

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
COREY ROBINSON,

Plaintiff,

-against-

JUAN CARLOS, UBER TECHNOLOGIES, INC.,
and UBER TRANSPORTATION, LLC,

Defendants.
-----X

Index No.

SUMMONS

Plaintiff designates
Bronx County as place of trial.
The basis of the venue
is Defendant's residence.

TO THE ABOVE NAMED DEFENDANTS:

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 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.

Dated: New York, New York
December 14, 2016

Respectfully Submitted,


DETOFFOL & ASSOCIATES, Attorneys At Law
30 Broad Street, 35th floor
New York, N.Y. 10004
(212) 962-2220
Attorneys for Plaintiff

DEFENDANTS' ADDRESSES:

JUAN CARLOS
456 Torey Avenue, Bronx, N.Y. 10473

UBER TECHNOLOGIES, INC. C/O C T CORPORATION SYSTEM
111 EIGHTH AVENUE, NEW YORK, NEW YORK, 10011
(also 1455 MARKET STREET, 4TH FLOOR, SAN FRANCISCO, CALIFORNIA, 94103)

UBER TRANSPORTATION, LLC C/O UNITED STATES CORPORATION AGENTS, INC.
7014 13TH AVENUE, SUITE 202, BROOKLYN, NEW YORK, 11228

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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COREY ROBINSON,

Plaintiff,

-against-

JUAN CARLOS, UBER TECHNOLOGIES, INC.,
and UBER TRANSPORTATION, LLC,

Defendants.
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COMPLAINT

Plaintiff COREY ROBINSON by his attorneys DeTOFFOL & ASSOCIATES, Attorneys at Law, upon information and belief, complains of the defendant herein as follows:

Jurisdiction

1. That at all times hereinafter mentioned the plaintiff COREY ROBINSON was and still remains to be a resident of the County and City of Philadelphia in the State of Pennsylvania.
2. That at all times hereinafter mentioned, and upon information and belief, defendant JUAN CARLOS ("CARLOS") was and still remains to be a resident of the County of Bronx, in the City and State of New York.
3. At all times material hereto, defendant UBER TECHNOLOGIES, INC. ("UBER TECH") was a duly registered foreign business corporation formed under the laws of the State of Delaware, registered in the County, City and State of New York, and doing business and regularly transacting and conducting business in Bronx County, in the City and State New York.

4. At all times material hereto, defendant UBER TRANSPORTATION, LLC ("UBER TRANS") was a domestic limited liability company formed under the laws of the State of New York, registered in Bronx County, in the City and State of New York, and doing business and regularly transacting and conducting business in Bronx County, in the City and State New York.

5. Venue is proper in Bronx County within the New York Supreme Court system on the basis that the defendants are domiciled and otherwise regularly transact business in the said County.

Background

6. That at all times hereinafter mentioned, plaintiff COREY ROBINSON leased, controlled, and maintained an 2016 Hyundai motor vehicle, bearing Pennsylvania license plate number JYX4613 (s/h/a "Vehicle").

7. That at all times hereinafter mentioned, plaintiff COREY ROBINSON leased said Vehicle from Exchange Leasing Company, under the direction and acknowledgment of defendants UBER TECH and UBER TRANS.

8. Defendants UBER TECH and UBER TRANS deducted from their paycheck to plaintiff, funds to pay said leasing agency for use of said Vehicle.

9. Said Vehicle's purpose was to generate income and be utilized in furtherance of the defendants UBER TECH and UBER TRANS business and business operations.

10. That at all times hereinafter mentioned, defendants UBER TECH and UBER TRANS held ownership in said Vehicle.

11. That at all times hereinafter mentioned, plaintiff held ownership in said Vehicle.

12. That at all times hereinafter mentioned, the defendant JUAN CARLOS operated said Vehicle.

13. That at all times hereinafter mentioned, the defendant CARLOS operated said Vehicle with the consent of plaintiff COREY ROBINSON.

14. That at all times hereinafter mentioned, defendant CARLOS was a customer and/or hired and otherwise retained the services of defendants UBER TECH and/or UBER TRANS for transportation by said Vehicle, to be carried out by the plaintiff driver, during late evening/early morning hours, for a more than 2 hour 110 mile trip from Philadelphia, Pennsylvania to Bronx, New York ("Journey").

15. That at all times hereinafter mentioned, defendant CARLOS acted as a servant and/or apparent agent of defendants UBER TECH and/or UBER TRANS, by way of his taking on the good Samaritan doctrine role in carrying out and fulfilling defendants UBER TECH and/or UBER TRANS transportation service by defendant CARLOS driving said Vehicle with plaintiff as passenger, when the plaintiff driver fell into peril in becoming too tired to continue driving their long Journey, and defendant CARLOS while doing worsened plaintiff's position by driving recklessly. [See Annexed New York Post news release dated April 5, 2016; and Police report].

16. That on April 2, 2016 at about 5:45 a.m. there existed a roadway known as Sanitaria Springs Road at the intersection with Hancock Road in the County of Broome, Town of Colesville in the State of New York, being a public highway, parkway and/or thoroughfare for motor vehicles ("Roadway").

17. That at the aforementioned time and place the aforesaid Vehicle while operated by defendant CARLOS forcefully came into contact a guardrail alongside said Roadway and violently exited said Roadway into a nearby off-roadway earthen field.

Cause of Action (Negligence)

18. The above mentioned occurrence and the results thereof were caused by the joint, several and/or concurrent negligence of the defendants in the ownership, control, maintenance and/or operation of said Vehicle; in failing to keep proper attention; in operating same at a rate of speed greater than was reasonable and proper at the time and place of the occurrence; in failing to apply the brakes or slow down or stop in such a manner as would have prevented the occurrence; in failing to yield to other vehicles of authority on the Roadway; in operating said vehicle in a reckless and wanton manner which unreasonably endangered the plaintiff; in failing to have made adequate and timely observation of and response to conditions; in failing to properly maintain control and brake mechanisms and systems; in failing to keep a safe distance from Roadway contours and other vehicles travelling on the roadway; in failing to observe signs and signals prevailing at the time and place of the occurrence; in failing to have made adequate and timely observation of and response to conditions; in failing to keep a proper look-out when controlling said vehicle; in failing to appropriately maintain and change traffic lanes; in failing to stay on the Roadway; in operating said Vehicle off the Roadway; in failing to properly steer, guide, manage and control said Vehicle; in failing to give adequate and timely signal, notice or warning; in operating same without due regard to the rights and safety of the plaintiff; in operating said vehicle in violation of the traffic rules, regulations, statutes and ordinances in such cases to which the Court will

take judicial notice at the time of trial concerning each and every section of the City Traffic Rules and State of New York V.T.L., including but not limited to sections 1110, 1111, 1112, 1113, 1116, 1127, 1120, 1125, 1122, 1124, 1126, 1128, 1129, 1130, 1140, 1142, 1141, 1143, 1173, 1146, 1151, 1160, 1163, 1161, 1162, 1180, 1190, and 1192; and in being otherwise careless, reckless and negligent.

19. That the aforesaid occurrence and its results thereof were in no way due to any negligence or culpable conduct on the part of the plaintiff.

20. This action falls within one or more of the exception set forth in Article 16 of the CPLR.

21. Plaintiff sustained serious injuries as defined in Section 5102(d) of the Insurance Law, and an economic loss greater than basic economic loss as defined in Section 5102(a) of the Insurance Law.

22. That by reason of the foregoing negligence and culpable conduct of said defendants, the plaintiff was caused to sustain serious, severe, and permanent physical and personal injuries, and become sick, sore, lame and disabled and so remain for a considerable length of time, and suffer and continue to suffer serious bodily injury and mental anguish; and that as a result of the foregoing, and incur and continue to incur related necessary medical expenses and related economic loss and obligation; and rendered unable to attend to plaintiff's usual vocation and incur related economic loss therefrom.

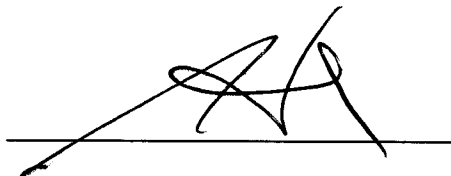
23. That as a result of the defendants' negligence and culpable conduct as aforesaid, the plaintiff has been damaged in a sum that exceeds the jurisdictional requirements of this Court.

Relief

WHEREFORE, the plaintiff demands judgment against defendants in an amount to be determined at trial, together with the costs and disbursements of this action.

Dated: New York, New York
December 14, 2016

Respectfully Submitted,

A handwritten signature in black ink, consisting of stylized, overlapping letters, likely 'AA', written over a horizontal line.

DETOFFOL & ASSOCIATES, Attorneys At Law
30 Broad Street, 35th floor
New York, N.Y. 10004
(212) 962-2220
Attorneys for Plaintiff

VERIFICATION

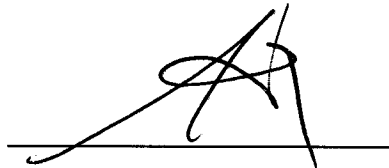
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

I, the undersigned, an attorney admitted to practice in the Courts of New York State, state under penalty of perjury that I am one of the attorneys for the plaintiff in the within action; I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters I believe to be true.

The reason this verification is made by me and not by my client, is that my client is not presently in the County where I maintain my office.

The grounds of my belief as to all matters not stated upon my own knowledge are the materials in my file and the investigation conducted by my office.

Dated: New York, NY
 December 14, 2016

A handwritten signature in black ink, appearing to be 'DAVID DeTOFFOL', written over a horizontal line.

DAVID DeTOFFOL



NEWS

Uber passenger takes sleeping driver on high-speed chase: cops

By Natalie Musumeci

April 5, 2016 | 2:50pm | Updated



PHOTO BY AP/WIDEWORLD

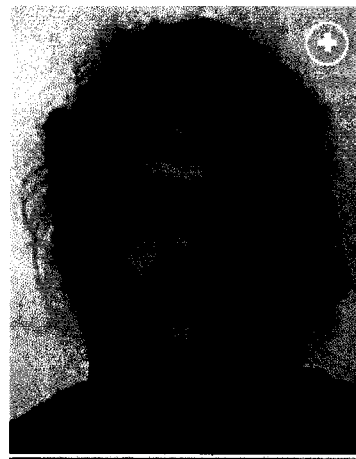
An Uber driver taking a Bronx man from Philadelphia to New York asked his passenger to relieve him behind the wheel so that he could catch some zzz's – only for the passenger to crash and total the car while fleeing police, authorities said Tuesday.

Juan Carlos, 20, of the Bronx hired Philly Uber driver Corey Robinson, 43, to take him to a college in Herkimer, NY early Saturday, according to New York State Police.

About two hours into the trip, a sleepy Robinson asked Carlos to drive the 2016 Hyundai Sonata so that he could nap, but when he awoke to his passenger speeding, Carlos explained it was because cops were chasing him, police said.

"I was getting really sleepy and started swerving on the road, so I asked him to drive," Robinson, who also works part-time as a plumber, told The Post Tuesday.

Cops said Carlos was driving without a license, but Robinson said Carlos showed him a Pennsylvania license with his name on it so he trusted him to drive.



Juan Carlos

PHOTO BY AP/WIDEWORLD

TRENDING NOW IN NEWS



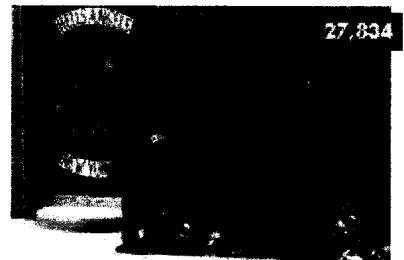
35,762

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Robinson said after napping for less than an hour he suddenly awoke from the speed of the car.

"I thought the car was leaving the ground," said Robinson. "I told him to stop the car, and he said, 'the police are chasing us.'"

State troopers monitoring southbound traffic on Interstate 81 near Binghamton clocked the Carlos going 86 mph in a 65 mph zone at around 5:35 a.m.

The troopers attempted to stop the car, but Carlos gunned it instead, speeding north on the interstate, police said.

"I just kept telling him to 'stop the car, stop the car, stop the car!'" said Robinson. "He said he was going to stop, but then he just started speeding up."

Carlos eventually lost the cops, but soon plowed the car into a guard rail in the Town of Colesville, authorities said. Corey and Robinson, who suffered minor injuries from the crash, were then taken into police custody.

Robinson was released without charges, while Carlos was charged with unlawfully fleeing a police officer in a motor vehicle in the third-degree, driving without a license and several other traffic violations, police said.

Robinson, who injured his shoulder in the crash, said that his car is "completely totaled" and regrets letting Carlos get behind the wheel.

"I'm so sorry I did it," he said, adding that he wants to take legal action against Carlos, who Robinson spotted laughing after the crash.

"I don't know what he was laughing at," Robinson said.

An Uber spokeswoman said that Robinson, who has been an Uber driver since December, and Carlos' Uber accounts have been suspended while the matter is investigated.

"We are reaching out to the authorities to assist in their investigation," the spokeswoman added.

Additional reporting by Danielle Furfaro

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- ANNEX TO COMPLAINT -