

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TRACY TAYLOR
MITCHELL BAKER
132 York Street
Buffalo, New York 14213,

Plaintiffs,

-vs-

TNISHA SCOTT a/k/a TANISHA SCOTT
585 Wyoming Street
Buffalo, New York 14215

JAMAL DICKINSON
82 Floss Avenue
Buffalo, New York 14211,

Defendants.

SUMMONS

**IMMEDIATELY TURN THESE
PAPERS OVER TO YOUR
INSURANCE REPRESENTATIVE.
YOUR FAILURE TO DO THIS
MAY SUBJECT YOU TO PERSONAL
FINANCIAL RESPONSIBILITY IN
THIS MATTER**

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 Summons is not served with a Complaint, to serve a Notice of Appearance, on the Plaintiffs' attorneys within 20 days after the service of this Summons, exclusive of the day of service, or within 30 days after completion of service where service is made in any other manner than by personal delivery within the State. In case of your failure to appear or Answer, Judgment will be taken against you by default for the relief demanded in the Complaint.

COMPLAINT ENDORSEMENT: That Plaintiffs' Complaint against you is in the amount of: see **WHEREFORE** clauses of Plaintiffs' Complaint, together with the costs of this action based on a cause of action for negligence and others.

Erie County is designated as the place of trial on basis of residence of Defendants who reside in Buffalo, New York.

DATED: August 3, 2020
Buffalo, New York



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(716) 854-1111

STATE OF NEW YORK
SUPREME COURT : COUNTY OF ERIE

TRACY TAYLOR and
MITCHELL BAKER,

Plaintiffs,

- vs -

TNISHA SCOTT a/k/a TANISHA SCOTT and
JAMAL DICKINSON,

Defendants.

COMPLAINT

Index No. _____
Date Filed _____

Plaintiffs, TRACY TAYLOR and MITCHELL BAKER for their Complaint against the Defendants, above referred, herein alleges:

1. As to any time limitations relating to the commencement of this matter and all claims included herein, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by executive orders and/or proclamations of the Hon. Andrew M. Cuomo, Governor of the state of New York.

2. As to any time limitations relating to the filing of this matter, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by executive orders and/or proclamations of the Hon. Andrew M. Cuomo, Governor of the state of New York.

3. As to any time limitations relating to the filing of this matter, set forth by and/or under any law, statute, rule, regulation and/or requirement otherwise applicable as to this matter and all claims set forth herein, the same have been tolled pursuant to any/all pertinent provisions of the New York Civil Practice Law and Rules (CPLR), and/or as a direct result of the onset of coronavirus and the COVID-19 pandemic, by specific administrative orders and/or directives of the Office of Court Administration, and/or pertinent orders and/or directives of the Administrative Judges of the State of New York, Fourth Department and/or County of Erie.

4. This action falls within one or more of the exceptions set forth in CPLR §1602. That this action and all claims set forth herein falls within one or more exceptions set forth in CPLR §1602; §1602(7); §1602(11) and §1601, as to limitations to the doctrine of joint and several liability.

5. That presently and at all times hereinafter mentioned, the Plaintiffs, TRACY TAYLOR and MITCHELL BAKER, were and continue to be residents of the County of Erie and State of New York.

6. That upon information and belief, presently and at all times hereinafter mentioned, Defendant, TNISHA SCOTT a/k/a TANISHA SCOTT, was and continues to be a resident of the County of Erie and State of New York.

7. That upon information and belief, presently and at all times hereinafter mentioned, Defendant, JAMAL DICKINSON, was and continues to be a resident of the County of Erie and State of New York.

8. That on or about August 5, 2017, Plaintiff, TRACY TAYLOR, was legally and lawfully the operator of a motor vehicle bearing New York State license and registration.

9. That on or about August 5, 2017, Plaintiff, MITCHELL BAKER, was legally and lawfully a passenger of said vehicle being operated by Plaintiff, TRACY TAYLOR.

10. That on or about August 5, 2017, Defendant, TNISHA SCOTT a/k/a TANISHA SCOTT, was the operator of a motor vehicle bearing New York State license and registration for the year of 2017.

11. That on or about August 5, 2017, Defendant, TNISHA SCOTT a/k/a TANISHA SCOTT, was the insured, owner and/or registrant of said motor vehicle she was operating.

12. That on or about August 5, 2017, Defendant, JAMAL DICKINSON, was the insured, owner and/or registrant of said motor vehicle being operated by the Defendant, TNISHA SCOTT a/k/a TANISHA SCOTT.

13. At all times herein mentioned, the Defendant, TNISHA SCOTT a/k/a TANISHA SCOTT, was operating the motor vehicle owned, in her own name and/or by the Defendant, JAMAL DICKINSON, with the with the permission and consent of said Defendant insured, owner and/or registrant, with said permission and consent being express, implied or otherwise.

14. That on or about August 5, 2017, the Plaintiff, TRACY TAYLOR, was operating a motor vehicle, wherein Plaintiff, MITCHELL BAKER, was a passenger, legally and lawfully at or near the intersection of Walden Avenue and Bailey Avenue, located within the City of Buffalo, County of Erie, and State of New York.

15. That at or near the intersection of Walden Avenue and Bailey Avenue, was, at all times hereinafter mentioned, a public street, highway or thoroughfare, utilized by residents of the State of New York and others for the purpose of vehicular transportation, located in the City of Buffalo, County of Erie and State of New York.

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