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Stafford Township
Miscellaneous 2018
GL-26786

Via Email:

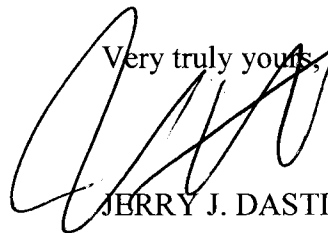
opra+request-2490-900ea6dc@requests.opramachine.com

RE: D.C. v. Stafford Township
OCN L 1476-18

Dear Sir/Madam:

Please be advised that this office serves as solicitor to the Township of Stafford. Pursuant to your OPRA request, we enclose a copy of the Complaint and Answer in the referenced litigation. If you have any other questions concerning this matter, please do not hesitate to contact our office.

Very truly yours,



JERRY J. DASTI

JJD/kw

Enclosure

cc: Linda Martin, RMC, Acting Township Clerk (w/enclosure) via email

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Attorney for Plaintiff

DEBRA CLARKE and JOHN CLARKE,

Plaintiff,

vs.

STAFFORD TOWNSHIP, RAYMOND T.
MALONEY, JENNIFER A. MALONEY,
JOHN DOE 1-5 (fictitious defendants),
ABC PARTNERSHIPS 1-5, ABC LLCs 1-5,
and ABC CORP. 1-5 (fictitious corporate
defendants),

Defendant.

SUPERIOR COURT OF NEW JERSEY
OCEAN COUNTY
LAW DIVISION

DOCKET NO.: OCN-L-1476-18

CIVIL ACTION

Complaint

Plaintiff, by way of Complaint against Defendant says:

COUNT ONE

1. On July 14, 2016, Plaintiff was a pedestrian properly and lawfully walking on the real property located at 88 Anchor Avenue and Thousand Oak Avenue in Stafford Township, New Jersey (hereinafter "the property").
2. At all times material hereto, Defendants occupied and/or controlled the property.
3. On July 14, 2016, Defendants were responsible for the clearing, repair, maintenance and control of the property.
4. At all times material hereto, defendants John Does 1-5, ABC Partnerships 1-5, ABC LLCs 1-5, ABC Corporations 1-5 (fictitious name designations of one or more individuals, partnerships, corporations, and/or other entities whose actual identities have yet to be determined) were employees or agents of defendants or other individuals whose scope of employment or contractual responsibilities included clearing, repairing, maintaining, and/or controlling the property and/or were owners or held ownership interest in the property.

5. At the aforesaid time and place, a dangerous and hazardous condition existed at the property consisting of a damaged and/or improperly installed sidewalk.
6. At the aforesaid time and place, the aforesaid dangerous and hazardous condition caused Plaintiff to fall, sustaining severe and permanent personal injuries, including but not limited to permanent loss of a bodily function and/or permanent disfigurement. The Plaintiff also incurred and will continue to incur significant medical expenses.
7. At the aforesaid time and place, Plaintiff had been walking on the property in a reasonably foreseeable manner and was exercising due care in so doing.
8. At the aforesaid time and place, the property was negligently and carelessly maintained, thereby creating and/or exposing the dangerous and hazardous condition which caused plaintiff to fall and sustain severe personal injuries, and which was a reasonably foreseeable risk of the dangerous and hazardous condition of the property.
9. At the aforesaid time and place, no signs, barriers, warnings or other safety devices had been placed on the property to advise of the dangerous and hazardous condition or to serve as a precaution against injury, which was a reasonably foreseeable risk of said dangerous and hazardous condition of the property and which caused plaintiff to fall and sustain severe and permanent personal injuries.
10. Defendants had actual and/or constructive notice of the dangerous and hazardous condition of property at the aforesaid time and place, knew or should have known that such a dangerous and hazardous condition created a reasonably foreseeable risk of injury to individuals such as the plaintiff and had sufficient time to have taken measures to protect against plaintiff's injury.
11. Defendants were under a duty to take reasonable actions to guard the Plaintiff against the aforesaid dangerous and hazardous condition of property, but failed and neglected to act in a reasonable and appropriate manner.
12. The conduct of defendants was negligent, in that they failed to properly inspect, maintain, repair and/or warn of a known dangerous and hazardous condition of property under their control, and was in other ways careless and negligent in the maintenance and control of the aforesaid property.

13. The failure of defendant to properly maintain the property, or to repair and/or warn of the aforesaid hazardous condition of property, created a dangerous condition, which caused plaintiff to suffer severe and permanent injuries.
14. Defendants John Does 1-5, ABC Partnerships 1-5, ABC LLCs 1-5, ABC Corporations 1-5 individually and as employees or agents of defendants, or some or any one of them, were careless and negligent in that their acts and/or omissions created a dangerous and hazardous condition of property; allowed the property to be maintained in an unsafe condition; failed to provide proper warnings and/or safeguards to prevent injury; failed to use reasonable care in carrying out their duties to remediate such a dangerous and hazardous condition as existed; and were otherwise negligent.
15. As a direct and proximate result of the acts, omissions, negligence, and carelessness conduct of defendants and John Does 1-5, ABC Partnerships 1-5, ABC LLCs 1-5, ABC Corporations 1-5, or some or any one of them, Plaintiff was and will in the future be caused to suffer severe and permanent personal injuries requiring medical treatment; was and will in the future be caused the permanent loss of use of a bodily function and/or permanent disfigurement; was and will in the future be caused to endure great pain and suffering, both physical and mental in nature; was and in the future will be caused to suffer physical disability; was and will in the future be incapacitated from pursuing his usual activities, duties, employment and responsibilities; and was and will in the future be made to suffer lost wages, earnings and other pecuniary loss.

WHEREFORE, plaintiff demands judgment against defendants jointly, severally and/or in the alternative, for such damages as may be permitted pursuant to the laws of the State of New Jersey, together with interest thereon, costs of suit, attorneys fees and such other relief as this Court shall deem equitable and just.

COUNT TWO – LOSS OF CONSORTIUM

16. Plaintiffs repeat and reallege each and every averment and allegation set forth in the foregoing sections of this Complaint as though set forth at length herein.

17. For a period of time following the injuries sustained by Plaintiff as aforesaid, John Clarke, Plaintiff's spouse, was deprived of Plaintiff's services, society, and companionship, constituting a loss of consortium.

WHEREFORE, Plaintiff John Clarke demands judgment against Defendants for damages, including punitive damages, pre and post judgment interest, and such other and further relief to which he may be entitled.

DESIGNATION OF TRIAL COUNSEL

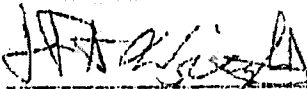
Pursuant to the provisions of R. 4:25-4, the court is advised that DAVID T. WRIGHT, ESQ. is hereby designated as trial counsel.

JURY DEMAND

Take notice that Plaintiffs demand a trial by jury on all issues in the within civil action.

CERTIFICATION

I CERTIFY that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action. R. 4:5-1.



David T. Wright, Esq.
Attorney for Plaintiff
Date: June 14, 2018

DEMAND FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that pursuant to R.4:18-1, Plaintiff demands the production for purposes of inspection and copying at the offices of The Wright Law Firm, LLC, 928 North Main Street, Manahawkin, New Jersey, 08050, within 45 days after service of the within pleadings, of the following items pertaining to the allegations of this Complaint.

1. A copy of any accident report, incident report or other documentation prepared by any agents, servants or employees of the defendants contemporaneously with the accident which is the subject matter of this complaint or any prior or subsequent accidents that occurred on the premises that is the subject of this suit.
2. A copy of the deed, lease agreement and any other contract relating to the occupancy of the premises.
3. All insurance agreements and policies maintained by defendants effective on the date of the plaintiff's injury as alleged in the complaint in accordance with Rule 4:10-2(b).
4. Copies of any and all photographs, surveys, sketches, diagrams, blueprints or any other documentary evidence concerning the layout of the premises at issue in this case as it appeared on the date of plaintiff's injury as alleged in the complaint.
5. Copies of any and all statements of any party to this lawsuit, or their agents, servants and employees.
6. Copies of any statements by eyewitnesses to the accident.
7. Copies of any and all expert reports on the issue of liability or damages.
8. The names, addresses and current telephone numbers of all guests, agents, servants and employee of the defendants who were present at or near the premises at the time of the accident.
9. Copies of any and all photographs, videotapes, recordings, or any other documentary evidence of the plaintiff and plaintiff's accident whenever recorded since the date of the injury as set forth in the complaint, including, but not limited to, security videotapes of the premises depicting the actual incident.
10. Any and all documents relating to any inspection or investigation performed at the premises.

11. Any and all safety manuals, posters, educational material (including videos and outlines).
12. Any and all logs of cleaning and inspection activity for the location in question on the date of Plaintiff's accident.

DEMAND FOR ENTRY UPON PREMISES FOR INSPECTION

PLEASE TAKE NOTICE that Plaintiff demands an opportunity to enter upon the premises of the defendants as set forth in the complaint to inspect, photograph, and otherwise examine the premises, and other things relevant to this litigation, in accordance with R.4:18-1.

**DEMAND FOR ANSWERS TO FORM C AND C2 UNIFORM INTERROGATORIES
AND SUPPLEMENTAL INTERROGATORIES**

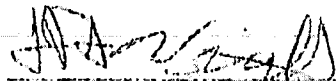
PLEASE TAKE NOTICE that pursuant to R.4:17-1(b)(ii) Plaintiff(s) demands certified answers to Form C, and C(2) of the Uniform Interrogatories set forth in Appendix to the Rules Governing Civil Practice and the following supplemental interrogatories:

1. State the date you first owned or occupied the premises.
2. Enumerate specifically all of the things you contend the party serving these interrogatories did that not should not have been done.
3. Enumerate specifically all of the things you contend the party serving theses interrogatories did not do which should have been done.
4. If this defendant contends in any way that the injuries claimed by Plaintiff to have been caused by this incident were in fact not caused or in any way related to this incident, state fully and in detail each and every fact upon which defendant will rely in support of said contention. Annex hereto copies of any and all medical records or other documents which defendant will rely in support of said contention.
5. If defendant contends that Plaintiff sustained physical injuries at any time prior or subsequent to the subject accident, please state the date and nature of said injuries.
6. State whether there have been any other complaints about the condition of the premises within the last ten (10) years.
7. State the date the room in which plaintiff fell was initially constructed.

8. State each date that any renovation, installation, repair or other work was performed and describe the nature, scope, extent and cost of said work.
9. Provide the name and address of any person who claims to have fallen in the room in which plaintiff was injured.

DEMAND FOR INSURANCE INFORMATION

PLEASE TAKE NOTICE that pursuant to R4:10-2(b), Plaintiff hereby demands production of a copy of any and all insurance agreements under which the defendants may be covered to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.



David T. Wright, Esq.
Attorney for Plaintiff
Date: June 14, 2018

File: 90000-52374 PJC

PAUL J. CAPOTORTO, ESQ. (ID #009031988)

LEYDEN, CAPOTORTO, RITACCO & CORRIGAN

A Professional Corporation

12 Madison Avenue

Toms River, NJ 08753

(732) 349-2443

Attorneys for Defendants, Jennifer A. Maloney and Raymond T. Maloney

DEBRA CLARKE and JOHN CLARKE

Plaintiffs

v.

STAFFORD TOWNSHIP, RAYMOND T.
MALONEY, JENNIFER A. MALONEY, JOHN
DOE 1-5 (fictitious defendants), ABC
PARTNERSHIPS 1-5, ABC LLCs 1-5 and ABC
CORP. 1-5 (fictitious corporate defendants)

Defendants

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : OCEAN COUNTY
DOCKET NO. OCN-L-1476-18

CIVIL ACTION

**ANSWER TO COMPLAINT, SEPARATE
DEFENSES, CROSSCLAIMS, ANSWER TO
CROSSCLAIMS, DEMAND FOR
PRODUCTION OF DOCUMENTS,
JURY DEMAND AND TRIAL
ATTORNEY DESIGNATION**

The defendants, Jennifer A. Maloney and Raymond T. Maloney, by way of Answer to the
Complaint of plaintiff(s), say:

COUNT ONE

1. The defendant(s) is without sufficient knowledge or information to form a belief as
to the truth of the allegations contained therein.

2. The defendant(s) is without sufficient knowledge or information to form a belief as
to the truth of the allegations contained therein.

3. The defendant(s) denies the allegations.

4. The defendant(s) denies the allegations.

5. The defendant(s) denies the allegations.

6. The defendant(s) denies the allegations.

7. The defendant(s) denies the allegations.

8. The defendant(s) denies the allegations.

9. The defendant(s) denies the allegations.

10. The defendant(s) denies the allegations.
11. The defendant(s) denies the allegations.
12. The defendant(s) denies the allegations.
13. The defendant(s) denies the allegations.
14. The defendant(s) denies the allegations.
15. The defendant(s) denies the allegations.

COUNT TWO – LOSS OF CONSORTIUM

16. The defendant(s) repeats each and every answer given in the First Count hereof as though fully set forth at length herein.

17. The defendant(s) denies the allegations.

FIRST SEPARATE DEFENSE

The accident and damages alleged in the Complaint resulted from the sole negligence of the plaintiff(s).

SECOND SEPARATE DEFENSE

The Plaintiff(s) was guilty of negligence which proximately contributed to the happening of the accident and damages alleged in the Complaint.

THIRD SEPARATE DEFENSE

The codefendant(s) was guilty of negligence which proximately contributed to the occurrence of the accident and damages alleged in the Complaint and thus is subject to the provisions of N.J.S.A. 2A:15-1, et seq.

FOURTH SEPARATE DEFENSE

The accident and damages alleged in the Complaint resulted from the concurrent negligence of the codefendant(s) and the plaintiff(s), and were not caused or contributed to in any way by the defendant(s).

FIFTH SEPARATE DEFENSE

The Complaint of the plaintiff(s) fails to state a claim upon which relief may be granted.

SIXTH SEPARATE DEFENSE

The Summons and Complaint of the Plaintiff(s) are defective because of insufficiency of process and/or insufficiency of service of process.

SEVENTH SEPARATE DEFENSE

The Complaint of the plaintiff(s) is defective because of lack of jurisdiction of the Court over the subject matter alleged therein and/or lack of jurisdiction over the person of the defendant(s).

EIGHTH SEPARATE DEFENSE

This is a frivolous suit under N.J.S.A. 2A:15-59-1 and defendant(s), therefore, demand counsel fees and costs.

NINTH SEPARATE DEFENSE

The cause of action alleged in the Complaint falls within the provisions of the Landowners Liability Act, N.J.S.A. 2A:42A-2, et seq. and the defendant(s) is therefore immune from liability.

TENTH SEPARATE DEFENSE

The cause of action alleged in the Complaint falls within the provisions of N.J.S.A. 2A:53A-7, and the defendant(s) is therefore immune from liability.

ELEVENTH SEPARATE DEFENSE

The cause of action alleged in the Complaint did not accrue at any time within two (2) years last before the commencement of this action, by virtue whereof the Statute of Limitations, N.J.S.A. 2A:14-2, constitutes a bar to the maintenance of this action by the plaintiff(s).

TWELFTH SEPARATE DEFENSE

The defendant was faced with an emergency situation and acted reasonably under the circumstances, and by reason thereof was guilty of no negligence with respect to the accident in question.

THIRTEENTH SEPARATE DEFENSE

The defendant(s) has met all of its obligations to the plaintiff(s) pursuant to any agreement in force between the parties at the time the cause of action herein arose.

FOURTEENTH SEPARATE DEFENSE

The defendant(s) owed no duty to plaintiff(s) and therefore is not liable in tort.

FIFTEENTH SEPARATE DEFENSE

The plaintiff(s) was a mere trespasser and therefore defendant(s) owes no duty to the plaintiff(s) other than as charged by law.

SIXTEENTH SEPARATE DEFENSE

The defendant(s) maintained no nuisance.

CROSSCLAIM FOR CONTRIBUTION

Defendant(s), Jennifer A. Maloney and Raymond T. Maloney, demand(s) contribution from the codefendant(s) in accordance with the provisions of the Joint Tortfeasors Contribution Act, N.J.S.A. 2A:53A-1, et seq.

CROSSCLAIM FOR INDEMNITY

While denying liability to the plaintiff(s) for the accident and damages alleged, if judgment is recovered by the plaintiff(s) against the defendant(s) it is hereby asserted that the defendant(s) negligence was merely constructive, technical, imputed or vicarious and that actions and damages of plaintiff(s) arose through the direct and primary negligence of the codefendant(s).

WHEREFORE, the defendant(s) demands judgment, seeking indemnification, from the said codefendant(s) for all such sums as may be found due against defendant(s) in favor of the plaintiff(s), together with counsel fees and costs.

ANSWER TO CROSSCLAIMS

In denial of crossclaims, filed and to be, the defendant(s) deny that they are liable to any crossclaimant(s) under the provisions of N.J.S.A. 2A:53A-1, et seq. and N.J.S.A. 2A:15-3.3, or any theory of indemnification. Furthermore, defendant(s) deny that any crossclaimant(s) are entitled to reliefs sought from these defendants.

DEMAND FOR INTERROGATORIES

The defendant(s) hereby demands that the plaintiff(s) supply answers to uniform Form A and Supplemental Interrogatories in accordance with the Rules of this Court.

The defendant(s) hereby demands that the co-defendant, Stafford Township, supply answers to uniform Form C and C2 Interrogatories in accordance with the Rules of this Court.

JURY DEMAND

Please take notice that demand is hereby made by defendants for a trial by jury of six as to all issues.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the Rules of Court, Kevin F. Sheehy, Esquire is hereby designated as trial counsel.

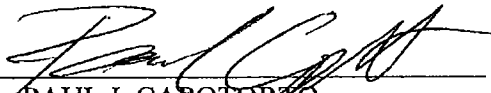
CERTIFICATION

The undersigned hereby certifies that the within pleading was served within the time period allowed by Rule 4:6-1(c) (as extended).

The undersigned further certifies, pursuant to Rule 4:5-1, that to the best of my knowledge, information and belief at this time, the matter in controversy is not the subject matter of any other action pending in any Court nor of any pending arbitration proceeding, that no other

action or arbitration is contemplated and, further, that there are no other parties who should be joined in this action.

LEYDEN, CAPOTORTO, RITACCO & CORRIGAN
A Professional Corporation
Attorneys for Defts., Jennifer A. Maloney and Raymond T. Maloney

BY: 
PAUL J. CAPOTORTO

Martin J. Buckley (168332016)
DASTI, MURPHY, McGUCKIN, ULAKY,
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620 West Lacey Road
P.O. Box 1057
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(609) 971-1010 FAX (609) 971-7093
Attorney for Defendant, Township of Stafford

DEBRA CLARKE and JOHN CLARKE,

Plaintiff,
vs.

TOWNSHIP OF STAFFORD; RAYMOND T.
MALONEY, JENNIFER A. MALONEY,
JOHN DOE 1-5 (fictitious defendants), ABC
PARTNERSHIPS 1-5, ABC LLCs 1-5 and
ABC CORP. 1-5 (fictitious corporate
defendants),

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION : OCEAN COUNTY

DOCKET NO.: OCN-L-001476-18

CIVIL ACTION

**ANSWER, SEPARATE DEFENSES,
CROSSCLAIMS, ANSWER TO
CROSSCLAIMS, JURY DEMAND,
AND CERTIFICATION PURSUANT
TO RULE 4:5-1**

Defendant, Township of Stafford, hereinafter referred to as the "Defendant", by
way of Answer to Plaintiff's Complaint, states as follows:

COUNT ONE

1. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 1 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
2. Defendant denies the allegations contained in Paragraph 2 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
3. Defendant denies the allegations contained in Paragraph 3 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.

DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS

COUNSELLORS AT LAW

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P.O. BOX 1057
FORKED RIVER, N.J. 08731

4. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 4 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
5. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 5 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
6. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 6 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
7. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 7 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
8. Defendant denies the allegations contained in Paragraph 8 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
9. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 9 of the Plaintiffs Complaint and leaves the Plaintiffs' to their proofs thereon.
10. Defendant denies the allegations contained in Paragraph 10 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
11. Defendant denies the allegations contained in Paragraph 11 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
12. Defendant denies the allegations contained in Paragraph 12 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.

**DASTI, MURPHY
McGUCKIN, ULAKY,
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13. Defendant denies the allegations contained in Paragraph 13 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
14. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 14 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.
15. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 15 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.

WHEREFORE, the Defendant, Township of Stafford, demands Judgment against the Plaintiffs' for:

- A. Dismissal of the Plaintiffs' Complaint in its entirety with prejudice;
- B. Costs of suit;
- C. Such other relief as this Court deems equitable and just.

COUNT TWO

16. This Defendant repeats and incorporates herein each and every answer set forth in the previous Count and repeats it herein.
17. This Defendant is without information sufficient to form a belief as to the allegations contained in Paragraph 17 of the Plaintiffs' Complaint and leaves the Plaintiffs to their proofs thereon.

WHEREFORE, the Defendant, Township of Stafford, demands Judgment against the Plaintiffs' for:

- A. Dismissal of the Plaintiffs' Complaint in its entirety with prejudice;
- B. Costs of suit;
- C. Such other relief as this Court deems equitable and just.

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SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The injuries suffered by Plaintiffs, if any, were due to acts of third persons over whom this Defendant had no control.

SECOND SEPARATE DEFENSE

The Defendant breached no duty owing to Plaintiffs.

THIRD SEPARATE DEFENSE

The Defendant was not negligent.

FOURTH SEPARATE DEFENSE

The Plaintiffs were contributorily and/or comparatively negligent.

FIFTH SEPARATE DEFENSE

The Plaintiffs assumed the risk by their own voluntary actions.

SIXTH SEPARATE DEFENSE

The accident complained of was the result of the sole negligence of Plaintiffs.

SEVENTH SEPARATE DEFENSE

Plaintiffs' damages are reduced by the percentage of negligence attributable to Plaintiffs.

EIGHTH SEPARATE DEFENSE

Plaintiffs' claim is barred by the provisions of the New Jersey Automobile Reparations Reform Act, N.J.S.A. 39:6A-1, et seq.

NINTH SEPARATE DEFENSE

The accident complained of was the result of the sole negligence of parties over whom this Defendant had no control.

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TENTH SEPARATE DEFENSE

The allegations complained of in Plaintiffs' Complaint fail to set forth a cause of action upon which relief may be granted.

ELEVENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-1 and N.J.S.A. 59:2-2, as to the immunities available to the public entity and/or public employee.

TWELFTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-3 and N.J.S.A. 59:3-2, as to the absence of liability from the exercise of judgment or discretion.

THIRTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-4, 59:3-3 and N.J.S.A. 59:3-4, as to the non-liability for any injury caused by adopting or failing to adopt a law or by failing to enforce the law.

FOURTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:3-5 as to the non-liability of a public employee for an injury caused by its adoption or failure to adopt any law or by its failure to enforce any law.

FIFTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-5 and N.J.S.A. 59:3-6 as to the non-liability for issuance or failure to issue any permit, license, certificate, approval, order or similar authorization.

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SIXTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-6 and N.J.S.A. 59:3-7 as to the non-liability for injury caused by the failure to inspect for the adequacy of same.

SEVENTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:2-7 and N.J.S.A. 59:3-11, concerning recreational facilities.

EIGHTEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:4-2 and N.J.S.A. 59:4-3, as to the condition of property, including, but not limited to, issues of actual or constructive notice and condition of its public property.

NINETEENTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:4-4 and N.J.S.A. 59:4-5.

TWENTIETH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:4-6 as to the liability for an injury caused by the plan or design of public property, either as to original construction or improvement thereto.

TWENTY-FIRST SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:4-7 as to the effect of weather conditions on the use of streets and highways.

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620 WEST LACEY ROAD
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FORKED RIVER, N.J. 08731

TWENTY-SECOND SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:4-8 and N.J.S.A. 59:4-9, as to the condition of any unimproved public property, including but not limited to, tidelands and submerged lands.

TWENTY-THIRD SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:5-4 as to the failure to provide police protection service.

TWENTY-FOURTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:8-3 and N.J.S.A. 59:8-7, regarding failure to provide adequate notice of claim.

TWENTY-FIFTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:8-8 and N.J.S.A. 59:8-11 regarding failure to timely file notice of claim and/or failure to file notice of claim as set forth therein.

TWENTY-SIXTH SEPARATE DEFENSE

Defendant asserts the applicability of the provisions of N.J.S.A. 59:9-1 through N.J.S.A. 59:9-7 concerning conditions of suit and judgment.

CROSSCLAIM FOR CONTRIBUTION

AND INDEMNIFICATION

Without admitting any liability whatsoever, Defendant Stafford Township hereby demand from Defendants Jennifer A. Maloney and Raymond T. Maloney both contribution and indemnification pursuant to any/all applicable provisions of common law and/or contract and/or statute (including but not limited to the New Jersey Tortfeasor's Contribution Act,

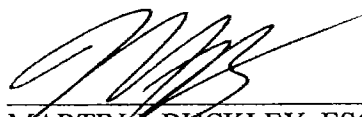
DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS
COUNSELLORS AT LAW
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N.J.S.A. 2:53-A-1 et seq; the Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq; the New Jersey Tort Claims Act, N.J.S.A. 59:9-3, 9-4) and/or by way of demand for complete indemnification against Defendants Jennifer A. Maloney and Raymond T. Maloney .

ANSWER TO CROSSCLAIMS

In denial of crossclaims, filed and to be, the defendant denies that they are liable to any crossclaimants under the provisions of N.J.S.A. 2A:53A-1, et seq. and N.J.S.A. 2A:15-3.3 or any theory of indemnification. Furthermore, defendant denies that any crossclaimant(s) are entitled to reliefs sought from this defendant.

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Attorney for Defendant, Township of Stafford



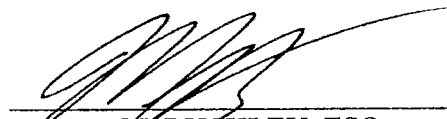
MARTIN J. BUCKLEY, ESQ.

Dated: August 6, 2018

JURY DEMAND

Defendant Township of Stafford hereby demand a Trial by jury on all issues.

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Attorney for Defendant, Township of Stafford



MARTIN J. BUCKLEY, ESQ.

Dated: August 6, 2018

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

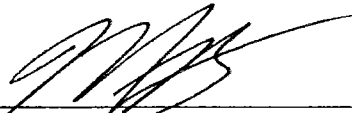
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DESIGNATION OF TRIAL COUNSEL

Martin J. Buckley, Esquire, is hereby designated as trial counsel on behalf of Defendant Township of Stafford.

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Attorney for Defendant, Township of Stafford



MARTIN J. BUCKLEY, ESQ.

Dated: August 6, 2018

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding and none are contemplated.

I 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 am subject to punishment.

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Attorney for Defendant, Township of Stafford



MARTIN J. BUCKLEY, ESQ.

Dated: August 6, 2018

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

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**DEMAND FOR ANSWERS TO
INTERROGATORIES**

Defendant Township of Stafford hereby demands answers to Form "A" Uniform Interrogatories from Plaintiffs. Defendant Township of Stafford hereby demands answers to Form "C" and "C(2)" Uniform Interrogatories from Defendants.

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Attorney for Defendant, Township of Stafford



MARTIN J. BUCKLEY, ESQ.

Dated: August 6, 2018

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