

5. I am also submitting this Affidavit to provide a first-hand explanation about the facts and circumstances that form the basis of my request. I apologize for having to do so and for any misunderstandings about the prior information that provided the basis for the information in the lawsuit. However, other than the name that I used, the factual information related to the accident was true and accurate and that all such information reported in the Court filings about my injuries and the related claim was true
6. I retained the Firm on January 14, 2013 to initiate this lawsuit. On February 8, 2013, the Firm filed a Summons and Complaint and thereafter represented my interests in Court. On March 15, 2013, the Firm then served the Summons and Complaint upon the defendants.
7. After discussing the matter with my attorneys, on December 20, 2017, I voluntarily agreed to settle the matter with the defendants 82-84 Wadsworth Avenue, LP and Langsam Property Services Corp., to conclude the lawsuit.
8. Shortly after I agreed to the settlement, I informed the Firm for the first time that I use and am known by my father's name "Francisco Peralta" rather than my given and legal name "Daniel Antonio Peralta Jimenez".
9. I use this name solely to honor my father, a custom my culture – I was born in the Dominican Republic and emigrated to the United States in 1990. I have no other reason for using my father's name; and, I am not engaged in any illegal or fraudulent activity by using his name. Further, the use of my father's name in these proceedings was not used for any deceitful or nefarious purpose or to obstruct the judicial process or in any way to undermine the integrity of this proceeding, but rather, because I love him very much and the use of his name is a sign of affection and respect in my culture. *Attached hereto as*

*Exhibit "A" for the Court's review are: (1) my father Francisco Peralta's birth certificate and death certificate; (2) my parent's marriage certificate; and (3) my birth certificate. Further attached hereto are certified translations of each document.*

10. I never mentioned the use of my father's name to my attorneys prior to settling the case because I did not understand that the use of his name was going to cause/create an issue/problem, as I am unfamiliar with the laws in the United States. Moreover, in the country where I was born, sons customarily use their father's name and there are no implications with regard to the same. However, as Mr. Cerchione has explained, unless I legally changed my name, I am unable cash checks or deposit funds into a bank or engage in any financial transactions under my father's name.
11. I ask this court to amend or correct the name that I used and the title as party plaintiff in this case because no one will be harmed prejudiced. Nor was there any gain or advantage to me by use of my father's name in this case. And, for purposes of this action, a legal proceeding I request that I be allowed to amend or correct the caption to reflect my given and legal name "Daniel Antonio Peralta Jimenez".
12. There is no evidence, nor will there be any evidence which establishes that I intentionally and willfully used my father's name for the wrong reasons. Nor is there any evidence that will show that the defendants are or will be prejudiced by this disclosure which I am freely and voluntarily making. And, in fact, the agreed upon settlement indicates that the parties agreed that I was injured and should be compensated for those injuries.
13. Accordingly, based on CPLR §§ 305(c), 201 and 5019(a) and the Documents submitted in support of this motion, it is respectfully requested that this Court issue an Order