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File No: 25-1744

MARY PITERA, as *Guardian ad Litem* for
DAVID PITERA, a minor, MARY PITERA,
as *Guardian ad Litem* for ANNA PITERA, a
minor, MARY PITERA, Individually, and
MATTHEW PITERA, Her Husband,

Plaintiffs,

v.

TOMS RIVER REGIONAL SCHOOL
DISTRICT; TOMS RIVER BOARD OF
EDUCATION; JODY SIMONE; ABC BUS
COMPANIES 1-10 (fictitious defendants);
DEF PUBLIC ENTITIES 1-10 (fictitious
defendants); and JOHN/JANE DOE PUBLIC
EMPLOYEES 1-10 (fictitious defendants),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
OCEAN COUNTY
DOCKET NO. OCN-L-21348-17

Civil Action

**COMPLAINT AND DEMAND FOR
TRIAL BY JURY**

Plaintiffs, Mary Pitera, as *Guardian ad Litem* for David Pitera, a minor; Mary
Pitera, as *Guardian ad Litem* for Anna Pitera, a minor; Mary Pitera, Individually; and
Matthew Pitera, Individually, residing at 1189 Shepherd Court, in the Township of Toms
River, County of Ocean and State of New Jersey, by way of Complaint against
Defendants herein, say as follows:

FIRST COUNT

1. On or about October 18, 2016, and at all times pertinent hereto, Minor
Plaintiff, David Pitera was a student and passenger on a school bus owned, leased,
operated, supervised and/or controlled by the Township of Toms River School District,

which was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

2. On or about October 18, 2016, and at all times pertinent hereto, Defendant, Toms River School District was/were the owner(s)/lessor(s)/lessee(s) of the school bus being operated by its employee, agent, and/or representative and permitted user/operator Defendant, Jody Simone southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

3. At all times pertinent hereto, Defendant Toms River School District, was and is a public school district entrusted with the care, supervision, and safety of minor children and therefore had a heightened duty to exercise a higher standard of care to its passengers/students and their families.

4. On or about October 18, 2016, and at all times pertinent hereto, Defendant Toms River School District through its principals, administrators, agents, employees, servants and/or representatives, had a duty to ensure that the operator of its passenger bus would operate said passenger bus in a safe and prudent manner so as to avoid an unreasonable risk of injury to others, including passengers/students who had boarded said bus for transportation purposes, specifically, Minor Plaintiff David Pitera.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendant Toms River Regional School District, through its principals, administrators, agents, employees, servants and/or representatives, negligently, carelessly, recklessly, and palpably unreasonably breached their duty as aforesaid in that they:

A. Engaged in negligent and careless hiring practices of the driver of the subject school bus (namely, Defendant Jody Simone);

- B. Failed to conduct proper background checks of the driver of the subject school bus (namely, Defendant Jody Simone);
- C. Negligently hired, supervised and trained the drivers of the subject bus;
- D. Hired a school bus driver who was unqualified to drive a school bus pursuant to the governing statutes, laws, and regulations;
- E. Failed to properly train and supervise the driver of the subject school bus;
- F. Failed to provide students with a safe and secure means of transportation to and from school;
- G. Failed to appropriately respond to the subject school bus driver's demonstrated history of motor vehicle violations and being involved in crashes while driving the subject school bus;
- H. Failed to properly discipline and/or retrain the subject school bus driver;
- I. Permitted a knowingly dangerous, imminent, palpably unreasonable and foreseeable risk of bodily injury to students, and specifically to Minor Plaintiffs herein;
- J. Failure to take sufficient steps to protect students, including the Minor Plaintiffs, from an imminent and known risk of physical harm;
- K. Failed to enforce the internal policies, rules and regulations of the Toms River Regional School District;
- L. Failed to formulate and enforce appropriate policies for the hiring, training, supervision, retraining, discipline, and termination of bus drivers to ensure that said drivers would provide students with safe and secure transportation;

M. Failed to exercise proper care so as to ensure the safety of students; and/or

N. Otherwise negligently entrusted the subject school bus to unqualified/unskilled/inept drivers who it knew or should have known posed an unreasonable risk of harm to its passengers.

6. As a direct and proximate result of the carelessness, negligence, recklessness and palpably unreasonable conduct of Defendant Toms River Regional School District, as aforesaid, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

7. Defendant Toms River Regional School District, through its principals, administrators, agents, representatives, servants and/or employees, are both primarily and vicariously liable for the Minor Plaintiff's injuries.

8. On or about November 4, 2016, a Tort Claims Notice was served upon Defendant, Toms River Regional School District, regarding the subject motor vehicle crash that occurred on October 18, 2016.

WHEREFORE, Plaintiff, David Pitera, a minor, by his g/a/l Mary Pitera, hereby demands judgment against Defendant Toms River Regional School District, their principals, administrators, agents, representatives, servants and/or employees,

individually, jointly or severally, for damages, together with interest, costs of suit attorneys' fees and such other relief as the Court may deem just and equitable.

SECOND COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the First Count of this Complaint and incorporates same by reference, as though more fully set forth at length herein.

2. On or about October 18, 2016, and at all times pertinent hereto, Minor Plaintiff David Pitera was a student and passenger on a school bus owned, leased, operated, supervised and/or controlled by Defendant Toms River Board of Education, which was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

3. On or about October 18, 2016, and at all times pertinent hereto, Defendant Toms River Board of Education was/were the owner(s)/lessor(s)/lessee(s) of the school bus being operated by its employee, agent, and/or representative and permitted user/operator Defendant, Jody Simone, westbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

4. At all times pertinent hereto, Defendant, Toms River Board of Education was and is operating a public school district entrusted with the care, supervision, and safety of minor children and therefore had a heightened duty to exercise a higher standard of care to its passengers/students and their families.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendant, Toms River Board of Education, through their principals, administrators, agents, employees, servants and/or representatives, had a duty to ensure that the operator

of the subject school bus would operate said bus in a safe and prudent manner so as to avoid an unreasonable risk of injury to others, including passengers/students who had boarded said bus for transportation purposes, specifically, Minor Plaintiff David Pitera.

6. On or about October 18, 2016, and at all times pertinent hereto, Defendant, Toms River Board of Education, through their principals, administrators, agents, employees, servants and/or representatives, negligently and carelessly breached their duty as aforesaid in that they:

- A. Engaged in negligent and careless hiring practices of the driver of the subject school bus (namely, Defendant Jody Simone);
- B. Failed to conduct proper background checks of the driver of the subject school bus (namely, Defendant Jody Simone);
- C. Negligently hired, supervised and trained the drivers of the subject bus;
- D. Hired a school bus driver who was unqualified to drive a school bus pursuant to the governing statutes, laws, and regulations;
- E. Failed to properly train and supervise the driver of the subject school bus;
- F. Failed to provide students with a safe and secure means of transportation to and from school;
- G. Failed to appropriately respond to the subject school bus driver's demonstrated history of motor vehicle violations and being involved in crashes while driving the subject school bus;
- H. Failed to properly discipline and/or retrain the subject school bus driver;

I. Permitted a knowingly dangerous, imminent, palpably unreasonable and foreseeable risk of bodily injury to students, and specifically to Minor Plaintiffs herein;

J. Failure to take sufficient steps to protect students, including the Minor Plaintiffs, from an imminent and known risk of physical harm;

K. Failed to enforce the internal policies, rules and regulations of the Toms River Regional School District;

L. Failed to formulate and enforce appropriate policies for the hiring, training, supervision, retraining, discipline, and termination of bus drivers to ensure that said drivers would provide students with safe and secure transportation;

M. Failed to exercise proper care so as to ensure the safety of students; and/or

N. Otherwise negligently entrusted the subject school bus to unqualified/unskilled/inept drivers who it knew or should have known posed an unreasonable risk of harm to its passengers.

7. As a direct and proximate result of the carelessness, negligence, recklessness and palpably unreasonable conduct of Defendant, Toms River Board of Education, as aforesaid, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention and was

prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

8. Defendant, Toms River Board of Education, through their principals, administrators, agents, representatives, servants and/or employees, are both primarily and vicariously liable for the Plaintiff's injuries.

9. On or about November 4, 2016 a Tort Claims Notice was served upon Defendant, Toms River Board of Education, regarding the subject motor vehicle crash that occurred on October 18, 2016.

WHEREFORE, Plaintiff, David Pitera, a minor by his g/a/l Mary Pitera, hereby demands judgment against Defendant, Toms River Board of Education, their principals, administrators, agents, representatives, servants and/or employees, individually, jointly or severally, for damages, together with interest, costs of suit attorneys' fees and such other relief as the Court may deem just and equitable.

THIRD COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the First and Second Counts of this Complaint and incorporates same by reference, as though more fully set forth at length herein.

2. On or about October 18, 2016, and at all times pertinent hereto, Minor Plaintiff David Pitera was a student and passenger on a school bus owned, leased, operated, supervised and/or controlled by Defendant Toms River School District and/or Defendant Toms River Board of Education, which was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

3. At the aforesaid time and place, Defendant Jody Simone, who was an employee, agent and/or representative of Defendant Toms River School District and/or Defendant Toms River Board of Education, was the permissive operator of the subject school bus that was traveling on southbound on New Hampshire in the Township of Toms River, County of Ocean and State of New Jersey.

4. At all times pertinent hereto, Defendant Jody Simone was the operator of a school bus transporting minor children and as such, had a heightened duty to exercise the highest standard of care for the safety of the students/children she was transporting.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendant Jody Simone breached her duty as aforesaid, in that she operated her school bus in a negligent and careless manner, failed to make proper observations, failed to keep a safe turning distance, failed to take evasive action, failed to maintain requisite control over said school bus and otherwise failed to comply with the laws of the State of New Jersey governing the safe operation of motor vehicles (and specifically school buses with minor passengers), causing the subject school bus to collide with another motor vehicle.

6. As a direct and proximate result of the carelessness, negligence, recklessness, and palpably unreasonable conduct of Defendant Jody Simone, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

WHEREFORE, Plaintiff, David Pitera, a minor by his g/a/l Mary Pitera, demands judgment against Defendant, Jody Simone, individually, jointly or severally, for damages, together with interest, costs of suit and such other damages as the Court may deem just and appropriate.

FOURTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the First through Third Counts of this Complaint and incorporates same by reference, as though more fully set forth at length herein.

2. On or about October 18, 2016, and at all times pertinent hereto, Defendants ABC Bus Companies 1-10 (fictitious defendants) were companies in the business of employing bus drivers to operate school buses transporting minor students.

2. On or about October 18, 2016, and at all times pertinent hereto, Minor Plaintiff David Pitera was a student and passenger on a school bus owned, leased, operated, supervised and/or controlled by Defendants ABC Bus Companies 1-10 (fictitious defendants), which bus was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

3. On or about October 18, 2016, and at all times pertinent hereto, Defendants ABC Bus Companies 1-10 (fictitious defendants) were the owner(s)/lessor(s)/lessee(s) of the school bus being operated by permitted user/operator Defendant, Jody Simone.

4. At all times pertinent hereto, Defendants ABC Bus Companies 1-10 (fictitious defendants) were and are engaged in the business of transporting minor

children to and from school and therefore had a heightened duty to exercise a higher standard of care to its passengers/students and their families.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendants ABC Bus Companies 1-10 (fictitious defendants), through their principals, administrators, agents, employees, servants and/or representatives, had a duty to ensure that the operator of the subject school bus would operate said school bus in a safe and prudent manner so as to avoid an unreasonable risk of injury to others, including passengers who had boarded said school bus for transportation purposes, specifically, Minor Plaintiff David Pitera.

6. On or about October 18, 2016, and at all times pertinent hereto, Defendants ABC Bus Companies 1-10 (fictitious defendants) through their principals, administrators, agents, employees, servants and/or representatives, carelessly, negligently, recklessly, and/or palpably unreasonably breached their duty as aforesaid in that they:

- A. Engaged in negligent and careless hiring practices of the driver of the subject school bus (namely, Defendant Jody Simone);
- B. Failed to conduct proper background checks of the driver of the subject school bus (namely, Defendant Jody Simone);
- C. Negligently hired, supervised and trained the drivers of the subject bus;
- D. Hired a school bus driver who was unqualified to drive a school bus pursuant to the governing statutes, laws, and regulations;
- E. Failed to properly train and supervise the driver of the subject school bus;

F. Failed to provide students with a safe and secure means of transportation to and from school;

G. Failed to appropriately respond to the subject school bus driver's demonstrated history of motor vehicle violations and being involved in crashes while driving the subject school bus;

H. Failed to properly discipline and/or retrain the subject school bus driver;

I. Permitted a knowingly dangerous, imminent, palpably unreasonable and foreseeable risk of bodily injury to students, and specifically to Minor Plaintiffs herein;

J. Failure to take sufficient steps to protect students, including the Minor Plaintiffs, from an imminent and known risk of physical harm;

K. Failed to enforce the internal policies, rules and regulations of the Toms River Regional School District;

L. Failed to formulate and enforce appropriate policies for the hiring, training, supervision, retraining, discipline, and termination of bus drivers to ensure that said drivers would provide students with safe and secure transportation;

M. Failed to exercise proper care so as to ensure the safety of students; and/or

N. Otherwise negligently entrusted the subject school bus to unqualified/unskilled/inept drivers who it knew or should have known posed an unreasonable risk of harm to its passengers.

7. As a direct and proximate result of the carelessness, negligence, recklessness and/or palpably unreasonable conduct of Defendants ABC Bus Companies

1-10 (fictitious defendants), as aforesaid, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

8. Defendants ABC Bus Companies 1-10 (fictitious defendants), through their principals, administrators, agents, representatives, servants and/or employees, are both primarily and vicariously liable for the Plaintiff's injuries.

WHEREFORE, Plaintiff, David Pitera, a minor by his g/a/l Mary Pitera, hereby demands judgment against Defendant, Defendants ABC Bus Companies 1-10 (fictitious defendants), their principals, administrators, agents, representatives, servants and/or employees, individually, jointly or severally, for damages, together with interest, costs of suit attorneys' fees and such other relief as the Court may deem just and equitable.

FIFTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding counts of this Complaint and incorporates same by reference, as though more fully set forth at length herein.

2. On or about October 18, 2016, and at all times pertinent hereto, Minor Plaintiff David Pitera was a student and passenger on a school bus owned, leased, operated, supervised and/or controlled by Defendants DEF Public Entities 1-10 (fictitious

defendants), which school bus was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

3. On or about October 18, 2016, and at all times pertinent hereto, Defendants DEF Public Entities 1-10 (fictitious defendants) was/were the owner(s)/lessor(s)/lessee(s) of the school bus being operated by their employee, agent, and/or representative and permitted user/operator Defendant, Jody Simone, westbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

4. At all times pertinent hereto, Defendants DEF Public Entities 1-10 (fictitious defendants) were and are entrusted with the care, supervision, and safety of minor children and therefore had a heightened duty to exercise a higher standard of care to its passengers/students and their families.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendants DEF Public Entities 1-10 (fictitious defendants), through their principals, administrators, agents, employees, servants and/or representatives, had a duty to ensure that the operator of the subject school bus would operate said bus in a safe and prudent manner so as to avoid an unreasonable risk of injury to others, including passengers/students who had boarded said bus for transportation purposes, specifically, Minor Plaintiff David Pitera.

6. On or about October 18, 2016, and at all times pertinent hereto, Defendants DEF Public Entities 1-10 (fictitious defendants) through their principals, administrators, agents, employees, servants and/or representatives, negligently,

carelessly, recklessly, and/or palpably unreasonably breached their duty as aforesaid in that they:

- A. Engaged in negligent and careless hiring practices of the driver of the subject school bus (namely, Defendant Jody Simone);
- B. Failed to conduct proper background checks of the driver of the subject school bus (namely, Defendant Jody Simone);
- C. Negligently hired, supervised and trained the drivers of the subject bus;
- D. Hired a school bus driver who was unqualified to drive a school bus pursuant to the governing statutes, laws, and regulations;
- E. Failed to properly train and supervise the driver of the subject school bus;
- F. Failed to provide students with a safe and secure means of transportation to and from school;
- G. Failed to appropriately respond to the subject school bus driver's demonstrated history of motor vehicle violations and being involved in crashes while driving the subject school bus;
- H. Failed to properly discipline and/or retrain the subject school bus driver;
- I. Permitted a knowingly dangerous, imminent, palpably unreasonable and foreseeable risk of bodily injury to students, and specifically to Minor Plaintiffs herein;
- J. Failure to take sufficient steps to protect students, including the Minor Plaintiffs, from an imminent and known risk of physical harm;
- K. Failed to enforce the internal policies, rules and regulations of the Toms River Regional School District;

L. Failed to formulate and enforce appropriate policies for the hiring, training, supervision, retraining, discipline, and termination of bus drivers to ensure that said drivers would provide students with safe and secure transportation;

M. Failed to exercise proper care so as to ensure the safety of students; and/or

N. Otherwise negligently entrusted the subject school bus to unqualified/unskilled/inept drivers who it knew or should have known posed an unreasonable risk of harm to its passengers.

7. As a direct and proximate result of the carelessness, negligence, recklessness and/or palpably unreasonable conduct of Defendants DEF Public Entities 1-10 (fictitious defendants), as aforesaid, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

8. Defendants DEF Public Entities 1-10 (fictitious defendants), through their principals, administrators, agents, representatives, servants and/or employees, are both primarily and vicariously liable for the Plaintiff's injuries.

WHEREFORE, Plaintiff, David Pitera, a minor by his g/a/ Mary Pitera, hereby demands judgment against Defendants DEF Public Entities 1-10 (fictitious defendants), their principals, administrators, agents, representatives, servants and/or employees,

individually, jointly or severally, for damages, together with interest, costs of suit attorneys' fees and such other relief as the Court may deem just and equitable.

SIXTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding counts of this Complaint and incorporates same by reference, as though more fully set forth at length herein.

2. On or about October 18, 2016, and at all times pertinent hereto, Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants) were employees, agents, servants, representatives, administrators, supervisors and/or officials employed by Defendants Toms River Regional School District, Toms River Board of Education, and/or DEF Public Entities 1-10 (fictitious defendants).

3. On or about October 18, 2016, and at all times pertinent hereto, Minor Plaintiff David Pitera was a student and passenger on a school bus owned, leased, operated, supervised and/or controlled by Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants), which school bus was traveling southbound on New Hampshire Avenue, in the Township of Toms River, County of Ocean and State of New Jersey.

4. At all times pertinent hereto, Defendants DEF Public Entities 1-10 (fictitious defendants) were and are entrusted with the care, supervision, and safety of minor children and therefore had a heightened duty to exercise a higher standard of care to its passengers/students and their families.

5. On or about October 18, 2016, and at all times pertinent hereto, Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants) had a duty to

ensure that the operator of the subject school bus would operate said bus in a safe and prudent manner so as to avoid an unreasonable risk of injury to others, including passengers/students who had boarded said bus for transportation purposes, specifically, Minor Plaintiff David Pitera.

6. On or about October 18, 2016, and at all times pertinent hereto, Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants) negligently, carelessly, recklessly, and/or palpably unreasonably breached their duty as aforesaid in that they:

- A. Engaged in negligent and careless hiring practices of the driver of the subject school bus (namely, Defendant Jody Simone);
- B. Failed to conduct proper background checks of the driver of the subject school bus (namely, Defendant Jody Simone);
- C. Negligently hired, supervised and trained the drivers of the subject bus;
- D. Hired a school bus driver who was unqualified to drive a school bus pursuant to the governing statutes, laws, and regulations;
- E. Failed to properly train and supervise the driver of the subject school bus;
- F. Failed to provide students with a safe and secure means of transportation to and from school;
- G. Failed to appropriately respond to the subject school bus driver's demonstrated history of motor vehicle violations and being involved in crashes while driving the subject school bus;
- H. Failed to properly discipline and/or retrain the subject school bus driver;

I. Permitted a knowingly dangerous, imminent, palpably unreasonable and foreseeable risk of bodily injury to students, and specifically to Minor Plaintiffs herein;

J. Failure to take sufficient steps to protect students, including the Minor Plaintiffs, from an imminent and known risk of physical harm;

K. Failed to enforce the internal policies, rules and regulations of the Toms River Regional School District;

L. Failed to formulate and enforce appropriate policies for the hiring, training, supervision, retraining, discipline, and termination of bus drivers to ensure that said drivers would provide students with safe and secure transportation;

M. Failed to exercise proper care so as to ensure the safety of students; and/or

N. Otherwise negligently entrusted the subject school bus to unqualified/unskilled/inept drivers who it knew or should have known posed an unreasonable risk of harm to its passengers.

7. As a direct and proximate result of the carelessness, negligence, recklessness and/or palpably unreasonable conduct of Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants), as aforesaid, Minor Plaintiff David Pitera was caused to sustain severe and permanent life-altering injuries, including but not limited to physical and emotional pain and suffering, grief, anguish, torment, and a profound loss of enjoyment of life; Minor Plaintiff David Pitera suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical

care and attention and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

WHEREFORE, Plaintiff, David Pitera, a minor by his g/a/l Mary Pitera, hereby demands judgment against Defendants John/Jane Doe Public Employees 1-10 (fictitious defendants), individually, jointly or severally, for damages, together with interest, costs of suit attorneys' fees and such other relief as the Court may deem just and equitable.

SEVENTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs of this Complaint and incorporate same by reference, as though more fully set forth at length herein.

2. On October 18, 2016, and at all times pertinent hereto, Minor Plaintiff Anna Pitera was and is the natural sister of Plaintiff, David Pitera, and was in close physical proximity to her beloved brother immediately following the tragic crash that forms the basis for this Complaint, and she witnessed the unimaginable horror of her beloved brother, David Pitera, after being violently thrown about the subject school bus which caused Plaintiff David Pitera to sustain gruesome and life-altering physical injuries.

3. As a direct and proximate result of the negligent, careless, reckless, and palpably unreasonable conduct of Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), as set forth in the preceding counts of this Complaint, Minor Plaintiff Anna Pitera was caused to suffer

severe emotional distress, great pain and mental anguish, a profound loss of the enjoyment of her life, and she has been prevented from engaging in her usual occupational and/or personal pursuits.

WHEREFORE, Plaintiff, Anna Pitera, a minor by her g/a/l Mary Pitera, pursuant to Portee v. Jaffe and other case law and common law, demands judgment against Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), individually, jointly or severally, for damages, together with interest and costs of suit and such other relief as the Court may deem just and equitable.

EIGHTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs of this Complaint and incorporate same by reference, as though more fully set forth at length herein.

2. On October 18, 2016, and at all times pertinent hereto, Minor Plaintiff Anna Pitera was and is the natural sister of Plaintiff David Pitera, and, as such, was entitled to the services, consortium, advice, companionship, society, counsel, love, support, care, contributions and assistance of her brother, Minor Plaintiff David Pitera.

3. As a direct and proximate result of the negligent, careless, reckless, and palpably unreasonable conduct of Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), as set forth in the

preceding counts of this Complaint, Minor Plaintiff Anna Pitera has been deprived of the services, consortium, advice, companionship, society, counsel, love, support, care, contributions, and assistance of her brother, Minor Plaintiff David Pitera.

WHEREFORE, Plaintiff, Anna Pitera, a minor by her g/a/l Mary Pitera, demands judgment against Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), individually, jointly or severally, for all damages arising from the aforestated losses, including but not limited to such damages as are recoverable under Green v. Bittner and other case law and common law, together with interest and costs of suit and such other relief as the Court may deem just and equitable.

NINTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs of this Complaint and incorporate same by reference, as though more fully set forth at length herein.

2. On October 18, 2016, and at all times pertinent hereto, Plaintiff Mary Pitera was and is the natural mother of Plaintiffs David Pitera and Anna Pitera, and, as such, was entitled to the services, consortium, advice, companionship, society, counsel, love, support, care, contributions and assistance of her children, Minor Plaintiff David Pitera and Minor Plaintiff Anna Pitera.

3. As a direct and proximate result of the negligent, careless, reckless, and palpably unreasonable conduct of Defendants Toms River School District, Toms River

Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), as set forth in the preceding counts of this Complaint, Plaintiff Mary Pitera has been deprived of the services, consortium, advice, companionship, society, counsel, love, support, care, contributions, and assistance of her children, Minor Plaintiff David Pitera and Minor Plaintiff Anna Pitera.

WHEREFORE, Plaintiff Mary Pitera demands judgment against Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), individually, jointly or severally, for all damages arising from the aforestated losses, including but not limited to such damages as are recoverable under Green v. Bittner and other case law and common law, together with interest and costs of suit and such other relief as the Court may deem just and equitable.

TENTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs of this Complaint and incorporate same by reference, as though more fully set forth at length herein.

2. On October 18, 2016, and at all times pertinent hereto, Plaintiff Matthew Pitera was and is the natural father of Plaintiffs David Pitera and Anna Pitera, and, as such, was entitled to the services, consortium, advice, companionship, society, counsel, love, support, care, contributions and assistance of his children, Minor Plaintiff David Pitera and Minor Plaintiff Anna Pitera.

3. As a direct and proximate result of the negligent, careless, reckless, and palpably unreasonable conduct of Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), as set forth in the preceding counts of this Complaint, Plaintiff Matthew Pitera has been deprived of the services, consortium, advice, companionship, society, counsel, love, support, care, contributions, and assistance of his children, Minor Plaintiff David Pitera and Minor Plaintiff Anna Pitera.

WHEREFORE, Plaintiff Matthew Pitera demands judgment against Defendants Toms River School District, Toms River Board of Education, Jody Simone, ABC Bus Companies 1-10, DEF Public Entities 1-10, and/or John/Jane Doe Public Employees 1-10 (fictitious entities), individually, jointly or severally, for all damages arising from the aforestated losses, including but not limited to such damages as are recoverable under Green v. Bittner and other case law and common law, together with interest and costs of suit and such other relief as the Court may deem just and equitable.

HOBBIE, CORRIGAN & BERTUCIO, P.C.
Attorneys for Plaintiffs

BY: _____
NORMAN M. HOBBIE, ESQ.

DATED: May 5, 2017

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues raised in the within pleading.

HOBBIE, CORRIGAN & BERTUCIO, P.C.
Attorneys for Plaintiffs

BY: _____
NORMAN M. HOBBIE, ESQ.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, Norman M. Hobbie, Esq. is hereby designated as trial counsel herein.

HOBBIE, CORRIGAN & BERTUCIO, P.C.
Attorneys for Plaintiffs

BY: _____

NORMAN M. HOBBIE, ESQ.

DATED: May 5, 2017

CERTIFICATION PURSUANT TO 4:5-1

1. The within matter is not the subject of any other proceeding or arbitration;
2. No other proceeding or arbitration is contemplated herein;
3. All parties presently known to Plaintiff have been identified herein.

HOBBIE, CORRIGAN & BERTUCIO, P.C.
Attorneys for Plaintiffs

BY: _____

NORMAN M. HOBBIE, ESQ.

DATED: May 5, 2017

HOBBIE, CORRIGAN & BERTUCIO

A Professional Corporation

125 Wyckoff Road

Eatontown, NJ 07724

(732) 380-1515

Attorneys for Plaintiffs

MARY PITERA, as Guardian ad Litem for
DAVID PITERA, a minor, MARY PITERA,
as Guardian ad Litem for ANNA PITERA, a
minor, MARY PITERA, individually, and
MATTHEW PITERA, Her Husband,

Plaintiffs,

v.

TOMS RIVER REGIONAL SCHOOL
DISTRICT; TOMS RIVER BOARD OF
EDUCATION; JODY SIMONE; ABC BUS
COMPANIES 1-10 (fictitious defendants);
DEP PUBLIC ENTITIES 1-10 (fictitious
defendants); and JOHN/JANE DOE PUBLIC
EMPLOYEES 1-10 (fictitious defendants),

Defendants.

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

CIVIL ACTION

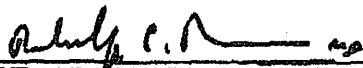
**CERTIFICATION OF RUDOLF
THOMPSON, M.D., F.A.C.S.**

I, RUDOLF THOMPSON, M.D., F.A.C.S., of full age, hereby certify as follows:

1. I am a Board Certified Plastic Surgeon with offices located at 5 Professional Circle, Colts Neck, New Jersey.
2. As a result of the motor vehicle/school bus collision that occurred on October 18, 2016, Minor David Pitera sustained a skull fracture, requiring him to undergo a right revision cochlear implant, which resulted in severe and significant scarring to both sides of his head.
3. The above diagnosis is based on accepted objective clinical evidence and it is my professional opinion, based upon the above, that the Plaintiff, Minor, David Pitera, as a direct result of the motor vehicle/school bus crash that occurred on October 18, 2016, has sustained, severe, significant scarring, described above that has not and will not heal to function normally.

It is further my professional opinion that within a degree of medical probability, the injuries sustained by the Plaintiff shall be permanent in nature.

I certify and attest that the above-referenced statements made by me are true to the best of my knowledge and belief, and I am aware that I am subject to punishment if any of the statements are made with fraudulent intent to misrepresent the residual aspects of my patient's injuries.


RUDOLF THOMPSON, M.D., F.A.C.S.

Dated:

5/4/2017