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★ APR 08 2011 ★

FEDERAL COURT UNITED STATES DISTRICT COURT
EASTERN DISTRICT

BROOKLYN OFFICE

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MARIA BERNARD

Plaintiff(s),

VERIFIED COMPLAINT

-against-

Index No.:

UNITED STATES OF AMERICA

CV 11 - 1730

Defendant(s).

WEINSTEIN, J.

POHORELSKY, M.J.

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Plaintiff, by their attorneys, MALLILO & GROSSMAN, ESQS,
complaining of the defendants herein, respectfully show to the Court and allege:

AS AND FOR A FIRST CAUSE OF ACTION

1. That at all times hereinafter mentioned, the plaintiff was and still is a resident of the County of BRONX, City and State of New York.

2. Upon information and belief, and at all times hereinafter mentioned, the defendant, UNITED STATES OF AMERICA was and still is a municipal corporation duly organized and existing under the laws of the State of New York, within the State of New York.

3. Venue is proper pursuant to 28 U.S.C. 2401 (b) because defendant resides in this Jurisdiction.

4. That on OCTOBER 25 2009, while plaintiff was lawfully and properly walking on the sidewalk abutting the premises located at 558 GRAND CONCOURSE, BRONX County, with same being a United States Postal Office, she

was caused to trip and fall due to a plastic rope and or tie, attached to a wood barricade at a construction barricade on the sidewalk, causing plaintiff to sustain serious personal injury.

5. Upon information and belief, that at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE , owned said premises at issue.

6. Upon information and belief, that at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE, operated said premises at issue.

7. Upon information and belief, that at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE, maintained said premises at issue.

8. Upon information and belief, that at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE, managed said premises at issue.

9. Upon information and belief, that at all times hereinafter mentioned, the defendant, UNITED STATES POSTAL SERVICE, controlled the said premises at issue.

10. That on October 25, 2009 the defendant, UNITED STATES POSTAL SERVICE, its agents, servants, employees, heirs, assigns and/or transferees negligently and carelessly maintained said premises in such a haphazard, negligent manner as to cause the same to become and remain in an unsafe, improper and dangerous condition, which consisted of a trap and nuisance as well as a negligent and improper

condition of which the defendant had due notice, or by the use of reasonable care and inspection therein, might and should have had due notice.

11. Upon information and belief, that at all times hereinafter mentioned, it was the duty of the defendant, UNITED STATES POSTAL SERVICE, its agents, servants, employees, heirs, and/or transferees to maintain the aforesaid premises in a safe, proper, lawful and careful manner, so that the same would not be dangerous to persons lawfully on said premises and to keep the same from defaults, traps and conditions constituting a danger and menace to persons lawfully and properly therein.

12. That said accident and resulting injuries to the plaintiff were caused solely and wholly by reason of the carelessness, recklessness and negligence of the defendant, without any negligence of the plaintiff contributing thereto.

13. That this action is started within 6 months of the denial date from the United States Postal Service.

14. That the defendant UNITED STATES POSTAL SERVICE, has neglected or refused to make an adjustment and/or payment thereof, and more than thirty (30) days have elapsed since the presentation of such claim as aforesaid.

15. That by reason of the aforesaid, plaintiff was rendered sick, sore, lame and disabled, and was unable to attend to her usual duties for a considerable time, required medical aid and attention, suffered grievous physical pain and mental anguish and has been damaged in the sum of \$2,000,000.00

WHEREFORE, the plaintiff demands judgment against the defendants in the first cause of action in the sum of \$2,000,000.00, together with the costs and disbursements of this action.

Dated: Queens, New York
March 29, 2011



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