

BRANDON J. BRODERICK, ESQ
ATTORNEY I.D.# 009462006
BRANDON J. BRODERICK, LLC
65 East Route 4, First Floor
River Edge, New Jersey 07661
Attorney for Plaintiff(s)
(201) 853-1505

HELEN TUBELLO,

Plaintiff(s)

Vs.

DUNKIN' DONUTS, DUNKIN' BRANDS
GROUP, INC., BNV PROPERTIES, INC.,
COUNTY OF OCEAN, BOROUGH OF
LAVALLETTE, STATE OF NEW JERSEY, ET
ALS.

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: OCEAN COUNTY

DOCKET NO. OCN-L-2573-22

CIVIL ACTION

SUMMONS

From The State of New Jersey To The Defendant(s) Named Above:

BOROUGH OF LAVALLETTE

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf

/s/ Michelle M. Perez
Michelle M. Perez, Clerk

ERIC M. BERNSTEIN & ASSOCIATES, L.L.C.
Eric M. Bernstein, Esq. NJ Bar ID 014001982
34 Mountain Boulevard, Building A
P.O. Box 4922
Warren, New Jersey 07059-4922
(732) 805-3360; (732) 805-3346 Fax
Attorneys for Defendant, Borough of Lavallette
Our File No. 1175-1017

HELEN TUBELLO,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
<i>Plaintiff,</i>	:	OCEAN COUNTY
	:	DOCKET NO. OCN-L-2573-22
v.	:	
DUNKIN DONUTS; DUNKIN BRANDS	:	CIVIL ACTION
GROUP, INC.; BNV PROPERTIES, INC.;	:	
COUNTY OF OCEAN; BOROUGH OF	:	CERTIFICATION OF DONNELLY
LAVALLETTE; STATE OF NEW JERSEY;	:	AMICO IN SUPPORT OF MOTION TO
JOHN DOE 1-10 (fictitiously named); JANE	:	DISMISS COMPLAINT PURSUANT
ROE 1-10 (fictitiously named); ABC CORP. 1-	:	TO R.4:6-2(e).
10 (fictitiously named); XYZ	:	
CORPORATIONS 1-10 (fictitiously named	:	
cleaning, maintenance, repair and/or property	:	
maintenance corporations),	:	
	:	
<i>Defendants.</i>	:	

DONNELLY AMICO, of full age, hereby deposes and says:

1. I am the Borough Clerk of the Defendant Borough of Lavallette (hereinafter referred to as the "Borough" or "Defendant") in the above entitled matter. I am the Custodian of Records for the Borough and I have full access to and knowledge of the materials in the Borough's files relating to this matter.

2. The Plaintiff, through counsel, filed a Notice of Tort Claim on August 5, 2022, alleging that she fell and was injured in a trip and fall accident in front of 604 Grand Central Avenue in the Borough of Lavallette, which was received in my office on or about August 10, 2022. **Exhibit 1**, Notice of Tort Claim dated August 5, 2022.

3. As the Borough Clerk of the Borough of Lavallette, I checked and determined that in the tax records of the Borough of Lavallette, the Tax Account for the premises at 604 Grand Central Avenue named in Plaintiff's Complaint shows the owner of the premises, also known as Block 33.01, Lot 3, to be Defendant BVN Group, L.L.C. **Exhibit 2**, Tax Account Maintenance Form.

4. As the Borough Clerk of the Borough of Lavallette, I checked and determined that the occupant of 604 Grand Central Avenue in the business records of the Borough of Lavallette shows the operator of the business at the location of the premises named in Plaintiff's Complaint to be Dunkin Donuts. **Exhibit 3**, Business Registration Form.

5. According to the records available to me and after diligent inquiry, the Borough of Lavallette has no ownership or control over the property at 604 Grand Central Avenue, which is private commercial property.

6. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I may be subject to punishment.

Dated: December 30, 2022

Donnelly Amico
Donnelly Amico, RMC
Borough Clerk