuting this action.

III. That the plaintiff be awarded such other and further relief as to the court may seem just.

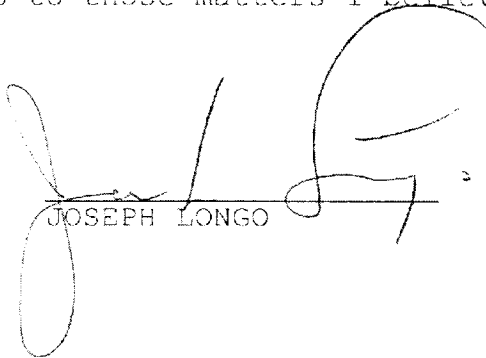
DATE: June 7, 2011
Yonkers, New York

A handwritten signature in cursive script, appearing to read "John A. Guarneri".

JOHN A. GUARNERI
BABAJA & GUARNERI
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Suite 204
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(914) 961-1359

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS.:

JOSEPH LONGO, AS ADMINISTRATOR OF THE ESTATE OF DANIEL LONGO, being duly sworn, deposes and says; I am the Plaintiff in the within action and have read the foregoing Summons and Complaint and know the contents thereof; the same is true to my own knowledge, except as to matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.



JOSEPH LONGO

Sworn to before me on this
7th day June, 2011.



NOTARY PUBLIC

JOHN A. GUARNERI
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02GU5027955
QUALIFIED IN WESTCHESTER COUNTY
COMMISSION EXPIRES MAY 23, ~~2009~~ 2014

STATE OF NEW YORK
SUPREME COURT COUNTY OF WESTCHESTER
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