

No. _____

In The
Supreme Court of the United States

VEERAMUTHU P. GOUNDER,

Petitioner,

vs.

ARGANTE R. GRIPPA & TEW G.A. GRIPPA,

Respondents.

**On Petition For A Writ Of Certiorari To
The State Of New York Court Of Appeals**

PETITION FOR WRIT OF CERTIORARI

VEERAMUTHU P. GOUNDER
94-11 Springfield Blvd.
Queens Village, NY 11428
Phone Number 347-843-1495

RECEIVED
MAR 21 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Can a driver of a motor vehicle on a major highway at a speed of 50 mph, in the extreme fast lane with traffic, suddenly come to an immediate stop without any warning or signal that he is going to stop?
2. Can a driver of a motor vehicle involved in an accident, leave the scene of an accident before the police, and the ambulance arrive?
3. Was the police report of the accident a correct report?
4. Can a state trooper ignore the fact that the accident did not happen at the location where the damaged vehicles were standing, and when told that it was at another location, make a wrong entry of the location, and not seeing any debris from the accident at this location make an incorrect entry?
5. Can an experienced driver of a Taxi with 40 years' experience, willfully crash into the rear of another vehicle, if the rules of the New York State motor vehicles was followed?
6. At the EBT, there was one lawyer, who conducted the EBT. At the trial another lawyer appeared, and had no transcript of the EBT. According to the law, only evidence that has been recorded at the EBT is permitted TO BE INTRODUCED AT the trial. Can it be legal and fair, if the Judge ignored the fact that new evidence changed, and completely warped the facts of the case?

QUESTIONS PRESENTED – Continued

Can new evidence be introduced when an EBT has been recorded, and nothing else can be added?

7. At the trial, can the Judge ignore the fact that the police report was wrong, and even when the defendant had admitted that he left the scene of an accident before the police arrived?

8. The accident caused injury to the appellant, and was compounded by a heart attack, and medical records to prove the injuries. Why did the Judge choose to ignore the fact that an indiscriminate sudden stop on a highway, in a fast lane caused an accident because of infractions of the directive and rules of the road according to the Motor vehicles act of New York?

9. Why did the Judge choose to ignore the records of the Time and work and business losses because of the sudden stop?

10. Why was there a racial discrimination against the plaintiff, shown, because he was not White Caucasian, but an ethnic minority, Asian Indian, as the driver who stopped suddenly was white, the Police trooper who gave an incorrect accident report was white, and the Judge and the lawyer for the defendant were both white?

11. Why was there no reasoning for the dismissal, by the Judge, who just gave a brief “Dismissed” Judgment without any explanation for the judgement?

QUESTIONS PRESENTED – Continued

12. On appeal, the judge ruled that it was incumbent on the driver of the stopped vehicle to explain the reason for the sudden stop, and the operator of the 2nd vehicle explained that it is overt negligence on the part of the driver who stopped suddenly, but why was his testimony not accepted by the judge, who was also white, as it is also highly improbable that an experienced driver in the Taxi and Limousine business for 40 years would wantonly crash into the rear of a vehicle that slowed down and stopped, as the lawyer for the defendant claimed. The brake lights of the vehicle that stopped was inoperative, and why did the state trooper who wrote the accident report not check if the brake lights were operational, in spite of the Plaintiff telling the trooper that there were no indications of a stop?

13. When plaintiff appealed to Supreme court of the Appellate term, the decision Dec 7, 2017, was again given by the same judge who gave the earlier decision. Why was the same judge making a decision and dismissing on a case that he made an earlier decision? Is this an ethics violation, and a conflict of interests, for the same judge to make a decision on a case that he made a decision on earlier?

14. Why, when Plaintiff appealed to the Supreme court of the state of New York, appellate division, within the correct time limits, was his appeal dismissed without any reason?

QUESTIONS PRESENTED – Continued

15. When Plaintiff appealed to the court of Appeals, Albany, within the correct time frame, the court denied his right to appeal, as being out of Jurisdiction. And why was this done, as Plaintiff is a New York resident for the past 40 years, and has been paying State, city, and federal taxes. Does this mean that he is entitled to a refund of his state taxes for the past 40 years, as he is now, according to the court of Appeals, not in Jurisdiction, and not considered a resident of New York State?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgement is the subject of this petition is as follows:

1. NAME: VEERAMUTHU P. GOUNDER
(PETITIONER) (PRO SE)
2. NAME: ARGANTE R. GRIPPA & TEW G.A.
GRIPPA (RESPONDENT)

TABLE OF CONTENTS

	Page
OPINION BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVI- SION INVOLVED.....	2
STATEMENT OF THE CASE.....	4
REASONS FOR GRANTING THE WRIT.....	19
CONCLUSION.....	21

APPENDIX

Decision Orders (All Courts)	App. 1
Police Accident Report (NYC)	App. 11

TABLE OF AUTHORITIES

	Page
CASES	
Crowley v. Acompora, ___ AD2d 330	22
Galitsis v. MCL Imports, 251 AD2d 285	22
Niemec v. Jones	3, 22
 CONSTITUTIONAL PROVISIONS	
U.S. Const. amend. VI	23
 STATUTES	
28 U.S.C. § 1257(a)	2
New York State Vehicle and traffic law § 1129[a]	3
New York State Vehicle and traffic law § 1163	3

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgement below.

OPINIONS BELOW

The opinion of the highest state court to review the merits appears at Appendix 1 to the petition which is attached and reported at Court of New York State, Albany, Index # MO. No. 2018 763, Dated October 16, 2018 and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix 2 to the petition which is attached and reported at Supreme Court of the State of New York, Appellate Division, Second Judicial Department, Index # 201743142, Dated March 01, 2018, and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix 4 to the petition which is attached and reported at Supreme Court of the State of New York, Appellate Term for the 2nd, 11th, and 13th Judicial Districts, docket # 2016-1504 Q C, Dated December 07, 2017 and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix 5 to the petition which is attached and reported at Supreme Court of the State of New York, Appellate Term for the 2nd, 11th, and 13th Judicial Districts, docket # 2016-1504 Q C, Dated November 03, 2017 and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix 8 to the petition which is attached and reported at Civil Court of the City of New York, Queens County, case index # CV-009297-15/QU, Dated January 05, 2016 and March 15, 2016 and is unpublished.

JURISDICTION

The date on which the highest state court decided my case was State of New York, Court of Appeals, Albany, index # MO. No. 2018-763. October 16, 2018, Appeal filed on July 19 2018. A copy of that decision appears at Appendix 1.

The date on which the highest state court decided my case was Supreme court of the State of New York, Appellate Division, 2nd Judicial Department, Index # 2017-13142, Dated March 1st, 2018, Decision order received by plaintiff from the court on July 2nd, 2018. A copy of that decision appears at Appendix 2.

The jurisdiction of this court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

“A driver of a moving vehicle has a duty to keep proper control of that vehicle, and to “*NOT STOP*

SUDDENLY" or slow down without proper signaling so as to avoid a collision. (Niemec v. Jones, *supra* at 268).

Under the circumstances of this case, it is my contention, Your Lordships that there exist issues of fact concerning that the respondent contributed to the accident by making a sudden stop in the high-speed lane of the Long Island Expressway, and failed to give any proper signals in compliance with New York State Vehicle and traffic law § 1163 and Vehicle and traffic law § 1129[a].

Rebutting the testimony by the defendant Argante R. Grippo, there was no traffic in front of his vehicle, and this was stated clearly by the Plaintiff at the trial, but this fact was ignored, and the testimony which was not on the Examination before trial, could not be used in the trial, as it was fabricated by the second lawyer who had no papers with him. The vehicle driven by Argante R. Grippo came to a sudden stop, for no apparent reason, and the brake lights were non-functional, and the condition was not checked out by the State trooper, who was negligent in the performance of his duties. It is definitely an error in passing judgement on an operator with a TLC license who has had 40 years of experience, driving on interstate highways in Rain, Sleet, fog, and other conditions, and with an impeccable safety record, without viewing the contributing factors and the percentage of, in passing erroneous judgement.

STATEMENT OF THE CASE

It is a fact that a driver of a motor vehicle has a duty to keep proper control of his vehicle, and to not stop suddenly or slow down without proper signaling, so as to avoid a collision, and there exist issues of fact concerning whether the defendant/respondent contributed to the accident, and failing to give proper signals in compliance with Vehicle and traffic law.

1. It is a fact that there was an accident on the Long Island expressway at a specific location that was at the Long Island Expressway, and the Grand Central Parkway that crossed under the Long Island Expressway, at approximately 5:15 A.M. on March 17, 2016.

2. It is a fact that the vehicle driven by Argante R. Grippa was in the fast lane of the Long Island Expressway going west, at a speed of approximately 45 to 50 MPH, and came to a sudden stop, without any proper signaling or warning, and did not control his vehicle and take steps to prevent a collision by reducing speed before coming to a sudden stop.

3. It is also a fact that there were no brake lights that were visible, or operational in the vehicle driven by Argante R. Grippa prior to the collision, when he made the sudden stop, and which would have been visible to the driver of the vehicle driven by the Appellant, to allow him to take necessary measures, as an experienced taxi and limo driver of thirty-nine years to avoid the collision.

4. It is a fact that the respondent Argante R. Grippa came out of this stopped vehicle, looked at the damage, and when asked for his driving license and registration, got back into his vehicle and fled.

5. It is a fact that the Appellant Veeramuthu P. Gounder had to give chase for approximately one and a half mile before Argante R. Grippa came to a stop before Maurice Avenue exit.

6. It is a fact that the respondent Argante R. Grippa fled from the scene of an accident with no intention of submitting his driver's license and insurance and registration for recording.

7. It is a fact that fire service came, and directed us to the nearest exit for safety, which was Maurice Avenue exit, and we came to a stop at Horace Harding Expressway and 73rd Street.

8. It is a fact that the ambulance then arrived, and asked the occupants of both the vehicles if they required medical attention, which both parties denied.

9. It is a fact that the Ambulance and fire services left.

10. It is a fact that a police State Trooper arrived at the scene, and proceeded to write a report.

11. The trooper questioned both parties, and the Appellant explained how he had to chase the Respondent for more than one and a half miles before he came to a stop, and that the accident occurred at the Long Island Expressway and Grand Central.

It is a fact that the State Trooper said this was not his area, and told the parties to collect the police report from the precinct concerned.

12. It is a fact that when the police report was obtained, there was no mention of the actual site of the accident, and no mention of the leaving and running away from the scene the accident by the defendant/respondent.

13. It is a fact that the State Trooper was negligent in the performance of his duties, in that he failed to record the oral evidence submitted by both parties, and showed bias on his part to favor the respondent and deny the recording of the actual site of the accident and the "hit and run" by the respondent, and leaving the scene of an accident in which Argante R. Grippa was involved.

14. It is a fact that the report was obtained only after a time at the precinct and the discrepancy was discovered only then, but was eventually exposed at the Examination Before Trial.

15. It is a fact that the learned lawyer for the respondents has made no mention of the actual scene and location of the accident, other than saying "On the LIE, traveling westbound." And this omission is significant.

Learned Judges of the Supreme Court,

16. I beg to submit the following for your kind perusal and early and favorable orders.

17. It is my contention that The Learned Judge Terrence O'Connor did not give any explanation for his decision to dismiss the case without reviewing all the facts of the case.

18. And that there was an Examination Before Trial that was conducted, but the new lawyer did not appear with any documentation, and digressed beyond that is the EBT and the scope of the EBT.

19. That there were omissions of fact that were not produced, at the trial, and I wish to submit the salient points for consideration.

20. That I am a Limousine driver with thirty-nine years' experience in the field of transportation of passengers and clients within the roads, highways, expressways, and interstate routes within New York State and other states of the United States, and have completed all assignments with passenger satisfaction, and safety, as my record shows.

21. That I am a strict teetotaler, and of Spartan habits, and have a clean driving record with the Department of motor vehicles, and with the Taxi and limousine commission of the city and state of New York, and which is on record.

22. And that this is my only profession, and that I would never jeopardize my job, the safety of my passengers, and my life by any untoward infraction of driving rules or regulations in force in the United States, and of New York, and the welfare and sustenance of my family.

23. Let this thirty-nine year of perfect driving experience and safety stand on record.

24. And that's well nigh impossible that an experienced limousine driver with such a record would run into a vehicle that followed the rules of the road, and which is perjury by the Respondent saying that he came to a gradual slow down before stopping.

25. The vehicle had no brake light that were visible when the respondent made a sudden stop on an expressway in the fast lane.

26. It is a fact that sudden stops on the Autobahn in Germany has caused traffic pileups in accident because it is a fast highway. Similarly, the Long Island Expressway is an arterial highway, where the speed is normally 55 MPH.

27. A sudden stop within the fast lane of an expressway without following the duties of a driver of an automobile will cause accidents.

28. To ensure that proper signaling has been performed in the event of stopping, to avoid a collision, was not done by the respondent Argante R. Grippa.

29. And that my case has been dismissed for a reason that is moot, and that I, Veeramuthu P. Gounder, has not been keeping a safe distance in view of the weather conditions is flawed, because I kept behind the vehicle at approximately three car distance which is within the safety requirements of the rules of New York State motor vehicles, and the variable that has been appended is according to the will or choice of the

driver behind. This variable "safe distance" is also the accumulation of thousands of hours of driving, and a recognition of the safety time and gap the required in those circumstances to avoid a collision.

30. At the time of the collision, it was still dark, but the car ahead was within the last range of my headlights. There was a passing flurry, but no rain and the road was not wet.

31. The respondent fled from the scene and left the scene of an accident. There was no drug or alcohol DWI tests administrated by the trooper or recommended, so I do not know why the respondent fled from the scene of the accident and had to be chased for one and a half mile.

32. The issues of fact concerning the unreasonableness of the Respondent conduct under the circumstances and the sudden stop without warning, or any signals, and no brake lights which would have enabled the Appellant to take immediate evasive action, and to supplement the confirmation of no indications provided by the respondent Argante R. Grippa to the Vehicle driven by Veeramuthu P. Gounder, the Appellant, and a limousine driver with a safe record, and driving for thirty-nine years and licensed by the New York State Taxi and Limousine Commission and the only avenue open for evasive action was to stop, as there was a wall on the left, and moving traffic on the right, leaving no option to avoid the collision which was not a slow and gradual stop, but an immediate sudden stop on a high speed lane of an expressway.

33. And the sudden flight of the Respondent and leaving the scene of an accident he was involved in, and the chase which lasted for an distance of one and a half mile, and the discrepancy in the recording of the actual occurrence of the scene of the accident, and the subsequent second position where the trooper recorded the event and failing to mention that the respondent fled from the scene, and the obvious discrimination by the Trooper is evident in his report, which is incomplete.

34. It should be noted that there was an Examination Before Trail. The lawyer for the respondent did not produce the contents of the EBT, nor remain within the purview of the EBT, at the trial, but chose to not mention the actual position of the accident, but just mentioned ("On the Long Island Expressway, West-bound.")

35. This omission, is, in my contention significant, to preclude the evidence of the Respondents conduct in leaving the scene of the accident he was involved with.

36. I also wish to submit, that it is beyond one's comprehension that a certified and experienced Taxi and Limousine driver with a safe and clean record for the past thirty-nine years would collide into the rear of a vehicle in front, if it had slowed gradually, and then come to a stop, with its brake light lit when the operator of the vehicle applied his foot on the brakes, but which was not evident, and there were no signals to indicate that the vehicle was going to come to a sudden stop on the high speed lane of an expressway.

38. I also wish to submit that I the Appellant was within the safe driving distance specified in the New York State Motor Vehicle law, and that the requirement to maintain a safe distance as per the traffic and weather conditions is not an imperial and definite figure, in specific additional distance, and is a variable, and is dependent on the ability and experience of the driver of the vehicle in question.

39. I also submit that there was no rain, but just a few drops, which in my testimony was described as a "flurry. The road was not wet, and though it was still dark, the Traffic lights on the Long Island Expressway are well lit and cover the road well.

40. So, in my testimony of being within three vehicle lengths, I am within the parameters of the New York State driving rules as being prudent and driving within the safe distance required by law.

41. The Driver of the vehicle in front came to a sudden stop, thus contributing to the accident, and was negligent in making sure he followed the rules of the New York State and indicated that he was going to make a sudden stop, which he neglected to follow. (Contributory Negligence).

42. It is also a fact that the Appellant underwent heart surgery, which was after the accident, which was a contributory factor, and was incapacitated suffering pain and suffering, business loss, and medical expenses.

43. The medical documents from the surgeons in attendance, the hospital reports, the independent medical examinations and other relevant medical papers from the State of New York workers compensation board, and others affirms the trauma experienced by the Appellant due to the immediate sudden stop by the Respondent in the high speed lane of the Long Island Expressway, from a speed of 45 MPH to Zero, in an instant, without any indications, and causing the collision, and then attempting to escape and running away from the scene of the accident.

FACTS AND HISTORY OF THE CASE AND INTRODUCTION

ACCIDENT WITH "HIT AND RUN: ON MARCH 17, 2015. ON LIE/CROS/GRAND CENTRAL PARKWAY.

The plaintiff is a resident of the State of New York, Veeramuthu P. Gounder, residing at 94-11 Springfield Blvd., Queens Village, New York 11428 with my spouse and children.

Defendant business addresses.

Defendant, is a resident
of the State of New York
Argante R. Grippa
10 Fireplace Drive
Kings Park, NY 11754

Tew G.A. Grippa
10 Fireplace Drive
Kings Park, NY 11754

Plaintiff Veeramuthu Gounder, I and my family are receiving public assistance, and food stamps, and I cannot afford the services of a lawyer, and am self-represented (PRO-SE).

I am filing against Argante R. Grippa (Driver of the Vehicle) and his spouse Tew G.A. Grippa (Owner of the Vehicle) Registered Plate Number as mentioned in Police Report, Dated 03/17/2015, Operator of Vehicle Registered Number ACJ-7122, New York, 1999 Lexus Suburban, and who resides at 10 Fire Place Drive, Kings Park, 11754 for causing an accident on Tuesday 03/17/2015 at approximately 5:50 A.M. on the Long Island Expressway, by suddenly coming to a dead stop without any warning or indication while operating a vehicle in the Express Lane when there was no traffic in front of his Vehicle. (Extreme Left Lane as and which Resulted in a "Hit and Run" as the Defendant ran away from the scene of the accident and had to be pursued for over one and a half mile before he stopped again.) The Police and the Ambulance arrived a little later. (See Police Report) According to the traffic conditions, traffic was light, with a slight drizzle. It was dark, but road lights were in operation. The Fire department asked the vehicle operators to move out of the highway to the exit, which they did.

Affording clear visibility for more than 60 feet.

Plaintiff's vehicle sustained considerable damage, there was no external signs of injury, so all occupants of the vehicles declined medical treatment. The Ambulance personnel told the occupants that they must go to the hospital if there were any symptoms of pain or injury, later.

That evening, Plaintiff experienced pain in the chest, and lost consciousness.

He was rushed to the Long Island Jewish Hospital, by Ambulance and admitted to the Emergency Cardiac Arrest Center for Heart Attack, where he underwent surgery, and was detained in the hospital for one week.

Plaintiff was unable to work for one month and underwent a second surgery on April 27, 2015. He was treated and could not work full time until July, 27, 2015, when he was permitted to resume work by the Cardiologist surgeon.

Plaintiff is still taking treatment and is not physically able to do full time work. (See attached Documentation for Cardiologist).

After the Accident, I called the defendant's insurance company, and they promised to repair the vehicle. Later on, they refused, and that's when Plaintiff filed on March 31, 2015 for damages, financial loss, pain and suffering.

In the interim period, all Documentation regarding release of Medical Documentation from hospital, treatments and conditions, the computation for the itemized repair to the Appellants Vehicle, the computation in dollars for time lost, income lost, due to non-operation of the limousine in full service, and on part time schedule, were submitted to the Defendant insurance company state farm the counsel for the Defendant, and also an offer to submit copies at the EBT, as he stated that he had all the documentation that he needed, and did not require anymore.

Break Down of Losses is as Follows: -

Vehicle Damage and Cost of Repair	\$5625.90
Fulltime Work Stoppage 03/17/2015 to 04/14/2015 (30 Days)	\$6929.82
Part time Income Differences (38 Day)	<u>\$9080.45</u>
Total Loss	\$21,636.17

All Documentation has been provided and submitted to the Defendant's counsel, the defendant, and the defendants' insurance company.

The Burden of producing discovery is no longer the onus of the Plaintiff, as he submitted all that is required under the law, and in the own words of the counsel for the defendant, he had stated that all documents that are required has been submitted, and no more documentation is required, and the EBT has also been completed.

If the Defendant changes lawyer a million times, it is not my business, as it is the duty of the defendant council to obtain the documentation that is to be

handed over to the new counsel, and also if the insurance company has not paid the lawyer, it is not my burden to provide additional documentation to a new counsel for the defendant.

It is my contention, your Honor, that in spite of my driving as a licensed chauffeur since 1973 to the present, I have never seen any driver irresponsibly coming to a dead stop in the speed lane of a major highway where the speed limit is 50 MPH, and with no fore-warning of an impending stop and with no warning signals, or Brake lights being operative, that were seen to enable Plaintiff to take evasive action and avoid a collision. It is to be noted, Your Honor, that evasive measures could not be taken, as there was a wall to the left hand side, and moving traffic on the right lane, adjacent to the speed lane where the accident took place, It is my contention, Your Honor, that Defendant caused the accident by his negligence to follow state traffic law, in that he did not signal or show any signs that he was going to make an immediate and sudden stop in a major highway speed lane, where there was no traffic evident in front of him, and it is also classified as a Hit and Run, as Defendant drove away after the accident, and did not produce his driver's license and registration and insurance, and absconded from the scene and had to be pursued for almost one and a half miles before defendant came to a stop.

It is also a standard Law that any accident that happens, both parties are responsible in part to be at fault, to be determined, as percentage, for the cause of the accident.

Therefore, it is my contention that the pain and suffering, physical and financial loss, and bodily harm was the direct cause of the negligence of the defendant in coming to a sudden dead stop in the middle of the fast lane of a city highway, without observing the protocols and rules for doing so, to avoid any accident to the vehicle that were following in the rear, and did so with impunity, and also ran away from the place, and did not follow the rules that one is to wait for the police to arrive, and produce your driver's license, registration, and insurance, and not run away from the scene of an accident that was caused by negligence of the defendant.

That I am a seasoned New York State Licensed Taxi and Limousine Operator/Driver since that Past forty years, with an impeccable safety record.

That I have driven on local roads, and highways of New York State, Inter-State Highways, and other State routes and Highway in the United States since the past forty years, following the highest standards of conduct, professionalism and regular driving courses conducted by New York State for maintaining New York State Taxi and Limousine Commission Standards for driving updates, and safety procedures that are in effect in New York State.

That as the New York State record clearly shows my impeccable driving record, it is impossible for me, as seasoned driver to have an accident with my driving judgement and safety standards, unless the accident was caused by the defendant who was a direct cause of

the collision, by stopping suddenly in the highspeed lane Expressway, and leaving the scene of the accident, and had to be chased for considerable distance. There was an incorrect location entered by the State Trooper who arrived at the scene and who also stated that he was not from here, and just passing by when he heard the police radio message, to which he responded as he was in the area. There was considerable damage to the front of the Plaintiffs vehicle, but no debris on the highway, which the Trooper failed to observe, and which reinstated Plaintiffs claim that defendant absconded from the scene of the Accident.

It is further stated the insurance company also stated that there was partial responsibility by the Defendant for causing the accident, and The Honorable Judge can see that this is not beyond that shadow of a doubt, and that the accident was caused by the Defendant for suddenly stopping in the Fast Lane of the Long Island Expressway, even though there were no vehicles nor any obstacles in front of the Defendant's vehicle.

It is also fair to infer that an experienced operator would not jeopardize his very livelihood, and endanger his life by causing the accident, and would definitely have been warned if the Defendant had his brake lights operable, and demonstrated some sign of an impending stop, which he failed to do, and was negligent in that defendant did cause the Accident by a reckless act of suddenly stopping in the Fast Lane of an Expressway.

In the first decision of dismissal, The Honorary Judge Terrence C. O'Connor failed to give any explanation of his dismissal in his judgement, which is incorrect, which led to my appeal.

REASONS FOR GRANTING THE PETITION

Respected Justices of the Supreme Court of the United States, I wish to submit the following reasons for granting the petition.

I am not a lawyer and am an experienced taxi and limousine driver with an impeccably safe and a clean driving record.

It is impossible for any driver with a record of 40 years of responsible driving to have hit a vehicle in the rear, on an interstate highway, in the fast lane, if the driver in front of his vehicle demonstrated an intention to stop according to the motor vehicle rules of New York State, and did have operable brake lights, and slowed down before making a stop that was an immediate sudden stop, and for the Honorable Judge making the assumption that the Appellant is 100% at fault, is unfair and denial of Justice.

The State trooper who made the report did not make a correct observation, and did not check all the facts of the accident, and that it was not a collision at the place where the vehicles were at the time, and that it was evident from the damage that there would be debris on the highway, and even when told by the

Appellant, the officer ignored the fact. The *prima facie* evidence that the Appellant pointed out to the officer, was that there were no indications at any time, including the brake lights, which would have been on when the defendant applied brakes, but he did not check the brake lights function, which is a gross overlooking of the evidence.

The Examination before trial was clear, and the defendant did agree that he left the scene of the accident, but at the trial, the lawyer fabricated new information which is illegal, as only the evidence submitted at the EBT can be used in the trial in a court of law. The honorable presiding Judge chose to overlook all these salient and crucial points, and leading to a contention that Appellant has been racially profiled and discriminated against.

There was not even a shred of contributing factors in the judgement, which laid the onus on the Appellant to disprove facts which were not to be introduced into evidence at the trial, as these facts were fabricated at the last minute and a sleight of hand scenario created by changing the lawyer, who did not adhere to the law in sticking to the evidence propounded at the Examination before trial.

Due to the reckless and illogical sudden stop in the fast lane of an interstate highway, with inoperative indicators (Brake lights) defendant has endangered the safety and well being of the Appellant, who has had severe trauma, pain and suffering, and business and financial loss.

In view of the above submission of the facts, it is humbly requested that your Lordships may grant my petition for Certiorari, for which I would remain ever grateful.

CONCLUSION

Respected Justices of the Supreme Court of the United States:

There was no explanation given by the Learned Judges in their decisions, and I wish to state that this is basic unfairness, and a fundamental constitutional violation, when it can be seen that the Judges have absolved the Defendant of any share in the liabilities and the causes of, which is highly irregular, unfair, and a fundamental violation of Plaintiff's constitutional rights.

In view of the above, and the law of Comparative negligence, and the fact that the defendant did not state that he stopped because of a vehicle that veered onto his path, in the Examination before trial but perjured himself at the trial, when this untruth was introduced. It is a basic fact of Law, that no extra testimony other than what has been submitted at the Examination before trial can be introduced at the trial, and because of this lie, the case was awarded in error to the defendant.

A driver of a motor vehicle has a duty to keep proper control of that vehicle, and not to stop suddenly,

or slow down without proper signaling, so as to avoid a collision. Under the circumstances there exist issues of fact concerning whether the defendant contributed to the accident by making a sudden stop in the high speed lane of an expressway, and failing to give proper signals in compliance with Vehicle and traffic law, especially when the vehicle behind is operated by a veteran limousine and taxi driver with over 40 years of driving experience, with an impeccable safety record. (SEE Nemiec v. Jones, *supra* at 268; Galitsis v. MCL Imports, 251 AD2d 285; Crowley v. Acompora, ___ AD2d 330).

There are also issues of fact whether the defendant Argante R. Grippa contributed to the accident by making a sudden stop. And caused the petitioner Veeramuthu P. Gounder severe damage sustained in loss of income, past medical expenses, and pain and suffering. The Judge did not mention "contributory negligence" according to New York state insurance law, and summarily dismissed without any explanation. And I was denied medical coverage under NYS Motor Vehicles "No Fault" insurance coverage, and property damage.

It is also a fact that summary judgement would be a violation of fundamental constitutional rights, as the evidence submitted at the trial was a perjury and was nor a part of the Examination before trial, and thus pre-empted from being introduced at the trial.

I further wish to state that I am a Pro Se, and not a lawyer, and on reviewing the transcript of the EBT, and the evidence introduced by the new lawyer, at the

trial, I wish to state that the decision by Honorable Judge Terrance C. O'Connor is flawed, and it is humbly requested that the case may please be reviewed in its entirety, and a fresh decision be made to correct the anomalies in the judgement which shows beyond a shadow of a doubt, that the accident was caused by the willful act of the defendant, in stopping suddenly, without any warning or indication, in the high speed lane of the Long Island Expressway, on March 17, 2015, at approximately 05:50 A.M., and the case be awarded to me, failing which, it may be placed on trial calendar, to be tried by a jury of my peers, which is my right under the Sixth Amendment of the Constitution, as I am a U.S. citizen and am appealing against a basic unfair decision and which is also a violation of my fundamental constitutional rights, and for which action, I would remain ever grateful.

Thanking You
Yours Faithfully,

VEERAMUTHU P. GOUNDER

Originally Filed: January 11, 2019
Re-filed: March 18, 2019