

LAW OFFICE OF KEVIN T. FLOOD, ESQ., LLC
204 TOWNE CENTRE DRIVE
HILLSBOROUGH, NJ 08844
PHONE: (908) 705-2623
FAX: (866) 900-9305
ATTORNEY ID: 005662003

KYLE CLAYTON,

Plaintiff

-v-

JOSEPH NAPPO, ET AL

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
COUNTY
DOCKET NO.: MON-L-000014-19

CIVIL ACTION

SUMMONS

FROM THE STATE OF NEW JERSEY TO: ROSS LICITRA-EXECUTIVE DIRECTOR OF MONMOUTH COUNTY SPCA

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

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

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

/s/ Michelle M. Smith
Michelle M. Smith,
Clerk of the Superior Court

DATED: January 4, 2019

Name of the Defendant(s) to be served: ROSS LICITRA-EXECUTIVE DIRECTOR OF MONMOUTH COUNTY SPCA

Address of the Defendant(s) to be served: THE MONMOUTH COUNTY SPCA, 260 WALL STREET, EATONTOWN, NJ 07724

LAW OFFICE OF KEVIN T. FLOOD, ESQ., LLC
 204 Towne Centre Drive
 Hillsborough, New Jersey 08844
 Phone: (908) 705-2623
 Fax: (866) 900-9305
 Attorneys for plaintiff Kyle Clayton
 I.D. No. 005662003

Kyle Clayton, Plaintiff, v. Joseph Nappo, The Monmouth County SPCA, Ross Licitra-Executive Director of Monmouth County SPCA, JOHN DOES 1- 30 (Fictitious Individuals), ABC CORPS 1- 30 (Fictitious Corps), Jointly and Severally Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MONMOUTH COUNTY DOCKET NO: CIVIL ACTION COMPLAINT AND JURY DEMAND
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Plaintiff KYLE CLAYTON, presently residing in Oceanport, County of Monmouth, by way of complaint against the defendants says:

GENERAL ALLEGATIONS

1. On or about February 28, 2018, defendant Joseph Nappo resided at 45 Sagamore Avenue, Oceanport, County of Monmouth, New Jersey.
2. On or about February 28, 2018, Joseph Nappo, while residing at 45 Sagamore Avenue, owned a vicious 'American Pit Bull Terrier' named "Charlie Brown."
3. Prior to February 28, 2018, and on at least two occasions, "Charlie Brown" escaped his residence at 45 Sagamore Avenue which resulted in him killing a neighboring dog in January of 2016, and severely injuring another neighboring dog in November of 2017.
4. During all times mentioned herein, Ross Licitra was the Executive Director of the Monmouth County SPCA.

5. Defendants Licitra and the Monmouth County SPCA, were aware that “Charlie Brown” was a vicious ‘American Pit Bull Terrier’ that resided at 45 Sagamore Avenue, Oceanport, New Jersey, County of Monmouth.

6. Defendants Licitra and the Monmouth County SPCA, were aware that “Charlie Brown” had killed a neighboring dog in January of 2016, severely injured another neighboring dog in November of 2017, and was terrorizing the neighborhood.

7. Even though defendants Licitra and the Monmouth County SPCA knew that “Charlie Brown” was a vicious dog that killed a neighboring dog in January of 2016, severely injured another neighboring dog in November of 2017, and terrorized the neighborhood, defendants Licitra and the Monmouth County SPCA outrageously refused to remove “Charlie Brown” from 45 Sagamore Avenue.

8. On or about February 28, 2018, plaintiff Kyle Clayton went for a walk with his dog “Macey” in the area of Port Au Peck Avenue and Sagamore Avenue in Oceanport, County of Monmouth, New Jersey.

9. While plaintiff was walking his dog, “Charlie Brown” ran through the door of his home at 45 Sagamore Avenue, and viciously attacked plaintiff by biting him on the back of his thigh.

10. After “Charlie Brown” finished viciously attacking plaintiff, he then attacked plaintiff’s dog “Macey” causing serious injuries to the left front leg of “Macey.”

11. As a result of this vicious attack, plaintiff sustained serious physical and emotional injuries.

12. After “Charlie Brown” killed the dog in January of 2016, seriously injured the dog in November of 2017, terrorized the neighborhood, attacked plaintiff causing serious

bodily injury, and thereafter attacked plaintiff's dog "Macey" causing serious bodily injury, defendants Licitra and the Monmouth County SPCA finally removed "Charlie Brown" from 45 Sagamore Avenue.

13. Due to the outrageous and grossly negligent conduct of defendants Licitra and the Monmouth County SPCA, plaintiff was seriously injured.

14. As the owner of the dog, defendant Nappo was under a duty to control the dog in a safe manner.

15. Defendant Nappo failed to control "Charlie Brown", and as a result, plaintiff was seriously injured.

FIRST COUNT- STATUTORY STRICT LIABILITY

16. Plaintiff repeats the allegations set forth above as if set forth at length herein.

17. At all relevant times, the New Jersey Dog Bite Statute was in full force and effect.

18. Due to the actions of defendants Nappo, JOHN DOES 1-30, and ABC CORPS 1-30, they are liable to plaintiff for violations of the New Jersey Dog Bite Statute, N.J.S.A. 4:19-16, as said actions proximately caused serious injuries to plaintiff.

19. By reason of the foregoing, plaintiff suffered serious bodily injury resulting in pain and suffering, disabilities, mental anguish, capacity for the loss of enjoyment of life, and incurred medical costs and expenses. These injuries are permanent in nature, and plaintiff will continue to suffer such losses for the remainder of his/her life.

WHEREFORE plaintiff Kyle Clayton demands judgment against defendants Joseph Nappo, JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) general damages; (2) compensatory damages; (3) the remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) any other applicable

contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) lawful interest, attorney's fees, filing fees/court costs; (6) punitive damages as to any non-statutory tort claims pled herein only; and (7) such other and further relief as the court shall deem equitable and just under the circumstances.

SECOND COUNT- NEGLIGENCE

20. Plaintiff repeats the allegations set forth above as if set forth at length herein.

21. Defendant Nappo was negligent in failing to control his dog, and/or failing to maintain the dog in a safe and hazard free manner, and/or failing to properly contain dog on a leash, and/or in other manners not yet known.

22. Defendants Licitra and the Monmouth County SPCA were negligent in not removing the dog "Charlie Brown" from 45 Sagamore Avenue after being informed on numerous occasions that "Charlie Brown" had vicious tendencies, attacked and/or killed other dogs, and was terrorizing the neighborhood.

23. As a direct and proximate result of defendants' negligence, plaintiff suffered serious bodily injury resulting in pain and suffering, disability, mental anguish, capacity for the loss of enjoyment of life, and incurred medical costs and expenses. These injuries are permanent in nature, and plaintiff will continue to suffer such losses for the remainder of his/her life.

WHEREFORE plaintiff Kyle Clayton demands judgment against defendants Joseph Nappo, Ross Licitra, the Monmouth County SPCA, JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) general damages; (2) compensatory damages; (3) the remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) any other applicable contractual or statutory penalties or

consequential, incidental, nominal and expectation damages; (5) lawful interest, attorney's fees, filing fees/court costs; (6) punitive damages as to any non-statutory tort claims pled herein only; and (7) such other and further relief as the court shall deem equitable and just under the circumstances.

THIRD COUNT- GROSS NEGLIGENCE

24. Plaintiff repeats the allegations set forth above as if set forth at length herein.

25. Defendant Nappo was grossly negligent in failing to control his dog, and/or failing to maintain the dog in a safe and hazard free manner, and/or failing to properly contain dog on a leash, and/or in other manners not yet known.

26. Defendants Licitra and the Monmouth County SPCA were grossly negligent and engaged in outrageous conduct by not removing the dog "Charlie Brown" from 45 Sagamore Avenue after being informed on numerous occasions that "Charlie Brown" had vicious tendencies, attacked and/or killed other dogs, and was terrorizing the neighborhood.

27. As a direct and proximate result of defendants' gross negligence and outrageous conduct, plaintiff suffered serious bodily injury resulting in pain and suffering, disability, mental anguish, capacity for the loss of enjoyment of life, and incurred medical costs and expenses. These injuries are permanent in nature, and plaintiff will continue to suffer such losses for the remainder of his/her life.

WHEREFORE plaintiff Kyle Clayton demands judgment against defendants Joseph Nappo, Ross Licitra, the Monmouth County SPCA, JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) general damages; (2) compensatory damages; (3) the remedies provided for under the common law and/or any state and/or

federal statutes pled herein; (4) any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) lawful interest, attorney's fees, filing fees/court costs; (6) punitive damages as to any non-statutory tort claims pled herein only; and (7) such other and further relief as the court shall deem equitable and just under the circumstances.

FOURTH COUNT – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

28. Plaintiff repeats the allegations above as if set forth at length herein.

29. As a result of the negligent, careless and reckless conduct of the defendants, and the resulting injuries to plaintiff, he suffered and continues to suffer from extreme emotional distress.

WHEREFORE plaintiff Kyle Clayton demands judgment against defendants Joseph Nappo, Ross Licitra, the Monmouth County SPCA, JOHN DOES 1-30, and ABC CORPS 1-30, jointly and/or severally, for: (1) general damages; (2) compensatory damages; (3) the remedies provided for under the common law and/or any state and/or federal statutes pled herein; (4) any other applicable contractual or statutory penalties or consequential, incidental, nominal and expectation damages; (5) lawful interest, attorney's fees, filing fees/court costs; (6) punitive damages as to any non-statutory tort claims pled herein only; and (7) such other and further relief as the court shall deem equitable and just under the circumstances.

JURY DEMAND

PLEASE TAKE NOTICE that plaintiff hereby demands a trial by jury of six (6) persons on all triable issues within the Complaint, pursuant to Rule 1:8-2(b) and Rule 4:35-1(a).

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, plaintiff designates Kevin T. Flood, Esq., as trial counsel in this case.

DEMAND FOR INTERROGATORIES

DEMAND is hereby made of defendants for certified answers to Interrogatories.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is made that defendants disclose to plaintiff's attorney whether or not 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 which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide plaintiff's attorney with true copies of those insurance agreements or policies, including, but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage, but also any and all excess, catastrophe and umbrella policies.

CERTIFICATION PURSUANT TO RULE 4:5-1

KEVIN T. FLOOD certifies as follows:

The matter in controversy is not the subject of any other action pending in any other CIVIL Court or of a pending arbitration, and no such other action or arbitration proceeding is contemplated.

I further certify that I am not aware of any non-party who should be joined in the action pursuant to R. 4:28 or who is subject to joinder pursuant to R. 4:29-1(b).

The foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICE OF KEVIN T. FLOOD, LLC
Attorneys for Plaintiff,

By: S/ Kevin T. Flood, Esq.
KEVIN T. FLOOD, ESQ.

Dated: January 2, 2019

Civil Case Information Statement

Case Details: MONMOUTH | Civil Part Docket# L-000014-19

Case Caption: CLAYTON KYLE VS NAPPO JOSEPH

Case Initiation Date: 01/02/2019

Attorney Name: KEVIN THOMAS FLOOD

Firm Name: KEVIN T FLOOD, ESQ., LLC

Address: 204 TOWNE CENTRE DR
HILLSBOROUGH NJ 08844

Phone:

Name of Party: PLAINTIFF : Clayton, Kyle

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? 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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? 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 *Rule 1:38-7(b)*

01/02/2019
Dated

/s/ KEVIN THOMAS FLOOD
Signed

MONMOUTH COUNTY
SUPERIOR COURT
PO BOX 1269
FREEHOLD

NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 677-4240
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 02, 2019
RE: CLAYTON KYLE VS NAPPO JOSEPH
DOCKET: MON L -000014 19

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARA ZAZZALI-HOGAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003
AT: (732) 677-4262 EXT 4262.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: KEVIN T. FLOOD
KEVIN T FLOOD, ESQ., LLC
204 TOWNE CENTRE DR
HILLSBOROUGH NJ 08844

ECOURTS

NJ SUPERIOR COURT LAWYER REFERRAL AND LEGAL SERVICE LIST

ATLANTIC COUNTY:

Deputy Clerk, Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., 1st Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

ESSEX COUNTY:

Deputy Clerk, Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

MONMOUTH COUNTY:

Deputy Clerk, Superior Court
Court House
P. O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

SUSSEX COUNTY:

Deputy Clerk, Superior
Court
Sussex County Judicial
Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

BERGEN COUNTY:

Deputy Clerk, Superior Court
Civil Division, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

GLOUCESTER COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office,
Attn: Intake, First Fl., Court
House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington & Court Streets
P. O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

UNION COUNTY:

Deputy Clerk, Superior
Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-
6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

BURLINGTON COUNTY:

Deputy Clerk, Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

HUDSON COUNTY:

Deputy Clerk, Superior Court
Civil Records Dept.
Brennan Court House, 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

OCEAN COUNTY:

Deputy Clerk, Superior Court
Court House, Room 121
118 Washington Street
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

WARREN COUNTY:

Deputy Clerk, Superior
Court
Civil Division, Court
House
413 Second Street
Belvidere, NJ 07823-
1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

CAMDEN COUNTY:

Deputy Clerk, Superior Court
Civil Processing Office
Hall of Justice
1st Fl, Suite 150
101 South 5th Street
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

HUNTERDON COUNTY:

Deputy Clerk, Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

PASSAIC COUNTY:

Deputy Clerk, Superior Court
Civil Division - Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

CAPE MAY COUNTY:

Deputy Clerk, Superior Court
9 N. Main Street
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

MERCER COUNTY:

Deputy Clerk, Superior Court
Local Filing Office, Courthouse
175 S. Broad Street
P. O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

SALEM COUNTY:

Deputy Clerk, Superior Court
Attn: Civil Case Management
Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

CUMBERLAND COUNTY:

Deputy Clerk, Superior Court
Civil Case Management Office
60 West Broad Street
P. O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

MIDDLESEX COUNTY:

Deputy Clerk, Superior Court
Middlesex Vicinage
Second Floor, Tower
56 Paterson Street
P. O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

SOMERSET COUNTY:

Deputy Clerk, Superior Court
Civil Division Office
40 North Bridge Street
P. O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840