



101 Vera King Farris Drive | Galloway NJ 08205-9441
stockton.edu

July 26, 2018

Via Email at opra+request-2030-9bd15f93@requests.opramachine.com

Re: OPRA 072318-1

Dear Anonymous:

Stockton University received your Open Public Records Act (OPRA) request on July 23, 2018. The undersigned official Records Custodian received your OPRA request on July 23, 2018. Please be advised that the University is closed for business on Fridays due to the compressed summer workweek. As such, the seven (7)-business day deadline to respond to your request is August 2, 2018.

Your OPRA Request sought access to the following:

- **Copy of the complaint K.C. vs. Stockton University Copy of any Answers file.
L-451-17 OCN is the docket number**

With regards to your records request, the records referenced on the attached Index are being timely provided without redactions.

If your request for access to a government record has been denied, you have a right to challenge the decision to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council ("GRC") by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The Council can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk.

Sincerely,

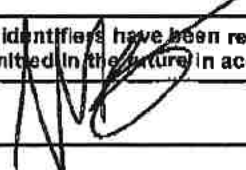
A handwritten signature in cursive script that reads "Thomas P. Chester".

Thomas P. Chester | OPRA Custodian
Tel. 609.652.4589
Thomas.Chester@stockton.edu

**Anonymous OPRA Request
INDEX**

Records responsive to <u>OPRA Request</u>	<u>Records Requested</u>	Bates Stamp <u>Page #</u>	Justification (Please refer to <u>LEGEND</u>)
Complaint of Plaintiff	Copy of the complaint K.C. vs. Stockton University Copy of any Answers Filed. L-451-17-OCN is the docket number	1-11	N/A
Answer of Stockton University		12-24	<u>N/A</u>

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME Jeffrey V. Stripto, Esquire		TELEPHONE NUMBER (732) 449-3304
	COUNTY OF VENUE Ocean		DOCKET NUMBER (when available) 8451-17
	FIRM NAME (if applicable) Law Office of Roy D. Cumow		DOCUMENT TYPE Complaint
OFFICE ADDRESS 900 State Highway 71 Spring Lake Heights, New Jersey 07762		JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Karen Caine		CAPTION Karen Caine -vs- Stockton University, et al.	
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? ☐ Yes ☒ No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ Yes ☒ No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ Yes ☒ No		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ Yes ☒ No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT "INDIVIDUAL MANAGEMENT" OR ACCELERATED DISPOSITION None			
RECEIVED & FILED FEB 10 2017 SUPERIOR CT - OCEAN			
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☒ YES ☐ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 161 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 601 SUMMARY ACTION
- 602 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

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- 305 CONSTRUCTION
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- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

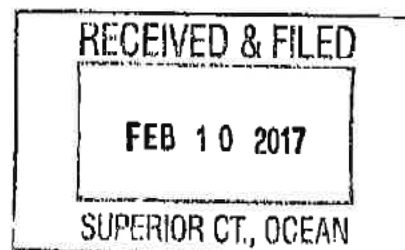
Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETA/AREDIA | 292 PELVIC MESH/BARD |
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| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category ☐ Putative Class Action ☐ Title 59

Law Office of Roy D. Curnow
Jeffrey V. Stripto - NJ Attorney ID No. - 031781999
900 State Highway 71
Spring Lake Heights, New Jersey 07762
(732) 449-3304
Attorneys for Plaintiff



KAREN CAINE,

Plaintiff,

-vs-

NEW JERSEY SUPERIOR COURT

LAW DIVISION

COUNTY OF OCEAN

DOCKET NO. OCN-L-

2451-17

Civil Action

STOCKTON UNIVERSITY and JOHN DOES
1-5 (persons responsible for the ownership,
supervision, repair, operation, maintenance
and control of said premises where plaintiff
fell and sustained injuries), and ABC
COMPANIES 1-5 (names of persons/companies
presently unknown who owned, operated,
cleaned, controlled, inspected, supervised,
constructed, managed, maintained and/or
repaired said premises where plaintiff fell and
sustained injuries),

COMPLAINT, JURY DEMAND,
NOTICE TO PRODUCE,
DEMAND FOR PRODUCTION
OF DOCUMENTS, DEMAND
FOR ANSWERS TO
INTERROGATORIES
DISCOVERY OF INSURANCE
COVERAGE

Defendants.

The plaintiff, Karen Caine, residing at 112 Elisabeth Avenue, in the Township of
Brick, County of Ocean and State of New Jersey, complaining of the defendants, says:

FIRST COUNT

1. On or about February 16, 2016, the plaintiff, Karen Caine, was legally and
lawfully upon premises located at 101 Vera King Farris Drive, Galloway, New Jersey,

owned, operated, controlled, maintained, supervised, managed, designed, constructed and repaired by the defendants, Stockton University, John Does 1-5 (persons responsible for the ownership, maintenance and control of the premises where plaintiff fell and sustained injuries), and ABC Companies 1-5 (names of persons/companies presently unknown who owned, operated, cleaned, controlled, inspected, supervised, constructed, managed, maintained and/or repaired said premises where plaintiff fell and sustained injuries) said premises being known as 101 Vera King Farris Drive in the Township of Galloway, County of Atlantic and State of New Jersey. Moreover, the defendants further carelessly and negligently failed to adequately correct the aforesaid condition which constituted a slip and fall hazard.

2. As a direct and proximate result of the negligence of the defendants in the manner in which the said premises were constructed, owned, operated, designed, managed, maintained, supervised, controlled and repaired, the plaintiff, Karen Caine, was caused to fall and suffer injuries; she was caused to suffer great pain and will be caused to suffer great pain in the future; she was caused to incur medical expenses and will be caused to incur medical expenses in the future; and she was caused to suffer permanent injury.

WHEREFORE, the plaintiff, Karen Caine, demands judgment against the defendants, Stockton University, John Does 1-5 (persons responsible for the ownership, maintenance and control of the premises where plaintiff fell and sustained injuries), and ABC Companies 1-5 (names of persons/companies presently unknown who owned, operated, cleaned, controlled, inspected, supervised, constructed, managed, maintained and/or repaired said premises where plaintiff fell and sustained injuries), jointly, severally or in the alternative, for damages, interest and costs of suit.

SECOND COUNT

1. The plaintiff, Karen Caine, repeats the allegations contained in the First Count as if the same were more fully set forth herein and made a part hereof.
2. The plaintiff herein alleges that there was a breach of regulations that constitutes a statutory tort.

WHEREFORE, the plaintiff, Karen Caine, demands judgment against the defendants, Stockton University, John Does 1-5 (persons responsible for the ownership, maintenance and control of the premises where plaintiff fell and sustained injuries), and ABC Companies 1-5 (names of persons/companies presently unknown who owned, operated, cleaned, controlled, inspected, supervised, constructed, managed, maintained and/or repaired said premises where plaintiff fell and sustained injuries).

THIRD COUNT

1. Plaintiff repeats the allegations contained in the First Count and Second Counts of this Complaint and makes them a part hereof.
2. The defendants, John Does 1-5 and ABC Companies 1-5, are fictitious names intended to identify any and all parties, including individuals, corporations and/or other entities whose identities are presently unknown to plaintiff, who together with the named defendants were responsible for the ownership, operation, control and maintenance of the property involved in the incident referred to herein; failed to maintain, inspect, control, operate, supervise, repair, own, control and design the property in a safe manner and allowed a dangerous condition to exist, and the defendant through its agents, servants and/or employees, further carelessly and negligently failed to adequately correct the aforesaid condition at the property where plaintiff fell in a safe manner and allowed a dangerous condition to exist and were otherwise careless.

3. As a direct and proximate result of the aforementioned negligence of the defendants, John Does 1-5 and ABC Companies, (fictitious names), in the manner in which they negligently owned, leased, operated, controlled, supervised, inspected, constructed, managed, maintained and/or repaired the premises in question, the Plaintiff, Karen Caine, was caused to fall and suffer severe and permanent injuries to her limbs and body; was caused to suffer great pain and anguish; and will in the future be caused to suffer great pain, was caused to incur medical expenses;

WHEREFORE, the plaintiff, Karen Caine, demands judgment for damages against the defendants, Stockton University, John Does 1-5 (persons responsible for the ownership, maintenance and control of the premises where plaintiff fell and sustained injuries), and ABC Companies 1-5 (names of persons/companies presently unknown who owned, operated, cleaned, controlled, inspected, supervised, constructed, managed, maintained and/or repaired said premises where plaintiff fell and sustained injuries), jointly, severally, and/or individually for money damages together with interest, attorney's fees and costs of suit.

REQUEST FOR PERMISSION TO VIEW PREMISES

Plaintiff hereby demands, pursuant to R.4:18-1, that her legal representatives be permitted entry upon the premises where plaintiff was injured, located at 101 Vera King Farris Drive, Galloway, New Jersey within forty-five (45) days from the service of the complaint for the purpose of inspecting and/or photographing the area where the incident complained of occurred.

NOTICE TO PRODUCE

Pursuant to Rule 4:18-1, the plaintiff hereby demands that the defendant produce the following documentation within thirty (30) days as prescribed by the Rules of Court. Additionally, please be advised that the following requests are ongoing and continuing in

nature and the defendant is therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. The amounts of any and all insurance coverage covering the defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page there from.

2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

4. Copies of any and all signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, any contracts between the owner of the property or product involved in the incident in question and any of the parties involved in this matter.

6. Copies of any and all contracts between any of the parties involved in the incident in question.

7. Copies of any and all documentation concerning any lease agreements between the lessor(s) and the lessee(s) concerning the incident in question.

8. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

9. Copies of any and all permits applied for by the parties to the action in question concerning the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

10. Copies of any and all permits received by the parties to the action in question concerning the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

11. Copies of any and all discovery received from any other parties to the action in question.

12. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.

13. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.

14. Copies of any and all records of any type subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

15. A list of employees present at the job site or accident site, their names, addresses and job titles.

16. Please be advised that the plaintiff hereby objects to the taking of any photographs, x-rays or other reproductions concerning the plaintiff or the plaintiff's injuries at the time of the defense examination.

DEMAND FOR INTERROGATORIES

PLEASE TAKE NOTICE that pursuant to R. 4:17, plaintiff hereby demands that each defendant provide to this office responses to Form C and C(2) Interrogatories.

SUPPLEMENTAL INTERROGATORIES

1. Please identify all parties responsible for the construction, maintenance and repair of the area in question, The Gran Hall Campus Center at Stockton University.
2. If the defendant had any employees, supervisors, managers or agents working at defendant, Stockton University on the date of plaintiff's accident, February 16, 2016, please provide their names, addresses, and indicate whether the employee is currently employed by the defendant.
3. Prior to plaintiff's accident, when the last time that the defendants inspected the area in question and surrounding areas and by whom?
4. Please state whether the defendants had ever been advised that someone fell in the Grand Hall Campus Center at Stockton University prior to plaintiff's accident. If so, please identify who fell, their address, where they fell and the docket numbers of any resultant lawsuits.
5. Please state whether the defendants had received any complaints about the area in question and surrounding areas.

6. Please state whether the area in question has been repaired, removed altered or changed in any way since the plaintiff's accident, if so, please state when, by whom and attach any and all related documents, receipts or bills.
7. Does the Defendant contend that the area where plaintiff fell is safe for pedestrian travel.
8. If the defendant contends that the area where plaintiff fell is a restricted area, please identify all restrictions and how those restrictions are communicated to pedestrians.
- 9.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R.4:10-2(b), demand is hereby made that defendant disclose to Plaintiff's attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide Plaintiff's attorney with true copies of such insurance agreements or policies including, but not limited to, any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess, catastrophe, PUP (Personal Umbrella Policy) and umbrella policies.

JURY DEMAND

PLEASE TAKE NOTICE that pursuant to R. 4:35-1, the plaintiff demands a trial by jury.

DESIGNATION OF TRIAL COUNSEL

Please take notice that, pursuant to R. 4:18-4, Roy D. Curnow, Esquire is hereby designated as trial counsel in the above captioned matter for the Law Office of Roy D. Curnow attorneys for the plaintiff.

CERTIFICATION

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other court or in any Arbitration proceedings. At this time, no other court proceeding or Arbitration proceeding is contemplated.

Law Office of ROY D. CURNOW
Attorneys for Plaintiff

BY: _____

JEFFREY V. STRIPTO

Dated: January 11, 2016

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME Sadyhe' T. Bradley, DAG		TELEPHONE NUMBER 609-777-4872	
	COUNTY OF VENUE Ocean		DOCKET NUMBER (when available) OCN-L-451-17	
	FIRM NAME (if applicable) Office of the Attorney General -- Tort Litigation		DOCUMENT TYPE Answer	
OFFICE ADDRESS Division of Law Richard J. Hughes Justice Complex PO Box 116 Trenton, NJ 08625-0116			JURY DEMAND ☒ YES ☐ NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Stockton University, Defendant		CAPTION CAINE, Karen v. Stockton University, et al.		
CASE TYPE NUMBER (See reverse side for listing) 605, 699	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
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ATTORNEY SIGNATURE: 				



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Track III - 450 days' discovery

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If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☒ Title 59

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
PO Box 116
Trenton, New Jersey 08625
Attorney for Defendant,
Stockton University

By: Sadyhe` T. Bradley (061212013)
Deputy Attorney General
609-777-4872
Sadyhe.Bradley@dol.lps.state.nj.us

KAREN CAINE,
Plaintiff,

v.

STOCKTON UNIVERSITY and JOHN
DOES 1-5 (persons responsible
for the ownership, supervision,
repair, operation, maintenance
and control of said permises
where plaintiff fell and
sustained injuries), and ABD
COMPANIES 1-5 (names of
persons/companies presently
unknown who owned, operated,
cleaned, controlled, inspected,
supervised, constructed,
managed, maintained and/or
repaired said premises where
plaintiff fell and sustained
injuries),
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION OCEAN COUNTY

Docket No. OCN-L-451-17

CIVIL ACTION

ANSWER TO COMPLAINT AND
CROSSCLAIMS
AND DEMAND FOR DISCOVERY

Stockton University hereinafter referred to as "State Defendant" through its counsel, Christopher S. Porrino, Attorney General of the State of New Jersey, Deputy Attorney General Sadyhe` T. Bradley appearing, hereby answers Plaintiff's Complaint as follows:

COUNT I

1. Denied as to State Defendant.
2. Denied as to State Defendant.

WHEREFORE, the State Defendant demands judgment in its favor and against Plaintiff dismissing Plaintiff's Complaint with prejudice, plus costs.

COUNT II

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.

WHEREFORE, the State Defendant demands judgment in its favor and against Plaintiff dismissing Plaintiff's Complaint with prejudice, plus costs.

COUNT III

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given. To the extent a response is required, Denied.

3. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given. To the extent a response is required, Denied.

WHEREFORE, the State Defendant demands judgment in its favor and against Plaintiff dismissing Plaintiff's Complaint with prejudice, plus costs.

SEPARATE DEFENSES

FIRST SEPARATE DEFENSE

The service of the summons and complaint upon the defendant was insufficient by reason of manner of service of process and insufficiency of service of process.

SECOND SEPARATE DEFENSE

The court lacks subject matter jurisdiction over the within controversy.

THIRD SEPARATE DEFENSE

The court lacks in personam jurisdiction over defendant.

FOURTH SEPARATE DEFENSE

The Court is without jurisdiction due to the insufficiency of process.

FIFTH SEPARATE DEFENSE

Venue is improper, and defendant reserves the right to move for transfer.

SIXTH SEPARATE DEFENSE

The action is subject to dismissal pursuant to the doctrine of forum non conveniens.

SEVENTH SEPARATE DEFENSE

Plaintiff lacks standing to assert the claims contained in the complaint.

EIGHTH SEPARATE DEFENSE

Plaintiff's cause of action is preempted or otherwise precluded by state law or regulations covering the subject matter of Plaintiff's claim with which defendant has fully complied.

NINTH SEPARATE DEFENSE

Recovery is barred by the failure of Plaintiff to give timely notice of claim or to present a claim in accordance with N.J.S.A. 59:8-1 et seq.

TENTH SEPARATE DEFENSE

Recovery is barred in this action by the failure of the Plaintiff's Complaint to state a claim upon which relief can be granted.

ELEVENTH SEPARATE DEFENSE

The Complaint and the proceedings resulting therefrom and any recovery resulting therefrom is barred, limited and/or controlled by all provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 through 59:12-3 inclusive, as if each section, provision,

defense, and immunity were listed herein separately, particularly, and at length.

TWELFTH SEPARATE DEFENSE

Plaintiff's claims are barred by the applicable State statute of limitation.

THIRTEENTH SEPARATE DEFENSE

Plaintiff was contributorily and/or comparatively negligent.

FOURTEENTH SEPARATE DEFENSE

Plaintiff failed to mitigate or minimize her alleged injuries or damages.

FIFTEENTH SEPARATE DEFENSE

Plaintiff's alleged injuries and damages were caused, in whole or in part, by pre-existing conditions, or other contributory or concurrent conditions or factors, including events occurring prior or subsequent to the occurrence made the basis of Plaintiff's claim against defendant.

SIXTEENTH SEPARATE DEFENSE

The injuries alleged in the complaint are not the foreseeable consequences of any act or omission and/or commission or conduct on behalf of defendant and are too remote and/or speculative to warrant a recovery against defendant.

SEVENTEENTH SEPARATE DEFENSE

The injuries were due to the acts or omissions of third persons over whom defendant had no control.

EIGHTEENTH SEPARATE DEFENSE

Insofar as Plaintiff's complaint attempts to assert, explicitly or implicitly, that defendant is a successor-in-interest to any other entity or entities, all said averments are specifically denied in their entirety.

NINETEENTH SEPARATE DEFENSE

Defendant is entitled to a set off against any claim asserted by Plaintiff of all such sums which have been paid or funded by defendant on behalf of Plaintiff.

TWENTIETH SEPARATE DEFENSE

Defendant was not negligent and violated no duty to Plaintiff.

TWENTY-FIRST SEPARATE DEFENSE

Recovery is barred in this action by reason of a prior judgment or settlement arising out of the same transaction.

TWENTY-SECOND SEPARATE DEFENSE

Recovery is barred in this action by virtue of the entire controversy doctrine.

TWENTY-THIRD SEPARATE DEFENSE

Recovery is barred in this action by the principles of res judicata and collateral estoppel.

TWENTY-FOURTH SEPARATE DEFENSE

Recovery is barred in this action by principles of waiver.

TWENTY-FIFTH SEPARATE DEFENSE

Recovery is barred in this action pursuant to N.J.S.A. 48:12-1, et seq.

TWENTY-SIXTH SEPARATE DEFENSE

Recovery is barred pursuant to the immunity set forth in N.J.S.A. 2A:53A-7.

TWENTY-SEVENTH SEPARATE DEFENSE

Recovery is barred by virtue of the Worker's Compensation Act and N.J.S.A. 34:15-8.

TWENTY-EIGHTH SEPARATE DEFENSE

Recovery in this action is barred by the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

TWENTY-NINTH SEPARATE DEFENSE

Answering Defendant acted in good faith at all times.

THIRTIETH SEPARATE DEFENSE

The conduct of answering Defendant was reasonable, proper, and within the scope of their authority.

THIRTY-FIRST SEPARATE DEFENSE

Plaintiff is barred from seeking punitive damages as answering Defendant did not act with evil motive or intent, or reckless or callous indifference to the protected rights of others.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

Plaintiff cannot meet the elements to prove that a dangerous condition existed under N.J.S.A. 59:1-1, et seq..

THIRTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiff cannot prove Defendant had ownership or control over the property as required under N.J.S.A. 59:4-1, et seq..

ANSWER TO CROSSCLAIMS

State Defendant, by way of Answer to any and all Crossclaims which may be made against it says:

State Defendant denies all allegations of any crossclaim that crossclaimants are entitled to relief sought.

WHEREFORE, State Defendant demands judgment dismissing any crossclaim, plus costs.

CROSSCLAIM FOR
CONTRIBUTION AND INDEMNIFICATION

Without admitting any liability whatsoever, State Defendant hereby demands from any/all other defendants currently named or to be named to this action 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 Joint Tortfeasors Contribution Act, N.J.S.A. 2:53A-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), by way of demand for complete indemnification against all other defendants currently named or to be named, assert that any negligence on the part of these answering defendants is only secondary, vicarious,

and imputed whereas the negligence of any/all such other defendants was primary, direct, and active.

REQUEST FOR ALLOCATION

Pursuant to Young v. Latta, 123 N.J. 584 (1991), State Defendant hereby advises that if any co-Defendant settles the within matter prior to conclusion of trial, the liability of any settling co-Defendants shall remain an issue and State Defendant shall seek an allocation of percentage of negligence by the finder of fact against such a settling co-Defendant and/or a credit in favor of State defendant consistent with such allocation.

REQUEST FOR STATEMENT OF DAMAGES

A written statement of the amount of damages claimed is hereby requested pursuant to R. 4:5-2 within five days of service.

JURY DEMAND

State Defendant demands a trial by jury on all issues in the cause.

NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4

PLEASE TAKE NOTICE that the undersigned attorneys do hereby demand, pursuant to the above-cited Rules of Court, that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, and all documents, papers and other material

referred to therein, received from any party, upon the undersigned attorneys, and TAKE NOTICE that this is a CONTINUING demand.

RESERVATION OF RIGHTS

State Defendant reserves the right, at or before trial, to move to dismiss the complaint and/or for summary judgment, on the ground that the complaint fails to state a claim upon which relief can be granted and/or the defendants are entitled to judgment as a matter of law, based on any or all of the above defenses.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(b)2, demand is hereby made that Plaintiff answer the discovery demands listed below:

Form A Uniform Interrogatories to be answered by Plaintiff in all Personal Injury cases (except medical malpractice cases)

Form B Uniform Interrogatories to be answered by Plaintiff: Property damage to motor vehicle

DEMAND FOR SIGNED AUTHORIZATIONS

Pursuant to Rule 4:17-4(f), demand is hereby made that Plaintiff provide authorizations contemporaneous with service of Plaintiff's answers to interrogatories.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, the Court is advised that Sadyhe` T. Bradley, Deputy Attorney General, is hereby designated as trial counsel.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Sadyhe` T. Bradley
Deputy Attorney General

DATE: May 25, 2017

CERTIFICATION REGARDING OTHER
PROCEEDINGS AND PARTIES

I certify in accordance with R. 4:5-1 that to the best of my knowledge as of the date herein there are no other proceedings either pending or contemplated with respect to the matter in controversy in this action and no other parties who should be joined in the action.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Sadyhe` T. Bradley
Deputy Attorney General

DATE: May 25, 2017

CERTIFICATION REGARDING SERVICE

I certify that a copy of the within pleading was served on the attorney for Plaintiff within the time period allowed by R. 4:6-1 or within the extended time period pursuant to Consent Order.

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By: 

Sadyhe T. Bradley
Deputy Attorney General

DATE: May 25, 2017