

Total Petition & Affidavit 205 Pages

NO.: ____ / ____

IN THE SUPREME COURT OF THE UNITED STATES

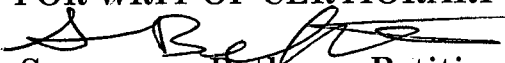
Sororazam Bethune - Petitioner

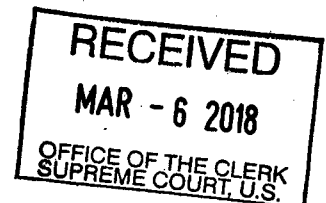
vs.

MTA Long Island Bus - Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
COURT OF APPEALS, ALBANY, NEW YORK

PETITION FOR WRIT OF CERTIORARI


Sororazam Bethune, Petitioner, Prose
Samaritan Village, Van Siclen
30 3rd Avenue, Room 925
Brooklyn, New York 11217
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QUESTIONS PRESENTED

- Q.1:** Justice Robert Feinman, Sup. Ct. Nassau County questioned the Role of Stuart A. Jackson, Esq., my attorney, during Nov. 5, 2015 trial, knowing that I was mis-misrepresented by my attorney who was not competent, telling MTA Attorney that he could not assume the role of my Attorney, yet Justice Feinman advised by MTA attorney directed Jury to return verdict for Def. MTA; he also denied OSC motion.
Appendix 3: Nov. 5, 2015 Trial Transcript Page: 43; and Page: 79.
- Q.2:** Justice Robert Feinman for 2.5 hours before the trial on Nov. 5, 2015 yelled at me and my attorney to take his offer of \$90,000.00 / said possibly \$100,000.00, otherwise, he would dismiss the case anyway, that he had authority to dismiss the case even if the jury returned verdict for plaintiff. I was having chest pains and head pressure due to threats and wanted to talk to my attorney to adjourn trial, but Justice Feinman did not allow. I was forced to testify under stress. .
Appendix 3: Nov. 5, 2015 Trial Transcript, Settlement offer: Page: 4.
- Q.3:** Why did Justice Robert Feinman further Dismissed post trial Order to Show Cause motion requesting the Court to set aside Jury's Verdict contrary to the weight of the evidence for the interest of justice CPLR 4404; CPLR 4404(A); he could have granted the OSC, since he stated during trial that he could not assume my attorney's Role. My attorney failed to comply with statute of limitation rules and OSC was denied. I was misrepresented by my attorney.
Appendix 4: (A) post trial "OSC" Motions - (B) Marlo Polese, Esq. Aff.
- Q.4:** Stuart A. Jackson filed an Appeal from Sup. Ct. Order Entered March 2, 2016, denying Order to Show Cause motion. My attorney filed from the Judgment Entered April 22, 2016 causing dismissal of my Appeal at Appellate Div. 2nd J.D. Appendix 1 (E): 06/30/2016 Dec.
- Q.5:** Chief Justice Janet DeFiorio, Court of Appeals Albany, NY, Decision dated Sept. 8, 2016 Conflicts Appellate Division 2nd J.D. Decision dated June 30, 2016 which dismissed my case because my attorney failed to file from the Judgment Entered April 22, 2016; Justice Janet DeFiorio's 09/08/2016 Decision states:

"Motion, insofar as it seeks leave to appeal from the June, 2016 App. Div. Order, dismissed upon the order does not finally determine the action within the meaning of the Constitution."

Thereafter Appellate Division allowed me to file Untimely Notice of Appeal from the Judgment due to legal Mis-representation, the Court assigned a new Docket No.: 2016-11032 but MTA attorney objected to Untimely Appeal regardless of Misrepresentation by my attorney who failed to file from the Judgment and caused dismissal. The appellate Division dismissed my appeal again, due to MTA Objection. Decision dated May 10, 2017. Appendix 1 (D).

I appealed again to Court of Appeals from App. Division 2nd Decision dated May 10, 2017. Appellate Div. did not permit me to appeal and the Court of Appeals dismissed my case (Decision Aug. 17, 2017 Appendix 1 (B). The Appellate Division Second Dismissal on May 10, 2017 based on "Untimely Appeal" was dismissing the Appeal for the same reasons for second time again as (Untimely Appeal) regardless of the fact that Stuart A. Jackson, Esq. Caused the Dismissal by failing to appeal from the Judgment. I should have not lost my Right to Appeal due to my attorney incompetency, who did not appeal from the Judgment.

Q.6: Why Did MTA not produce the Latino Driver who injured me permanently? MTA produced a white driver, Mr. Epstein, for EBT and at Trial to testify, he was not the driver who injured me. Marlo Polese, Esq., MTA Internal Attorney states in her Aff. Dated Dec. 29, 2015 in objection to my post trial OSC, states the following as to why MTA could not produce the Latino driver who injured me. Marlo Polese, Esq., MTA Agency Attorney's in her Dec. 29, 2015 Aff. states:

"As Viola Transportation Svcs, Inc. is not a Defendant in this action and is a separate and district legal entity from Defendant MTA, Long Island bus, Defendant MTA Long Island Bus has no control over Aubrey Greenidge or any of the employees of Veolia Transportation Svcs. Inc.". Appendix No. 4 (B).

Q.7: If MTA could produce Mr. Epstein who has been working for Nassau County Viola Bus Corporation since Dec. 30, 2011, and who worked for MTA Long Island Bus until 12/29/2011 (during which period of time I was injured on August 24, 2011); then MTA could have produced the Latino Driver who injured me, who worked for MTA Long Island Bus when I was Injured on 08/24/2011 and who has been working for Viola Bus effective 12/30/2011.

The Latino Driver who injured me was violent and negligent with repeated violations, MTA produced a white driver with good records.

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- I. MTA DID NOT PRODUCE THE LATINO DRIVER 25
Who injured me, MTA produced Mr. Epstein, White.
- J. MARLO POLESE, MTA INTERNAL ATTORNEY 25
states in her Aff. Dated Dec. 29, 2015 they could
not produce the Latino driver who injured me
since MTA no longer operated Long Island
Buses after Dec. 2011 Agreement, but at the time
I was injured on Aug. 24, 2011 the Latino driver
worked for MTA, and after the 12/29/2011 Agr.
Between Nassau County and MTA, the Latino
driver worked for Viola Bus Corp. Nassau County.
APPENDIX NO. 4 (B): Marlo Polese Aff: 12/29/2015.
- K. Court of Appeals, Albany, NY, Sept. 8, 2016 26
Decision conflicts Appellate Division 2nd J.D. Dec.
dated June 30, 2016. Appendix No. 1 (B) & (E).
The Court of Appeals, Chief Justice Janet DiFiore's
Sept. 8, 2016 Decision states:
- “Motion, insofar as it seeks leave to appeal from
the June 2016 Appellate Division Order, dismissed
upon the order does not finally determine the
action within the meaning of the Constitution.”
- L. My Right to have a new trial due to Obstruction of 27
Justice and attorney mis-representation during
Trial on Nov. 5, 2015 was taken away from me at Sup.
Ct. My Right to Appeal was denied as well at App.
Div. and at Court of Appeals because my attorney
Did not file from the Sup. Ct. Justice Feinman's
Judgment Entered April 22, 2016.
- M. After the injuries, I could no longer afford paying 28
for my daughter's continued education expenses to
get her Masters Degree, and PhD. She had graduated
from NYU and taken some credits towards her
Master's Degree when I was injured, she was affected.
- N. We were evicted from our Apt. on Aug. 31, 2017 29
from Shelton, CT. I could no longer pay the rent
since Mayfield Pre-Settlement Company in
Phoenix, Arizona stopped funding my case in 12/2016.

- O. My daughter's mental health condition worsened due to negative impact by the Eviction. She has been hospitalized repeatedly, from Dec. 12, 2017 she has been hospitalized at South Oaks Hospital in Amittyville, NY. On 2/23/2018 at a Court Hearing Court ordered 6 months retention. 29
- P. I don't understand why the Justice System I trust and believe in, has failed me and my injuries due to Legal malpractice, mis-representation by my Attorney, not being competent; and also Obstruction of Justice. 30

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APPENDIX NO. 1: [Pg. 32 - 47]

- (A) Court of Appeals, Albany, NY Decision dated Sept. 12, 2017
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- (D) Court of Appeals, Albany, NY Decision dated Sept. 8, 201
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- (F) Justice Thomas Feinman, Judgment Entered April 22, 2016
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APPENDIX NO. 2: [Pg.: 48 - 67]

- (A) Sup. Ct. Justice Angela Iannacci's Decision dated July 6, 2015 Denying Defendant's Motion for Summary Judgment
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APPENDIX NO. 3: [Pg.: 68 -125]

- (A) Settlement Offer & Trial Transc. Nov. 5, 2015 Sup.Ct. NC, NYS.

APPENDIX NO. 4: [Pg.: 126 -140]

- (A) Post Trial “OSC” Motions Requesting Justice Feinman to set aside Jury’s Verdict Contrary to the Weight of the Evidence for the interest of Justice [CPLR 4404 & 4404 (a)].
- (B) Marlo Polese (MTA Internal Attorney)’s Aff. Dated 12/29/2015.

APPENDIX NO. 5: [Pg.: 141 – 150]

- (A) \$10,000.00 Check, \$5,000.00 Legal Fees, \$5,000.00 for the Disbursements; and Two Contingency 33.3% Retainer Agr.

APPENDIX NO. 6: [Pg.: 151 – 155]

- (A) Dec., 2007: Heart/Cervix CTScn: Small Tarlov Cyst.

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- (A) 03/02/2012 Left Knee Surgery Report
- (B) Lumbar Spine Surgery Report
- (C) Dec. 14, 2007CTA showing healthy heart, and small normal harmless Asymptomatic Meningeal/ Tarlov cyst in sacrum.
- (D) 05/31/12 MRI of Lumbar Spine showing huge Meningeal Cyst: 8cmX3.5cmX4cm Cyst;
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APPENDIX NO. 8: [Pg.: 177 – 185]

- (A) Sold / Rented Properties during 2009, 2010, and 2011.
- (B) Last Listing at \$3M.
- (C) Petitioner’s Real Estate Marketing Information.
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- (A) Aug. 31, 2017 Eviction Documents from Shelton, CT. NYC-NYS Temporary Shelter / Voucher Information.
- (B) Feb. 23, 2018 Court Order Re Six (6) Months Retention.

APPENDIX NO. 10: [Pg.: 192 – 193]

- (A) Mayfield Settlement Funding Agreement/Bill Nov. 12, 2016.

TABLE OF AUTHORITIES CITED

CASES:	PAGE NO.
Zuckerman v. City of New York, 49 NY2d 557 [1980]).	5
Urquhart v New York City Transit Auth., 85 NY2d 828 [1995].	5

STATUTES AND RULES:

STATUTES OF LIMITATION:

After Nov. 5, 2015 one day Liability Trial my attorney did not file the Order to Show Cause on time (within 15 days) based on Statute of Limitation; which caused MTA attorney to object and Justice Thomas Feinman, dismissed my case for Untimely Filing of OSC. My attorney also did not file from the Judgment Entered April 22, 2016 and my case was Dismissed again by the Appellate Div. 2JD. On Nov. 5, 2015, Due to Justice Feinman threats for 2.5 hours before trial started, yelling at me to take his low offer or he would make sure my case would be dismissed, he said had the authority to dismiss the case anyway even if the Jury returned verdict for me.

LEGAL MALPRACTICE AND MIS-REPRESENTATION BY MY ATTORNEY:

CPLR 4404: and CPLR: 4404 (a)

If Justice Feinman during trial didn't understand my Attorney's Role on Nov. 5, 2015, Justice Feinman could have and should have granted the OSC Motion to set aside Jury's Verdict Contrary to the Weight of the Evidence for the interest of Justice.

[CPLR 4404 & 4404 (a)]

(Appendix No. 3: Trial Transcript Pg. No. 79; Appendix Pg. 123.

COURT OF APPEALS DECISION DATED SEPT. 8, 2016 CONFLICTS APPELLATE DIVISION SECOND J.D. DECISION DATED JUNE 30, 2016.

A. The Court of Appeal, Chief Justice Janet DiFiore's Sept. 8, 2016 Decision Conflicts the Decision of the Appellate Div. 2nd J.D. Decision dated June 30, 2016 which dismissed my case because my attorney did not file from the Judgment entered 04/22/2016.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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

I. OPINIONS BELOW
[Appendix No. 1: A, B, C, D, E, F, G, H, I]

The opinion of the Court of Appeals, Albany, New York Motion Decision, Decided on Sept. 12, 2017, Motion No. 2017-679 Decided on Sept. 12, 2017, Slip Opinion No. 2017, NY Slip Op 85500 to review the merits Appears at Appendix No. 1 (A) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Appellate Division Second Judiciary Dept., Brooklyn, NY, Motion No. 2016-11032 Decided on August 17, 2017, Motion No.: M236231 E/ct; to review the merits appears at Appendix No. 1 (B) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Appellate Division Second Judiciary Dept., Brooklyn, NY, Motion No. 2016-11032 Decided on May 10, 2017, Motion No.: M230789 E/afa; to review the merits appears at Appendix No. 1 (C) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Appellate Division Second Judiciary Dept., Brooklyn, NY, Motion No. 2016-11032 Decided on May 10, 2017, Motion No.: M230789 E/afa; to review the merits appears at Appendix No. 1 (D) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Court of Appeals, Albany, New York Motion Decision, Decided on Sept. 8, 2016, Motion No. 2016-777, Slip Opinion No. 2016, NY Slip Op 84828; to review the merits Appears at Appendix No. 1 (D) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Appellate Division Second Judiciary Dept., Brooklyn, NY, Motion No. 2015-08707 Decided on June 30, 2016, NY Slip Op 2016 NY Slip Op 78374(U); to review the merits appears at Appendix No. 1 (E) to the Petition and is

Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The opinion of the Supreme Court Nassau County, Mineola, NY, Justice Robert Feinman, Proposed Judgment Decided April 19, 2016, and Entered April 22, 2016, to review the merits appears at Appendix No. 1 (F), to the Petition, and is recorded by Nassau County Clerk, Mineola, New York; Instrument Number: 2016-00109497 As J01 - Judgment-Supreme Court-Nassau County, NY.

The opinion of the Supreme Court Nassau County, NY, Justice Robert Feinman, Motion Decided; Order dated March 1, 2016, Entered March 2, 2016, Motion Sequence No. 4, Motion Submission Date: Jan. 19, 2016; Index Number 10773-2012; to review the merits appears at Appendix No. 1 (G).

The opinion of the Supreme Court Nassau County, NY, Justice Robert Feinman's Order to Show Cause, Dated Nov. 24, 2015; Signed on Nov. 30, 2015; with Original Return Date on Dec. 4, 2015, and Entered March 2, 2016, Motion Sequence No. 4, Motion Submission Date: Jan. 19, 2016; Index Number 10773-2012; to review the merits appears at Appendix No. 1 (H).

The opinion of the Supreme Court Nassau County, NY, Justice Angela Iannacci's Order, Trial / IAS, Part 11, Motion Sequence No.: 002, Index No.: 10773/2012, Motion Date: June 12, 2015, Order Dated July 6, 2015 and Entered July 8, 2015 to review the merits appears at Appendix No. 1 (I).

APPENDIX NO. 1:

- (A) Court of Appeals, Albany, NY Decision dated Sept. 12, 2017**
- (B) Appellate Division 2nd J.D. Decision Dated: Aug. 17, 2017**
- (C) Appellate Division 2nd J.D. Decision Dated: May 10, 2017**
- (D) Court of Appeals, Albany, NY Decision dated Sept. 8, 2016**
- (E) Appellate Division 2nd J.D., Decision Dated: June 30, 2016**
- (F) Justice Thomas Feinman, Judgment Entered April 22, 2016**
- (G) Justice Thomas Feinman's Order Entered March 2, 2016**
- (H) Justice Thomas Feinman's Order to Show Cause Nov. 30, 2015**
- (I) Justice Angela Iannacci's Order Entered July 8, 2015.**

II. JURISDICTION

I was advised by the Court of Appeals, Albany, New York about the opinion of the Court of Appeals, Albany, New York Motion Decision, Decided on Sept. 12, 2017, Motion No. 2017-679 Decided on Sept. 12, 2017, Slip Opinion No. 2017, NY Slip Op 85500 to review the merits Appears at Appendix No. 1 (A) to the Petition and is Published by New York State Law Reporting Bureau pursuant to Judiciary Law Section 431.

The Court of Appeals Clerk's Office advised me that I could make a Motion to the United States Supreme Court in Washington D.C. with respect to reviewing the case.

I sent documents and Appendices to the United States Supreme Court in Washington, D.C. and the Clerk's Office returned documents on January 5, 2018 for corrections to be made; the Clerk's Office permitted 60 days to file my motion and documents.

III. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

There is a Conflict between the Court of Appeal's Sept. 8, 2016 Dec. and App. Div. 06/30/2016 Dec. The Court of Appeals' Sept. 8, 2016 Dec. stated that App. Div. in its June 30, 2016 Dec. [Appendix 1(E)] did not determine the action within the meaning of the Constitution [Appendix 1: (A)]:

"Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division Order, dismissed upon the order does not finally determine the action within the meaning of the Constitution."

Stuart A. Jackson, Esq., my attorney Mis-represented me, he had a medical condition and was not competent which I found out in 2016 when he did not file from the Judgment. He did not file "OSC" motion on time based on Statute of Limitation and both MTA attorney and Justice Robert Feinman denied "OSC" Motion. The Order to Show Cause motion had asked the Court to set aside the Jury's Verdict Contrary to the Weight of the Evidence for the interest of justice CPLR 4404 and CPLR 4404(a). I was not permitted during one day liability trial to talk to my attorney to ask court adjourn the case since I was having chest pains, head pressure; but Court did not allow. I testified having chest pains and head pressure.

Stuart A. Jackson, Esq. also did not file Appeal from the Judgment Entered April 22, 2016 by Justice Feinman and Appellate Division 2nd J. D.

dismissed my case. I discharged my attorney and tried to file on my own, but MTA attorney objected that it was "Untimely" and dismissed my case.

IV. STATEMENT OF THE CASE

1. I am seeking justice since my permanent irreversible injuries, pain and suffering were dismissed by (1) Sup. Ct. Nassau County, Mineola, NY; (2) Appellate Division 2nd Judicial Dept., Brooklyn, NY; (3) Court of Appeals, Albany, NY; because I was Mis-Represented by Stuart A. Jackson, Esq., my Attorney, who told me he filed from the Judgment, but evidently he did not, he was having medical conditions.

2. Justice Angela Iannacci in Order Entered July 8, 2015 stated:

"The Defendant has failed to establish its entitlement to judgment as a matter of law because it failed to present any evidence that the bus driver operating the bus at the time of the alleged incident was free of negligence (see Zuckerman v. City of New York, 49 NY2d 557 [1980]). In any event, the plaintiff submitted sufficient evidence to create a triable issue as to whether her fall was caused by a sudden and violent jerking motion of the bus (Urquhart v New York City Transit Auth., 85 NY2d 828 [1995]. Accordingly, the motion is denied."

APPENDIX NO. 1 (I):

**Sup. Ct. Justice Angela Iannacci's Decision dated July 6, 2015
Denying Defendant's Motion for Summary Judgment**

APPENDIX NO. 2 (A)

A- Plaintiff's Reply Affm., & Reply Aff. In Opp. to Summary Judgment.

3. I always worked very hard to accomplish and achieve my goals. I thought that as long as I worked very hard to achieve my goals that I could become a successful broker. I graduated from St. John's University, became Real Estate Agent in 2003, and Real Estate Broker in 2008. I always wanted to help my children succeed in life help them with college, their educational goals. I worked from 1981 to 1985 for UBAF Bank on Park Ave., NYC for one year; and for Chemical Bank on Broadway, Downtown Manhattan and then their Finance Dept. in Madison Ave., from 1982-1985 for almost three years. During my employment with Chemical Bank, I entered Chemical Bank Business Management Program in 1983, attending St. John's University classes at nights and during weekends, while working during the day 9 to 5 in Mid-town Manhattan for their Finance Dept. I received my Bachelor of Science Degree in 1989 from St. John's University, Jamaica, NY.
4. During 1986 to 1992, I stayed home a few years to take care of my three young children and be there for them until they entered elementary school. From 1993 until 2003, I worked for different law firms in Mid-town Manhattan as Legal Assistant. In 2003 I became a Real Estate Agent. In 2008, I took NYS Real Estate Broker Exam and became a Real Estate Broker. From 2004 to 2007 I was working 9-5 for law firms in Long Island, and during afternoons showing properties; and open houses on Weekends.

In 2009 I was becoming successful in real estate; rented 30 Apartments in a New Construction Building in Bronx; I also sold houses in North Shore Long Island and rented houses in Long Island. In 2010 for the first six months from Jan., 2010 until June, 2010, I made \$45,700.00 selling Houses in Long Island and also rented properties. I decided to focus on Real Estate since I was doing very well and I loved real estate, I wanted to have my own office in either Great Neck or Port Washington in Nassau County, Long Island, hire agents and expand my business. I became successful, selling my listings by sharing them with MLS members sharing commission at 50%-50%. I always wanted to be successful in life in order to help my children succeed. My last listing in Brookville at \$3M; last sold property over \$1M in L.I. in June, 2010.

5. However, due to injuries by MTA bus driver in April 11, 2011 and again in August 24, 2011, I lost all my listings including the last listings over \$1M, in Sept., 2011. Due to injuries and disabilities I could not sell them, I could not run round like before, giving open houses on weekends. I had a cast on my left foot caused by April 11, 2011 accident, I had to go to doctors, physical therapies. After Aug. 24, 2011 accident, I was having left knee problems as well as feet Tingling Numbness. I was having hard time walking. I lost my listings during Aug.- Sept. 2011. The owners told me that I was not as active as before the injuries when I took the listings.

**Appendix 8 (A): Sold / Rented Properties during 2009, 2010, 2011
Last 2 listings in 2011 at \$3M; and \$1.675M.**

IV(1) 2009 & 2010 Real Estate Broker Income

2009 Real Estate Income: \$71,344.00.

2009 SOLD PROPERTIES:

26 Lee Ave., Albertson, NY; sold: \$685,000; Commission: \$11,700.00.

86 Dorothy Dr., E. Meadow, NY; sold: \$370,000.00; Comm: \$05,500.00.

110-30 St. Albans, Farmers Blvd., NY; sold: \$380,000.00; C: \$01,800.00.

2009 RENTED PROPERTIES:

855 E. 217 St., Bronx, NY; rented 30 Apts to NYS/DHS; C: \$45,665.55.
[16 One Bdrm; 9 Two Bdrm; & 5 Three Bdrm Apts.].

Broker Fees to Charles Ruthenberg Realty: Broker %: \$06,679.00

2010 Total Real Estate Income: \$63,356.00.

Jan. - June: \$45,762.00 - July - Dec.: \$17,728.00

During July 2, 2010 to Oct., 2010: Injuries: Left Eardrum Rupture.

2010 SOLD PROPERTIES:

75-20 Bay Blvd., Bayside, NY; sold: \$252,500.00; Comm: \$03,788.00.

57 Fraser Ave., N. Merrick, NY; sold: \$550,000.00; Comm: \$11,000.00.

155 Crest Ave., Elmont, NY; sold: \$360,000.00; Commission: \$07,200.00.

66 Carol Pl, Jericho, NY; sold: \$1,043,000.00; Commission: \$15,600.00.

2010 RENTED PROPERTIES:

Apt. #1, 92-16, 175th St, Jamaica, NY; Rented: \$1,316.00, C: \$2,368.80.

Apt. #3, 92-16, 175th St, Jamaica, NY; Rented: \$1,316.00, C: \$2,368.80.

Apt. #2, 92-12, 175th St, Jamaica, NY; Rented: \$960.00, C: \$1,926.00.

Apt. #4, 92-12, 175th St, Jamaica, NY; Rented: \$1,316.00, C: \$0,562.00.

12 Cornwall Ln, Pt Washington, NY; Rented: \$1,900.00; C: \$0,950.00.

1775 New York Ave, NY; Rented: \$2,595.00; Commission: \$1,297.00.

Apt. #2A 92-16, 175th St, Jamaica, NY; Rented: \$1,316.00; C: \$2,368.80.

227 Carnation Ave, Floral Park, NY; Rented: \$3,200.00; C: \$5,214.00.

Apt. #3, 92-08, 175th St, Jamaica, NY; Rented: \$1,316.00, C: \$2,368.80.

Apt. #1, 92-14, 175th St, Jamaica, NY; Rented: \$1,250.00, C: \$2,250.00.

Apt. #1, 92-12, 175th St, Jamaica, NY; Rented: \$1,500.00, C: \$1,800.00.

Apt. #R2, 855 217th St, Bronx, NY; Rented \$960.00, Comm: \$2,031.00.

Apt. #2, 92-10, 175th St, Jamaica, NY; Rented: \$1,100.00, C: \$1,400.00.

Appendix 8 (A): Sold / Rented Properties during 2009 and 2010.

Appendix 8 (B): Last listing in 2011 at \$3M.

6. On August 24, 2011, the bus was late for approximately half hour. I called MTA Long Island Bus to find out if the bus was coming or not, from my cell phone number then: 516-375-6192. The MTA L. I. Bus representative put me on hold to talk to the driver, asking why he was half hour late and if he was going to make it. She then told me to wait and that the bus was coming in few minutes. When the bus came, I asked the driver to please raise the step to get on. He looked very angry. He did not raise the step and did not say why he didn't raise the step. He looked angry and he didn't talk at all. While I was putting quarters in the box, he was turning the wheel around to the left without moving the bus, when I went to sit down on chair he suddenly jerked, lurched into next two left lanes which caused high impact I was thrown towards the empty seat spun in a semi circle, my upper left leg, and ankle hit by the chair having excruciating pain with bruises, it all happened instantly in less than a second.

7. I could see what the bus driver could see, there was no traffic, no rain, no pedestrian, there was nothing to have caused him so violently let the bus jerk lurch into the next two left lanes. The accident caused Spine and left knee surgeries, with permanent disabilities and debilitating post surgery symptoms, pain and suffering. The details of how the accident happened are specified in Plaintiff's Reply Affirmation and Reply Aff. in objection to Def.'s motion for summary Judgment.

APPENDIX NO. 1 (I)

**I- Sup. Ct. Justice Angela Iannacci's Decision dated July 6, 2015
Denying Defendant's Motion for Summary Judgment.**

APPENDIX NO. 2 (A):

A- Plaintiff's Reply Affm.; Reply Aff. Objecting to Summary Judgment.

8. I had recently taken the cast off of my left foot which was injured by MTA white bus driver in April 11, 2011 accident on Aug. 15th, 2011. I was looking forward to get back on real estate track; getting listings again to achieve my goal, having my own office in Nassau County Long Island hiring agents, expanding real estate business. After I was injured again on Aug. 24, 2011, I felt awful and horrible in a shock thinking why I was injured again, why? Why another MTA driver injured me? I had no answer and I was shocked – I was laying down on asphalt in Roosevelt Field due to extreme pain in my left ankle for approximately 45 minutes; I had to transfer to another bus which was coming later. I just wanted to close my eyes go to sleep, wake up and realize that it was just a nightmare. I could not believe I was injured again. I kept thinking what was going to happen to me and if I had to wear a cast again. I thought everything was over, hopeless, not sure what was going to happen to my real estate business.

9. The Severity of my spine injuries and surgery, and the left knee injuries and surgery, and post spine surgery conditions and symptoms of partial waist and left leg paralysis, extremities numbness, not being able to normal walk,

fast walk or run, nerve damage, tingling and numbness, frequent head pressure and inflammation, etc., proof of how Violently, Unusually the bus driver was jerking, lurching into next two left lane, causing extremely high violent impact due to which I was injured. The severity of my Permanent Spine and Left Knee Injuries and surgeries causing severe Disabilities and life threatening conditions post Spine Surgery, Waist and left leg partial paralysis (cannot fully turn right and left, Nerve problems, Incontinence, extremities, numbness, are proof of how suddenly violently unusually the MTA bus driver jerked lunched into the next two left lanes when I was on my way to sit down, he did not wait for me to sit down. He had turned the steering wheel all the way to the left without moving the bus when I was paying my fare, he violently suddenly unusually lunched jerked into the next two left lanes and caused me permanent irreversible injuries, surgeries, and life threatening conditions and symptoms.

10. I point to the Driver's Erratic, Unusual, Violent Jerking lurching to the next two left lanes; and I point to the Severity of my Spine Surgery and Left Knee Surgery and post spine surgery conditions and symptoms, paralysis, extremities numbness, nerve problems, incontinence as Proof of how violently suddenly unusually the bus driver swerved to left lane while he had turned the steering wheels to the left without moving the bus when I was paying bus fare; he suddenly violently jerked lunched into next two left lanes when I was

going to sit down (he did not wait few seconds for me sit down, he suddenly jerked lurched into the next two left lanes; proof of "Negligence" and violent sudden jerking lurching by MTA L.I. Bus Driver.

APPENDIX NO. 1 (I)

**I- Sup. Ct. Justice Angela Iannacci's Decision dated July 6, 2015
Denying Defendant's Motion for Summary Judgment.**

APPENDIX NO. 2 (A):

B- Plaintiff's Reply Affm.; Reply Aff. Objecting to Summary Judgment.

**IV (2) PERMANENT INJURIES, DEBILITATING
DISABILITIES, PAIN AND SUFFERING:**

[(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m)]

I have had left knee & Spine (Sacral) injuries/surgeries; Balance Problems, Incontinence, Stroke, Post Surgery Partial Paralysis in waist and spine surgery areas (cannot move waist fully to right and left; and constant stiffness, cramping as if I am carrying 50 pounds of iron weight); as well as Loss of Hope, Motivation, Successful Real Estate Business/Income, and abilities.

APPENDIX NO. 6:

A- December 14, 2007: Heart/Cervix CTScn: Small Tarlov Cyst.

(a) I CANNOT RUN , FAST / NORMAL WALK, CANNOT EXERCISE.

I walk with painful Knee Clicking, extreme pain around spine surgery and waist area; I cannot hold my neck straight and I use a walker. I used to run 5/6 miles few days a week, fast walked, exercised, I was active / healthy prior to injuries, I never had foot, knee, spine, bone, nerve problems in my life before injuries.

(b) LEFT LEG AND WAIST PARTIAL PARALYSIS; HEAD PRESSURE, FEET TINGLING, EXTREMITIES NUMBNESS.

If I walk more than few blocks I lose my left leg. I cannot move my waist fully to right and left, difficulties moving around.

Dr. Frank Feigenbaum's Post-Operative Tarlov/Meningeal Cyst :

“EXTREMITIES NUMBNESS: It is not unusual for some patients to experience numbness in the buttocks or the areas between legs after the surgery. This is generally temporary but it is also possible some of this numbness may not completely go away. Allow weeks or months for the numbness to improve. Generally, you can expect the area of numbness to get smaller and smaller over time.”.

(c) BALANCE DIFFICULTIES: LOSING LEFT LEG, FALLING:

I lose my balance and I've been having problems with balance.

JUNE 1, 2015: I had Transient Ischemic Attack/Stroke “TIA” on June 1, 2015. I was using a cane then. I suddenly lost my Left Extremities/Left Leg and I was instantly on my right leg feeling Organ movements inside my body, it all happened instantly (Learned later they were Convulsions). I was slammed against the wall on the right. I was taken to North Shore University Hospital in Manhasset, NY. The E.R. Dr. told me I had a Transient Ischemic Attack: TIA / Stroke. He said usually the first stroke no damage to brain, but the second stroke will cause permanent brain damage and / or Coma. He also said the organs movement I felt instantly were called **Convulsions**. I use a walker now due to Balance problems, losing balance and falling.

APPENDIX NO. 6: [Pg.: 151 – 155]

(A) Dec., 2007: Heart/Cervix CTScn: Small Tarlov Cyst.

(d) JULY 8, 2013:

I lost my balance and fell, was not able to walk. After I fell, I had extreme pain in my Right Foot. I was taken to St. Francis Hospital. On July 10, 2013 St. Francis Hospital after taking MRI of Spine and Right Foot, Diagnosed Right Foot Tear and recommended extensive physical therapy for the right foot tear to heal instead of a Surgery on my Right Foot; to close the tear. I was sent to Glen Gariff inpatient physical therapy for two months for the tear to heal (every day total 4-5 hours extensive gym exercise and physical therapy, instead of Right foot Surgery). I was sitting on a chair for a month. In Sept. I was able to walk with a cane and left Glen Gariff.

Dr. Dagostino, who operated on my left knee told me that the Right Foot Tear was caused by the "Overuse of Right Foot" (Right Foot after the injuries being used frequently to keep balance that pressure was put on right foot resulting from Left Leg Partial Paralysis, losing left leg, which caused Right Foot Tear. Medicare paid for three weeks of hospitalization only not for entire two months. I owe Glen Gariff, FHS LLC approximately \$22,435.20.

(e) Incontinence Caused by the Symptomatic / Aggravated Tarlov Cyst:

The Meningeal Cyst became symptomatic, caused permanent damage to my bladder, eroding all the sacrum bones. My Bladder is not functioning

properly. I use the bathroom frequently, which is very inconvenient, it is extremely difficult to leave the room where I live and be in public. Due to this permanent condition; I use support and stay inside most of the times.

(f) Constant Stiffness, Cramping, Heaviness around Back Spine Surgery/ Waist areas:

Constant Cramping, Stiffness and heaviness around the Surgery area, my waist; Feeling of Carrying 50+ pound Iron around, causing extreme fatigue.

(g) The Meningeal Cyst Eroded all Sacrum bones, there are no bones left in sacrum resulting in constant heaviness, cramping and stiffness.

(h) Loss of Hope, motivation; Extreme Frustration, Ager, Anxiety,

Detrimental impact resulting from loss of abilities, loss of hope, motivation, loss of successful real estate business and income.

(i) Having lost all my friends in real estate, all the Brokers and agents I knew and communicated with daily; before the injuries.

(j) I was always very confident of myself, of my abilities. I wanted to be successful and wanted success for others. I always thought I could achieve my goals in life as long as I worked hard, and did my best. It didn't work that way, I don't understand why I was injured twice by MTA drivers twice, I don't deserve all these debilitating

injuries, pain and suffering. I always continued Ethics, did the right thing in life. But I was injured twice which ruined my life.

(k) The injuries were like falling off a cliff, losing everything, especially after the Second Accident on Aug. 24, 2011, due to Repeated Injuries.

I am living day by day just for my children, to be there for them, especially for my daughter. I've lost everything, hope, motivation, abilities, real estate business and income, I don't understand why I was injured, I don't deserve the injuries, I didn't do anything wrong, I made mistakes and I learned from them. I was very healthy, never had any medical problems, did not smoke, did not drink, used healthy food, and I was very active in real estate trying to do my best in life for my children, for them to succeed.

A Cardiologist in Stamford ordered Echocardiogram, said I had "PFO" Patent Foramen Ovale; and Atrial Septal Aneurysm "ASA".

Due to repeated ER Visits (difficulty breathing) in CT, NY, in 2017, I am taking Nitroglycerin to Prevent Heart Failure during attacks.

(l) I have also been diagnosed with Heart Two Valves: Mitral and Tricuspid Regurgitation; and Left Lower Chamber / Ventricle Apex (not pumping enough blood), due to all the stress and anxiety I've been through since 2011.

(m) I never had any feet, ankle, knees, spine problems, did not visit a Neurosurgeon / Orthopedist for feet, ankle spine issues prior to injuries.

I lived a healthy life. I didn't / don't smoke, and I don't drink, except for holidays during the past when I was married. I lost my real estate business

and success which I loved very much. I had become very successful as a Real Estate Broker getting listings over \$1M - in Nassau County, North Shore Long Island. The accident was like falling off a huge cliff with such speed, losing everything. I don't understand why I was injured. I can't find an answer which is frustrating. It's not fair and justified how my life turned out to be due to MTA Bus Driver's Negligence.

APPENDIX NO. 6:

B- December 14, 2007: Heart/Cervix CTScn: Small Tarlov Cyst.

APPENDIX NO. 7:

- (A) 03/02/2012 Left Knee Surgery Report**
- (B) Lumbar Spine Surgery Report**
- (C) Dec. 14, 2007CTA showing healthy heart, and small normal harmless Assymptomatic Meningeal/ Tarlov cyst in sacrum.**
- (D) 05/31/12 MRI of Lumbar Spine showing huge Meningeal Cyst: 8cmX3.5cmX4cm Cyst;**
- (E) Dr. Feigenbaum's 11/28/2012 Meningeal Cyst Surgery Rpt.**
- (F) Dr. Feigenbaum's 08/13/2012 Diagnosis Letter Re Tarlov Cyst. Heart "PFO" and "ASA" Conditions, Mitral/Truscupid Valves, and Heart Left Ventricle Rpts.**

IV (3). 2007 CTSCAN SHOWING SMALL HARMLESS TARLOV MENENGIAL CYST IN SACRUM IN DECEMBER, 2007; LUMBAR SPINE MRI IN MAY 30, 2012 STATING HUGE AND ASSYMPTOMATIC MENENGEAL/TARLOV CYST SIZE OF 8CM X 4CM X 3.5CM; IMPINGING AGAINST ROOT NERVES, ERODING BONES, CAUSING NERVE DAMAGES, INCONTINENCE.

11. During Dec. 2007 my parents passed away and when I was informed about both my mother and my father no longer in this world at the same time, I started having extreme anxiety I could not breath, I called my oldest son telling him about my life threatening symptoms, I had never had this

problem before, I passed out. I woke up in elevator and I felt cool air, I was breathing with oxygen mask. The paramedics were taking me to N.S. University hospital in Manhasset. I kept thanking them. They saved my life. At E.R. they took several tests, CTScans, they could not find anything wrong, everything was normal, they said that I experience extreme anxiety and passed out. Evidently, during the two days at E.R. they accidentally scanned my abdomen where they saw a very small Tarlov cyst in sacrum. They never told me anything about it in 2007 and thereafter.

12. During Sept., 2012 visit with my primary doctor, he told me that he saw a CtScan showing a small normal cyst in 2007. I was shocked that the hospital did not tell me about it. I called Manhasset N.S.U. hospital and talked to the E.R. Dr. from 2007. He said there was no reason to, that the Tarlov cyst was a normal small harmless cyst, many people have it, born with it and never know they have it. Prior to these injuries, I never had feet, knees, ankle, nerve, spine problems. I ran, fast walked, very active in Real Estate.

IV (4). Dr. Frank Feigenbaum, Neurosurgeon in Dallas, TX, in Spine Diagnosis Report states:

“RADIOGRAPHIC FINDINGS:

“MRI of the lumbosacral region reveals a giant central / rightward intrasacral meningeal cyst within the sacrospinal canal extending from S1 to S3. The Cyst fills the entire sacrospinal canal and causes blatant impingement of adjacent sacral nerve roots of the sacral cauda equina. It is also

causing extensive sacral bone erosion. There is no other obvious lesion on the patient's imaging studies other than her large intrasacral cyst that would explain her symptoms.”

IMPRESSION:

“The patient is a 56 year old woman with sacral, lower extremity, and bladder and bowel symptoms. These symptoms are consistent with sacral radiculopathy pattern due to sacral nerve root compression.

Imaging reveals giant intrasacral meningeal cyst within the sacrospinal canal causing blatant impingement of adjacent sacral nerve roots and sacral bone erosion. There is no other obvious lesion on the patient's imaging studies other than her giant intrasacral cyst that would explain her symptoms. The patient states that her symptoms began following a fall on a bus in August 2011.

A fall would not cause formation of intrasacral cyst, such as the one the patient has. However, it is not unusual for patients to describe that a traumatic event such as a fall or car accident causes the onset of symptoms due to a preexisting intrasacral cyst. That is to say that it is not uncommon to hear patients describe that a traumatic event aggravates the patient's preexisting condition, in this case mainly the cyst, and causes symptoms.”

13. On May 31, 2012, Lumbar Spine MRI showed that my left knee nerve damage, toes tingling numbness, and left foot buckling locking, was due to nerve damage from Spine. MRI showed a huge Meningeal / Tarlov cyst size of 8cm x 3.5cm x 4.2cm. The cyst had occupied entire surrounding areas in sacrum, was eroding the bones, there were no bones left in sacrum (I found out later after spine surgery); the cyst impinging impressing against the surrounding nerve roots; causing damage incontinence, nerve problems, extremities numbness. I thought I was not going to make it and that I'd die.

14. I visited five LIJ Neurosurgeons in Long Island. They would not and could not operate on my Tarlov/Meningeal Cyst. They said it was dangerous and risky that I could die. I decided to have the surgery and get the spinal fluid out of the cyst to stop the life threatening problems from the cyst. I was having extreme nerve problems, it was ruining my organs, my head, my life. Dr. Johnson, LIJ Neurosurgeon stated I should not do anything about it since cyst had become huge and he would not be able to operate on such huge cyst.

V. REASONS WHY PETITION SHOULD BE GRANTED [PAR: A, B, C, D, E, F, G, H, I, J, K, L, M, N, O]

A. Legal Malpractice – I was Mis-Represented.

15. My Attorney, Stuart A. Jackson did not know he had to file “OSC” within 15 days after Trial / Jury Verdict; he filed 2 days late, MTA attorney objected as Untimely Filing, and Justice Feinman Dismissed the “OSC” Yet Justice Feinman did not grant Order to Show Cause, Setting aside Jury’s Verdict Contrary to the Weight of the Evidence, for the Interest of Justice CPLR 4404; CPLR 4404-A; not giving me a chance for a new trial. My attorney did not Appeal from the JUDGMENT entered April 22, 2016, and the Appellate Division 2nd J.D. Dismissed my case because my attorney forgot to file from the Judgment. I released my attorney which was approved by the Appellate Division, I was given a chance to file Untimely Notice of Appeal as Prose, given a new Docket Number to appeal, however, MTA attorney Ms. Corchia

objected that it was untimely, regardless of the fact that my attorney failed to file from Judgment.

B. I was also Mis-represented by Stuart A. Jackson, Esq., at Appellate Division 2nd J.D. Brooklyn, NY. Stuart A. Jackson filed Appeal from March 2, 2016 Sup. Ct. Justice Feinman's Order, but he did not file Appeal from the Judgment entered April 22, 2016 by Justice Feinman; and my case was Dismissed again at Appellate Div. 2nd J.D.

16. I discharged my attorney which was approved by App. Div. 2nd J.D., Brooklyn. My attorney during last week in April had told me that MTA had filed a Judgment for Plaintiff to pay approx. \$1,200.00 to MTA. He told me I did not have to pay for the permanent injuries caused by MTA and that he had filed an appeal from the April 22, 2016 Judgment.

C. Stuart A. Jackson, committed Mis-conduct. On Oct. 11, 2014 when I had received funds from Mayfield Settlement Co. He took \$10,000.00 from me for his Legal Fees & Disbursement despite the fact that on March 17, 2014 he had signed 2 Contingency 33.33% Legal Fee Retainer Agreements.

17. Stuart A. Jackson told me to make \$10,000.00 bank check to his wife, Rochelle Jackson. I objected and did not agree, he yelled and check was made to his Wife, Rochelle Jackson. Then I didn't know that he was not competent to handle Escrow Account. I complained about his Misconduct and Misrepresentation to Hauppauge Ethics Grievance Committee in New York in 2016. The Committee scheduled a Deposition of Stuart A. Jackson. My complaint (No.1639-16) is pending the Grievance Committee's Decision.

APPENDIX NO. 5:

- (A) \$10,000.00 Check, Typed: \$5,000.00 Legal Fees - \$5,000.00; &**
(B) Two Contingency 33.3% Retainer Agreements: 03/14/2014.

D. Obstruction of Justice during Nov. 5, 2015 Trial by Justice Robert Feinman, Sup. Ct. NC, threatened me for 2.5 hours before trial started to take his settlement offer, no consistent with my permanent irreversible debilitating disabilities, or my case would be dismissed. I was having chest pains and head pressure. Justice Thomas Feinman, made a settlement offer, he did not deny that negligence by MTA caused my injuries. The Court did not allow me to testify at trial regarding the Latino Driver's Description who injured Justice Feinman didn't allow my attorney to question me about my Successful Real Estate Business before injuries; did not allow my Doctors to testify at trial.

18. Justice Feinman offered a settlement offer in the amount of \$90,000.00 and mentioned possibly \$100,000.00. During the one day liability trial on Nov. 5, 2015 when Justice Feinman yelling at me and my attorney to take MTA low offer not consistent with my permanent debilitating injuries, pain and suffering, yelling at us for 2.5 hours before trial by Justice Feinman that if I didn't take his low offer of \$90,000.00 and possibly \$100,000.00, which offer was not consistent with my permanent Spine, Left knee injuries and post surgeries symptoms, loss of successful real estate business, and real estate broker income, loss of hope; that he was going to Dismiss Case anyway even if Jury returned verdict for me. I was having chest pains, head pressure during the Trial on Nov. 5, 2015. I was forced to testify under stress.

Justice Feinman on Nov. 5, 2015 before trial yelled at me repeatedly stating:

“Why don’t you take the offer, if you don’t, you will lose and not get anything. Even if Jury returns Verdict for you I’ll have the authority to throw it out the window and I will. You will not get anything, so take the offer, and if you accept, I’ll increase it to \$100,000.00.

19. However, the offer was not consistent with my Permanent debilitating irreversible injuries and pain and suffering for the rest of my life which have destroyed my life, my successful real estate business which I loved very much. Sadly, the injuries have negatively impacted my three children, specifically my daughter, Tessa Bethune, NYU Graduate.

20. Justice Feinman told the jurors after they were seated and before the trial started that this case was a case that they didn’t want to waste their time, that they should decide same day and go home.

E. Michael Paglino, MTA attorney during a break when I was in Court but my attorney had left the court room, Michael Paglino asked Justice Feinman to move for a “Directed Verdict for MTA”.

APPENDIX NO. 3:

(A) Settlement Offer & Trial Transc. Nov. 5, 2015 Sup.Ct.: Pg. 43.

F. During Nov. 5, 2015 one day liability Trial I was having chest pains and head pressure. I asked Justice Feinman in Courtroom three times to talk to my attorney to let him know; and he did not permit.

21. I tried to talk to my attorney three times to tell him about my chest pains and head pressure, that I could not testify effectively.

Michael Paglino’s in his Affirm.: Jan. 7, 2016, Par. 26, states:

“In addition, during cross-examination of the bus operator, Mr. Epstein, Plaintiff Blurted out the following from where she was seated in Courtroom:

THE COURT: Hold on one second.

THE WITNESS: Mr. Jackson? Mr. Jackson? Excuse me.

Can I speak to my attorney?

THE CLERK: Not right now.

THE WITNESS: Can I give him a note?

THE CLERK: Not now. “.

Def.’s Exhibit “C” at P. 92.

APPENDIX NO. 4 :

(A) Post Trial “OSC” Motions Requesting Justice Feinman to set aside Jury’s Verdict Contrary to the Weight of the Evidence for the interest of Justice [CPLR 4404 & 4404 (a)].

(B) Marlo Polese (MTA Internal Attorney.

G. The Court refused to Read the Missing Witness Charge, Aubrey Greenidge, Mgr., to the Jurors, Demanded by my Attorney.

22. Mr. Aubrey Greenidge worked for MTA Long Island Bus during 2011, he took my complaint, and approved loss of income based on Negligence. After Nassau county hired its own Viola corporation to manage Long Island buses, Mr. Aubrey Greenidge started working for Viola Bus Corp. in Long Island.

H. Although Justice Feinman Acknowledged and Recognized the fact that Plaintiff was Mis-represented by her attorney, during Nov. 5, 2015 Trial he still denied plaintiff’s Order to Show Cause Motion to set aside Jury’s Verdict contrary to the Weight of the Evidence, [CPLR 4404, CPLR 4404 (a)]; telling Michael Paglino, MTA Attorney that he could not Assume the Role of My Attorney. Yet Justice Feinman dismissed my “OSC” motion because my attorney filed 2 days late, filed 17 days later instead of 15 days later. My attorney had no knowledge and information about Statute of Limitation indicative of Legal Malpractice, and Mis-representation.

26. Justice Feinman on Nov. 5, 2015 MTA liability trial, [Plaintiff's Testimony Pg.

79, Ln 18-24: Justice Feinman told MTA Attorney, Michael Paglino:

“Mr. Paglino, I know there are no objections, but this is not proper. I really can't assume the Role of the Plaintiff's Attorney...”

APPENDIX NO. 3:

(A) Settlement Offer & Trial Transc. Nov. 5, 2015 Sup.Ct. NC, NYS.

I. MTA did not produce the Latino Driver who injured me, MTA produced a White Driver, Mr. Epstein, with good driving records.

27. Mr. Epstein was not the driver who injured me. MTA Internal Attorney, Marlo Polese's Excuse for not producing the Latino driver who injured me is the separation of Nassau County MTA L.I. Bus on 12/31/2011 (Four Months after I was injured), on 12/31/2011 Nassau County separating from MTA; and hiring its own private Company: Viola Bus Corp. to manage Long Island Buses. I was injured by the MTA Long Island Bus on Aug. 24, 2011 before Nassau County signed an Agreement with MTA on 12/30/2011 to separate from MTA and operate on its own as Viola Bus Corporation.

J. Marlo Polese, Esq., MTA inside Attorney states in her Aff. Dated Dec. 29, 2015 they could not produce the Latino driver who injured me since MTA no longer operated Long Island Buses after Dec. 2011 Agreement. I was injured on Aug. 24, 2011 when MTA was in charge. MTA produced Mr. Epstein, white driver who worked for MTA in 2011, and after Nassau County separated from MTA on 12/31/2011, Mr. Epstein continued to work for Nassau County and he still works for Nassau County Viola Bus Corp. In fact Mr. Epstein testified at his EBT and at Trial that he received a letter from MTA New York to testify at EBT and Trial for MTA Long Island Bus even though he no longer worked for MTA NY. Mr. Epstein worked for MTA in 2011, and after N.C. separated from MTA on 12/31/2011, he's been working for Nassau County Viola Bus.

Marlo Polese, Esq., MTA Agency Attorney states in her Aff. dated Dec. 29, 2015, Par.: 8:

“As Viola Transportation Svcs, Inc. is not a Defendant in this action and is a separate and distinct legal entity from Defendant MTA, Long Island bus. Defendant MTA Long Island Bus has no control over Aubrey Greenidge or any of the employees of Veolia Transpo. Svcs. Inc. (App. 3 (B))

APPENDIX NO. 4:

- (A) Post Trial “OSC” Motions Requesting Justice Feinman to set
(B) Marlo Polesi, MTA Internal Attorney, Aff. Dated: 12/29/2015.**

28.If MTA could produce Mr. Epstein who has been working for Nassau County Viola Bus Corporation since Dec. 30, 2011 when NC hired Viola, and who worked for MTA Long Island Bus until 12/29/2011 then MTA could have produced the Latino Driver who injured me, who worked for MTA Long Island Bus when I was Injured on 08/24/2011 and who has been working for Viola Bus effective 12/30/2011.

K. Court of Appeal, Albany, New York Decision dated 9/8/2016 conflicts Appellate Division 2nd J.D. Decision dated June 30, 2016. The Court of Appeal stating that the Lower Court did not finally determine the action within the meaning of the Constitution.” Thereafter, the Appellate Div. 2nd J.D. assigned a new Docket Number in September, 2016 allowing me to file Notice of Appeal, but MTA Objected again and the case was dismissed for second time.

The Court of Appeal, Chief Justice Janet DiFiore’s Sept. 8, 2016 Dec. states:

“Motion, insofar as it seeks leave to appeal from the June 2016 Appellate Division Order, dismissed upon the order does not finally determine the action within the meaning of the Constitution.”

29.MTA violated my rights to a Fair and Justified trial by manipulating and misrepresenting facts – not producing the Latino driver who injured me; Advising Justice Feinman at Sup. Ct. Trial for a Directed Verdict for MTA; knowing my attorney was incompetent, yet MTA objected to “OSC” stating it was Untimely (2 days late) for New trial. At Appellate Division 2nd Judicial Dept. MTA objected to my appeal as untimely knowing my attorney was not competent and forgot to file from the Judgment. MTA used that to dismiss my case, violated my Right to Appeal.

30.I am seeking Justice for my Permanent Irreversible Debilitating Spine and Left Knee Injuries and Surgeries and my post spine surgery life threatening conditions and Disabilities (Nerve problems, Stroke, Waist and Left Leg Paralysis Tingling Numbness and Left leg dragging), Pain and Suffering, Loss of Real Estate Business and Real Estate income; Loss of Hope, Motivation, and good health; which have sadly affected my children.

L. My Right to have a new trial due to Obstruction of Justice and attorney mis-representation during Trial on Nov. 5, 2015 was taken away from me at Sup. Ct. My Right to Appeal was violated as well at Appellate Div. and at Court of Appeals because my attorney did not file from the Sup. Ct. Justice Feinman’s Judgment Entered April 22, 2016. The Nassau County Sup. Ct. Dismissed my case giving Jury Directed Verdict for MTA. Then N.C. Sup. Ct. also dismissed my OSC motion because my attorney filed OSC 17 days after Jury’s Verdict, instead of 15 days after Jury’s Verdict (based on Statute of Limitation). It is not justified that they all dismissed my case due to my attorney’s failure and incompetency.

M. After the injuries, I could no longer afford paying for my daughter's continued education expenses to get her Masters Degree, and PhD. She had graduated from NYU and taken some credits towards her Master's Degree when I was injured, lost my listings, my real estate income and she could no longer continue education to achieve her goal and succeed in life.

31. She has been diagnosed with anxiety and bipolar, which is the most debilitating heartache, pain and suffering impact resulting from my injuries affecting my daughter's goals in her life. I have had Spine Surgery and Left knee surgery. I have been diagnosed with Heart PFO, ASA in 2015, in 2017 diagnosed with 2 Mitral and Tricuspid Heart Valves Regurgitation, and Left Chamber not pumping sufficient blood causing me not breathing ending at Emergency Rooms frequently. I am taking Nitroglycerin which opens the arteries and let blood flow to heart, body to prevent Heart Failure.

32. Before the injuries, I had a healthy heart, running around, active in real estate, exercising and running weekly. I never had any problems with feet, bones, nerves, spine, knees prior to being injured by MTA driver. I did not smoke or drink, I lived a healthy life. Now I have life threatening heart conditions such as "PFO" and "ASA", partial left leg and waist paralysis, extremities numbness incontinence, loss of hope, motivation, loss of real estate business and income which I loved and had become successful.

APPENDIX NO. 8:

(A) Sold / Rented Properties by Petitioner during 2009, 2010, 2011 by the Petitioner, Real Estate Broker. Last listing at \$3M; and last sold property in Jericho, L.I., over \$1M.

N. We were evicted from our Apt. on Aug. 31, 2017 from Shelton, CT. since Mayfield Funding Co. stopped funding my case in Nov., 2016.

I could no longer pay the rent since the Mayfield Pre-Settlement Company in Phoenix, Arizona which had been supporting me financially by lending me funds to pay for living expenses for myself and my daughter, also my son to continue college, to stand the pre-trial period, helping my children from Oct., 2014 until Dec., 2016. However, the investors/lawyers stopped supporting my case due to case dismissal by Appellate Div., and Court of Appeals, NY.
Appendix No.: 10

APPENDIX. NO. 10: (A) Mayfield Settlement Funding 2016 Agreement.

(A) Aug. 31, 2017 Eviction Documents from Shelton, CT ; and
NYC-NYS Temporary Shelter / Residency Information.

O. My daughter's mental health condition worsened due to negative impact by the Eviction. She has been hospitalized repeatedly, Sept. 12-Oct. 25, 2017 at Bellevue Hospital, NYC, NY; Oct. 13-20 at NYU Medical Center, NYC, NY; October 21, 2017 to December 7, 2017 at Prespetarian Hospital in White Plains, Westchester, NY; and from December 12, 2017, and presently she has been hospitalized at South Oak Hospital in Amityville, NY. On 2/23/2018 at a Hearing the Court ordered 6 months retention.

33. On February 23, 2018 there was a hearing at Suffolk County for six (6) months additional retention at the hospital. The Court ordered up to six (6) months inpatient hospitalization retention. However, the Court decided that NYC/NYS housing was inappropriate and not proper for my daughter; and I did not have a house or Apt. as Residence, that NYC/NYS Shelter is not a proper residence for my daughter and it would result in another hospitalization in a week or two after the discharge.

34. My daughter's attorney asked for Discharge since she's been at South Oaks Hospital for 3.5 months; with an outpatient program Three (3) days a week 9-5 attending groups and complying with medication. The Court denied.

APPENDIX NO. 9 (B) Feb. 23, Ct. Order Re Six Months Retention.

P. I don't understand why the Justice System I trust and believe, has failed me and my injuries due to Legal malpractice and misrepresentation by my Attorney, not being competent; and sadly by Appellate Division and Court of Appeals. I don't understand why I was injured twice by MTA. I don't deserve debilitating injuries, pain and suffering. I have not done anything wrong / unethical to be punished this way, it hurts the most that my children were affected negatively by my injuries, disabilities, pain and suffering. I can't find an answer which is aggravating and frustrating. It's not fair and justified how my life turned out due to MTA's negligence.

VI. CONCLUSION

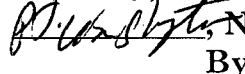
I didn't do anything wrong, unethical in life, always conducted my business in an ethical manner, never stepped over anyone, always shared commission, I was fair to my clients and customers disclosing facts. Due to life threatening debilitating injuries in 2011, I have been receiving from New York State SSDI income of now \$1,471.00 per month. Before the Accident at age of 55 I was making \$7,000.00-\$8,000.00 monthly real estate income, planning to have my own real estate company in Great Neck / Port Washington, hiring agents, expanding my real estate business and success so that my children could succeed in life.

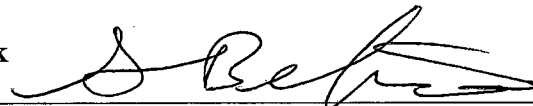
I hope for and respectfully request a reversal of my case and a new trial from this court. I am seeking justice from the United States Supreme Court Justice(s) for my

permanent debilitating injuries and disabilities, pain and suffering caused by MTA Long Island Bus Driver's negligence and resulted in Spine, left knee surgery, left leg and waist partial paralysis, extremities numbness, incontinence, constant head pressure, spine surgery area cramping and stiffness, pain and suffering, loss of hope, motivation and abilities, loss of successful real estate business and income.

I respectfully request this court and the Justice(s) to reverse the Supreme Court Nassau County Justice Robert Feinman's Decision Entered March 2, 2016 and his Judgment entered April 22, 2016, setting aside jury's verdict contrary to the weight of the evidence for the interest of justice; CPLR 4404 - CPLR 4404(a). I further request this court to reverse Court of Appeals 09/12/2017 Decision; and Appellate Div. 2nd J.D. June 30, 2016 Decision, and May 10, 2017 Decision. I hope my petition be granted for the interest of justice together with other just, proper relief.

DATED: March 2, 2018

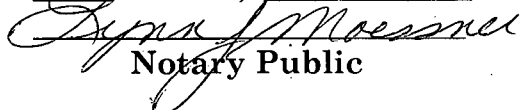
 New York
By:



Sororazam Bethune, Petitioner, Pro Se
516-423-0608
Van Siklen-Samaritan Village
30 3rd Avenue, Rm 925
Brooklyn, New York 11217

Sworn to before me this

2nd date of, March 2018


Notary Public

LYNN J MOESSNER
Notary Public, State of New York
No. 01M04970982
Qualified in Nassau County
My Commission Expires 8/20/2018

TO: Vanessa Corchia, Esq.
Armienti, DeBellis, Et Al.
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