

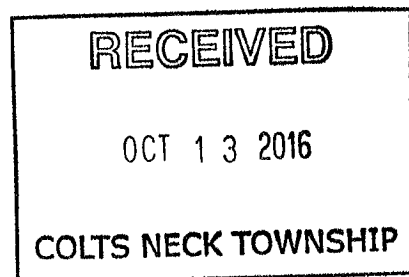


Plosia Cohen

Chester Woods Complex
385 Route 24, Suite 3G
Chester, NJ 07930

(908) 888-2547 (p)
(908) 888-2548 (f)
www.pclawnj.com

James L. Plosia Jr
Jonathan F. Cohen



October 10, 2016

Clerk of the Superior Court
Monmouth County Courthouse
71 Monument Street
Freehold, New Jersey 07728

Re: Kevin Sauter v. Township of Colts Neck
Docket No.: MON-L-3122-16

Dear Sir/Madam:

This firm represents Defendant Township of Colts Neck regarding the above-captioned matter. Enclosed is an original and one copy of the Township of Colt Neck's Answer and Separate Defenses and a Civil Case Information Statement. A Certification of Service is appended to the Answer.

In the event that there are any charges associated with this submission, please charge our collateral account (#144875). Kindly return the extra copy, stamped filed, to this office in the envelope provided. Thank you. Please contact me if you have any questions or require further information.

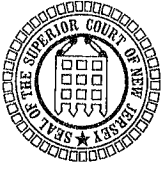
Sincerely yours,

James L. Plosia Jr.
ID #023551988

JLP:CAP
Enclosures

cc: Charles J. Sciarra, Esq. (w/encl. via reg. mail)
Kathleen M. Capristo, Township Administrator (w/encl. via reg. mail) ✓

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	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		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME James L. Plosia Jr., Esq.		TELEPHONE NUMBER (908) 888-2547	
	COUNTY OF VENUE Monmouth		DOCKET NUMBER (when available) MON-L-3122-16	
FIRM NAME (if applicable) Plosia Cohen LLC			DOCUMENT TYPE Answer	
OFFICE ADDRESS Chester Woods Complex 385 Rt. 24, Suite 3G Chester, NJ 07930			JURY DEMAND ☐ YES ☒ NO	
NAME OF PARTY (e.g., John Doe, Plaintiff) Township of Colts Neck, Defendant		CAPTION Kevin Sauter v. Township of Colts Neck		
CASE TYPE NUMBER (See reverse side for listing) 701	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				
 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

- 151 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
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 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

JAMES L. PLOSIA JR., ESQ. (ID# 023551988)
PLOSIA COHEN LLC
Chester Woods Complex
385 Rt. 24, Suite 3G
Chester, NJ 07930
908 888-2547
Attorneys for Defendant Township of Colts Neck

KEVIN SAUTER,

Plaintiff,

v.

TOWNSHIP OF COLTS NECK,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH
COUNTY

Docket No.: MON-L-3122-16

CIVIL ACTION

**DEFENDANT'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Defendant Township of Colts Neck ("Township"), having an address of 124 Cedar Drive, Colts Neck, New Jersey 07722, by way of answer to Plaintiff's Complaint, says:

1. Paragraph 1 of the Complaint contains no facts which must be either admitted or denied.
2. Paragraph 2 of the Complaint contains no facts which must be either admitted or denied.
3. Defendant admits each and every allegation contained in paragraph 3 of the Complaint.
4. Defendant admits each and every allegation contained in paragraph 4 of the Complaint.

5. Paragraph 5 of the Complaint contains no facts which must be either admitted or denied.

6. Defendant admits each and every allegation contained in paragraph 6 of the Complaint.

7. Defendant admits each and every allegation contained in paragraph 7 of the Complaint.

8. Defendant neither admits nor denies the allegations contained in paragraph 8 of the Complaint and leaves Plaintiff to his proofs.

9. Defendant neither admits nor denies the allegations contained in paragraph 9 of the Complaint and leaves Plaintiff to his proofs.

10. Concerning the allegations contained in paragraph 10 of the Complaint, Defendant responds that the disciplinary charges speak for themselves.

11. Concerning the allegations contained in paragraph 11 of the Complaint, Defendant responds that the disciplinary charges speak for themselves.

12. Concerning the allegations contained in paragraph 12 of the Complaint, Defendant responds that the disciplinary charges speak for themselves.

13. Concerning the allegations contained in paragraph 13 of the Complaint, Defendant responds that the disciplinary charges speak for themselves.

14. Defendant neither admits nor denies the allegations contained in paragraph 14 of the Complaint and leaves Plaintiff to his proofs.

15. Defendant neither admits nor denies the allegations contained in paragraph 15 of the Complaint and leaves Plaintiff to his proofs.

16. Defendant neither admits nor denies the allegations contained in paragraph 16 of the Complaint and leaves Plaintiff to his proofs.

17. Defendant neither admits nor denies the allegations contained in paragraph 17 of the Complaint and leaves Plaintiff to his proofs.

18. Defendant neither admits nor denies the allegations contained in paragraph 18 of the Complaint and leaves Plaintiff to his proofs.

19. Defendant denies each and every allegation contained in paragraph 19 of the Complaint.

20. Defendant neither admits nor denies the allegations contained in paragraph 20 of the Complaint and leaves Plaintiff to his proofs.

21. Concerning the allegations contained in paragraph 21 of the Complaint, Defendant responds that Robert Bowden's September 8, 2014 letter speaks for itself.

22. Concerning the allegations contained in paragraph 22 of the Complaint, Defendant responds that Chief Sauter's September 10, 2014 letter speaks for itself.

23. Concerning the allegations contained in paragraph 23 of the Complaint, Defendant responds the November 2014 Directive speaks for itself.

24. Defendant denies each and every allegation contained in paragraph 24 of the Complaint.

25. Defendant neither admits nor denies the allegations contained in paragraph 25 of the Complaint and states that the Chief's May 28, 2016 memorandum speaks for itself.

26. Defendant admits each and every allegation contained in paragraph 26 of the Complaint.

27. Defendant neither admits nor denies the allegations contained in paragraph 27 of the Complaint and states that the Chief's May 28, 2016 memorandum speaks for itself.

28. Defendant neither admits nor denies the allegations contained in paragraph 28 of the Complaint and states that the June 4, 2015 Purchase Order speaks for itself.

29. Defendant neither admits nor denies the allegations contained in paragraph 29 of the Complaint and states that the Chief's September 9, 2015 email speaks for itself.

30. Defendant neither admits nor denies the allegations contained in paragraph 30 of the Complaint and states that the Purchase Order speaks for itself.

31. Defendant neither admits nor denies the allegations contained in paragraph 31 of the Complaint and states that the September 10, 2000 email from the Colts Neck Business Administrator speaks for itself.

32. Defendant admits each and every allegation contained in paragraph 32 of the Complaint.

33. Defendant admits each and every allegation contained in paragraph 33 of the Complaint.

34. Defendant neither admits nor denies the allegations contained in paragraph 34 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

35. Defendant neither admits nor denies the allegations contained in paragraph 35 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

36. Defendant neither admits nor denies the allegations contained in paragraph 36 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

37. Defendant neither admits nor denies the allegations contained in paragraph 37 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

38. Defendant neither admits nor denies the allegations contained in paragraph 38 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

39. Defendant neither admits nor denies the allegations contained in paragraph 39 of the Complaint and states that the November 2014 Directive speaks for itself.

40. Defendant neither admits nor denies the allegations contained in paragraph 40 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

41. Defendant neither admits nor denies the allegations contained in paragraph 41 of the Complaint and leaves Plaintiff to his proofs.

42. Defendant neither admits nor denies the allegations contained in paragraph 42 of the Complaint and leaves Plaintiff to his proofs.

43. Defendant neither admits nor denies the allegations contained in paragraph 43 of the Complaint and leaves Plaintiff to his proofs.

44. Defendant denies each and every allegation contained in paragraph 44 of the Complaint and leaves Plaintiff to his proofs.

45. Defendant neither admits nor denies the allegations contained in paragraph 45 of the Complaint and states that the November 2014 Directive speaks for itself.

46. Defendant neither admits nor denies the allegations contained in paragraph 46 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

47. Defendant neither admits nor denies the allegations contained in paragraph 47 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

48. Defendant neither admits nor denies the allegations contained in paragraph 48 of the Complaint and leaves Plaintiff to his proofs.

49. Defendant neither admits nor denies the allegations contained in paragraph 49 of the Complaint and leaves Plaintiff to his proofs.

50. Defendant neither admits nor denies the allegations contained in paragraph 50 of the Complaint and states that Ms. Capristo's testimony speaks for itself (as reflected in the Hearing Transcript).

51. Defendant neither admits nor denies the allegations contained in paragraph 51 of the Complaint and states that the November 19, 2014 Directive speaks for itself.

52. Defendant neither admits nor denies the allegations contained in paragraph 52 of the Complaint and leaves Plaintiff to his proofs.

53. Defendant neither admits nor denies the allegations contained in paragraph 53 of the Complaint and leaves Plaintiff to his proofs.

54. Defendant neither admits nor denies the allegations contained in paragraph 54 of the Complaint and leaves Plaintiff to his proofs.

55. Defendant neither admits nor denies the allegations contained in paragraph 55 of the Complaint and leaves Plaintiff to his proofs.

56. Defendant neither admits nor denies the allegations contained in paragraph 56 of the Complaint and leaves Plaintiff to his proofs.

57. Defendant neither admits nor denies the allegations contained in paragraph 57 of the Complaint and leaves Plaintiff to his proofs.

58. Defendant neither admits nor denies the allegations contained in paragraph 58 of the Complaint and leaves Plaintiff to his proofs.

59. Defendant admits each and every allegation contained in paragraph 59 of the Complaint.

60. Defendant admits each and every allegation contained in paragraph 60 of the Complaint.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

COUNT I

61. Defendant repeats and re-alleges each and every response to the allegations set forth in paragraphs 1-60 of Plaintiff's Complaint as if fully set forth herein.

62. Defendant admits each and every allegation contained in paragraph 62 of the Complaint.

63. Defendant neither admits nor denies the allegations contained in paragraph 63 of the Complaint, inasmuch as there are no factual allegations set forth therein.

64. Defendant neither admits nor denies the allegations contained in paragraph 64 of the Complaint, inasmuch as there are no factual allegations set forth therein.

65. Defendant neither admits nor denies the allegations contained in paragraph 65 of the Complaint, inasmuch as there are no factual allegations set forth therein.

66. Defendant neither admits nor denies the allegations contained in paragraph 66 of the Complaint, inasmuch as there are no factual allegations set forth therein.

67. Defendant denies each and every allegation contained in paragraph 67 of the Complaint.

68. Defendant denies each and every allegation contained in paragraph 68 of the Complaint.

69. Paragraph 69 of the Complaint contains no facts which must be either admitted or denied.

70. Paragraph 70 of the Complaint contains no facts which must be either admitted or denied.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

COUNT II

71. Defendant repeats and re-alleges each and every response to the allegations set forth in paragraphs 1-70 of Plaintiff's Complaint as if fully set forth herein.

72. Paragraph 72 of the Complaint contains no facts which must be either admitted or denied.

73. Defendant neither admits nor denies the allegations contained in paragraph 73 of the Complaint and leaves Plaintiff to his proofs.

74. Defendant neither admits nor denies the allegations contained in paragraph 74 of the Complaint and leaves Plaintiff to his proofs.

75. Defendant denies each and every allegation contained in paragraph 75 of the Complaint.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

COUNT III

76. Defendant repeats and re-alleges each and every response to the allegations set forth in paragraphs 1-75 of Plaintiff's Complaint as if set forth fully herein.

77. Paragraph 77 of the Complaint contains no facts which must be admitted or denied.

78. Defendant denies each and every allegation contained in paragraph 78 of the Complaint.

79. Defendant neither admits nor denies the allegations contained in paragraph 79 of the Complaint and leaves Plaintiff to his proofs.

80. Defendant neither admits nor denies the allegations contained in paragraph 80 of the Complaint and leaves Plaintiff to his proofs.

81. Defendant denies each and every allegation contained in paragraph 81 of the Complaint.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

COUNT IV

82. Paragraph 82 of the Complaint contains no facts which must be either admitted or denied.

83. Paragraph 83 of the Complaint contains no facts which must be either admitted or denied.

84. Defendant denies each and every allegation contained in paragraph 84 of the Complaint.

85. Defendant denies each and every allegation contained in paragraph 85 of the Complaint.

86. Defendant denies each and every allegation contained in paragraph 86 of the Complaint.

87. Defendant denies each and every allegation contained in paragraph 87 of the Complaint.

88. Defendant denies each and every allegation contained in paragraph 88 of the Complaint.

89. Defendant denies each and every allegation contained in paragraph 89 of the Complaint.

90. Defendant denies each and every allegation contained in paragraph 90 of the Complaint.

91. Defendant denies each and every allegation contained in paragraph 91 of the Complaint.

92. Defendant denies each and every allegation contained in paragraph 92 of the Complaint.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

COUNT V

93. Paragraph 93 of the Complaint contains no facts which must be either admitted or denied.

94. Paragraph 94 of the Complaint contains no facts which must be either admitted or denied.

95. Paragraph 95 of the Complaint contains no facts which must be either admitted or denied.

96. Defendant denies each and every allegation contained in paragraph 96 of the Complaint.

97. Paragraph 97 of the Complaint contains no facts which must be either admitted or denied.

98. Defendant denies each and every allegation contained in paragraph 98 of the Complaint.

99. Defendant denies each and every allegation contained in paragraph 99 of the Complaint.

100. Defendant denies each and every allegation contained in paragraph 100 of the Complaint.

101. Defendants neither admit nor deny the allegations contained in paragraph 101 of the Complaint and leaves Plaintiff to his proofs.

102. Defendant denies each and every allegation contained in paragraph 102 of the Complaint.

WHEREFORE, Defendant Township of Colts Neck respectfully requests that the Court affirm the five day suspension without pay of Chief Sauter, and that Plaintiff's claims be dismissed with prejudice.

DESIGNATION OF TRIAL COUNSEL

James L. Plosia Jr. is hereby designated as trial counsel for Defendant in the above-captioned matter.

PLOSIA COHEN LLC
Attorneys for Defendant Township of Colts Neck

By: _____
James L. Plosia Jr. (ID# 023551988)

Dated: October 10, 2016

RULE 4:5-1 CERTIFICATION

The undersigned counsel for Defendant hereby certifies that to the best of my knowledge, the matter in controversy herein is not the subject of any other pending or contemplated Court proceeding or arbitration. Counsel further certifies that to the best of my knowledge, no other parties need be joined in this action.

PLOSIA COHEN LLC
Attorneys for Defendant Township of Colts Neck

By: _____
James L. Plosia Jr. (ID# 023551988)

Dated: October 10, 2016

CERTIFICATION OF SERVICE AND FILING

I hereby certify that I caused the original of the foregoing Answer to Plaintiff's Complaint to be filed with the Clerk of the Superior Court through the Monmouth County Clerk's office, within the time permitted by the Rules of Court, and that a true copy of same was simultaneously served upon Plaintiff via regular mail and addressed as follows:

Charles J. Sciarra, Esq.
Sciarra & Catrambone, LLC
1130 Clifton Avenue, Suite 3
Clifton, New Jersey 07013

James L. Plosia Jr. (ID# 023551988)

Dated: October 10, 2016