

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TYLER J. HINES,

Plaintiff,

-against-

RYDER TRUCK RENTAL, INC., DUNKIN'
DONUTS MID-ATLANTIC DISTRIBUTION
CENTER, INC., and DAVID R. ADAMS,

Defendants.
-----x

CV

05,cket No.: 2230

**VERIFIED
COMPLAINT**

PLATT, J.

BOYLE M.

The plaintiff, by his attorneys, Sharon A. Quinn, P.C., as and for his amended complaint against the defendants, allege the following upon information and belief:

The Parties

1. At all times hereinafter mentioned, the plaintiff was and still is a citizen of the State of New York, residing in the County of Suffolk.
2. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., was and still is a Florida Corporation.
3. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., was and still is a Delaware Corporation.
4. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., maintained its principal office and place of business in the State of Florida.
5. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.
6. At all times hereinafter mentioned, the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC. was and still is a Delaware Corporation having its principal office and place of business in the State of New Jersey.

7. At all times hereinafter mentioned, the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC. was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.
8. At all times hereinafter mentioned, the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC., was and still is a foreign corporation duly licensed and authorized to do business in the State of New York.
9. At all times hereinafter mentioned the defendants, DAVID R. ADAMS, was and still is a citizen of the State of New Jersey.

Jurisdiction

10. This Court has original jurisdiction of this matter pursuant to 28 USC §1332(a)(1) and (2) in that the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different states.

Venue

11. This action is properly venued in this Court pursuant to 28 USC §1391(a), (c), and (d).

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

12. At all times hereinafter mentioned, the plaintiff, TYLER J. HINES, was the operator of a motor vehicle bearing New York license plate number 100RAMUL.
13. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was the operator of a motor vehicle bearing New York license plate number AH965Y, which vehicle is a tractor trailer combination.
14. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., was the owner of the tractor and/or trailer described in paragraph "13" above.
15. At all times hereinafter mentioned, the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC., was the owner of the tractor

and/or trailer described in paragraph "13" above.

16. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was the owner of the vehicle described in paragraph "13" above.
17. At all times hereinafter mentioned, the defendant, RYDER TRUCK RENTAL, INC., was the lessee of the tractor and/or trailer described in paragraph "13" above.
18. At all times hereinafter mentioned, the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC., was the lessee of the tractor and/or trailer described in paragraph "13" above.
19. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was the lessee of the tractor and/or trailer described in paragraph "13" above.
20. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was an employee of the defendant RYDER TRUCK RENTAL, INC.
21. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was an employee of the defendant DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC.
22. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was operating the vehicle described in paragraph "13" above within the scope of his employment with RYDER TRUCK RENTAL, INC.
23. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, was operating the vehicle described in paragraph "13" above within the scope of his employment with DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC.
24. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, operated the vehicle described in paragraph "13" above with the consent and permission, express and/or implied, of the defendant, RYDER TRUCK RENTAL, INC.
25. At all times hereinafter mentioned, the defendant, DAVID R. ADAMS, operated

the vehicle described in paragraph "13" above with the consent and permission, express and/or implied, of the defendant, DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC.

26. On February 2, 2005, the plaintiff was operating the motor vehicle bearing license plate number 100RAMUL on Larkfield Road at or near the intersection of Grand Place, Town of Huntington, State of New York, when the defendant, DAVID R. ADAMS, then also there, carelessly, negligently, and recklessly operated the vehicle bearing license plate number ah9665y causing said motor vehicle to collide with the vehicle operated by the plaintiff.
27. That said accident and injuries to the plaintiff was occasioned solely through and by reason of the carelessness and negligence of the defendants in carelessly and negligently causing and permitting their said motor vehicle to be operated in a negligent manner; by failing and omitting to have their said motor vehicle under reasonable and proper control; and carelessly and negligently causing and permitting his said motor vehicle to be operated over and along the public highway heretofore referred to at a high and excessive rate of speed and/or at a greater rate of speed than care and caution would permit under the circumstances and conditions then and there existing; in failing and omitting to operate his motor vehicle with due regard for the safety of others, including the plaintiff; in carelessly and negligently failing and omitting to provide and/or make timely use of adequate and efficient brakes, signaling devices and steering mechanisms; in carelessly and negligently failing and omitting to keep and maintain a proper lookout and to be reasonably alert; in carelessly and negligently causing and permitting their motor vehicles to be operated and maintained in a negligent and reckless manner so as to precipitate the accident above referred to; and the defendant was otherwise careless in failing and omitting to take proper and suitable precautions.

background check, employment screening, regular evaluations, training and testing of their employee, DAVID R. ADAMS.

35. The defendants RYDER TRUCK RENTAL, INC. and/or DUNKIN' DONUTS MID-ATLANTIC DISTRIBUTION CENTER, INC., breached and were negligent in their obligation and duty to conduct a background check, employment screening, regular evaluations, training and testing of their employee, DAVID R. ADAMS.

36. That as a result of the aforesaid occurrence, the plaintiff sustained serious and severe personal injuries and nervous shock, was rendered sick, sore and disabled and has remained so since the subject occurrence. He has suffered and continues to suffer mental anguish and has been compelled to expend money and incur obligations for physicians' services, medical expenses, and hospital expenses for the care and treatment of her injuries; and upon information and belief, he will be compelled to expend additional sums of money and incur further obligations in the future for additional physicians' services, medical expenses, and hospital expenses for the further care and treatment of his injuries.

37. That as a result of the aforesaid occurrence, and the injuries sustained by the plaintiff, he has been incapacitated from attending his usual occupation and has suffered pecuniary losses by reason thereof; and upon information and belief, he may be incapacitated from his occupation in the future and will suffer additional pecuniary loss.

38. The plaintiff has sustained serious injuries as defined in Section 5102(d) of the Insurance Law, or economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law of the State of New York.

39. This action falls within one or more of the exceptions set forth in CPLR 1602.

40. By reason of the foregoing, the plaintiff has been damaged in the sum of twenty million (\$20,000,000) dollars.

Jury Demand

THE PLAINTIFF DEMANDS A TRIAL BY JURY.

WHEREFORE, the plaintiff demands judgment against the defendants in the sum of twenty million (\$20,000,000) dollars on the first cause of action, in the sum of twenty million (\$20,000,000) dollars on the second cause of action, together with interest thereon and the costs and disbursements of this action and such other and further relief as to this Court deems just and proper.

Dated: Huntington, New York
May 4, 2005



Daniel J. Hansen, Esq. (DJH: 0211)
Sharon A. Quinn, P.C.
Attorney for the Plaintiffs
38 Bayview Drive
Huntington, New York 11743
(631) 351-9006

Daniel J. Hansen, an attorney duly admitted to practice in the courts of the State of New York, hereby affirms the following under penalty of perjury:

I am the attorney for plaintiff herein, and as such, am fully familiar with the facts herein.

I have read the within complaint and know its contents to be true to my own knowledge, except as to those matters stated to be alleged upon information and belief, and as to those matters, believe them to be true.

The sources of my knowledge and the grounds for my beliefs are investigations made and conversations with plaintiff.

The reason that this verification is being made by me is because plaintiff is not within the county where I have my office.

Dated: New York, New York
May 4, 2005



Daniel J. Hansen (DJH: 0211)

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CV 05 2230 PLATT, J.

I. (a) PLAINTIFFS

TYLER J. HINES

DEFENDANTS

RYDER TRUCK RENTAL, INC., DONUTS MID-ATLANTIC DISTRIBUTION

PLATT, J.

(b) County of Residence of First Listed Plaintiff Suffolk (EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant FL (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Sharon A. Quinn, PC, 38 Bayview Dr., Huntington, NY 11743, 631-351-9006

Attorneys (If Known)

Carroll McNulty & Kull, 270 Madison Ave, New York, NY 10016

BOYLE M.J.

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES. Includes various legal categories like Personal Injury, Property Damage, etc.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from another district, 6 Multidistrict Litigation, 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 USC 1332(a)(1) & (2)

Brief description of cause: automobile accident

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23, DEMAND \$, CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE none DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD

5-3-05

[Signature]

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP

JUDGE Platt MAG. JUDGE Boyle

2230

ARBITRATION CERTIFICATION

I, _____, counsel for _____
do hereby certify pursuant to the Local Arbitration Rule 83.10 that to the best of my knowledge and belief the damages recoverable in the above captioned civil action exceed the sum of \$150,000 exclusive of interest and costs.
_____ Relief other than monetary damages is sought.

DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

Did the cause arise in Nassau or Suffolk County? yes

If answered yes, please indicate which county. Suffolk

County of residence of plaintiff(s) (1) Suffolk
(2) _____
(3) _____

County of residence of defendant(s) (1) NJ
(2) FL
(3) DE

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

Yes No _____

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

Yes _____ (If yes, please explain) No

Please provide your E-MAIL Address and bar code below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number or any other four digit number registered by the attorney with the Clerk of Court.
(This information must be provided pursuant to local rule 11.1(b) of the civil rules).

ATTORNEY BAR CODE: DJH:0211

E-MAIL Address: danieljhansen@hotmail.com

I consent to the use of electronic filing procedures adopted by the Court in Administrative Order No. 97-12, "In re Electronic Filing Procedures(EFP)", and consent to the electronic service of all papers.

Signature: 