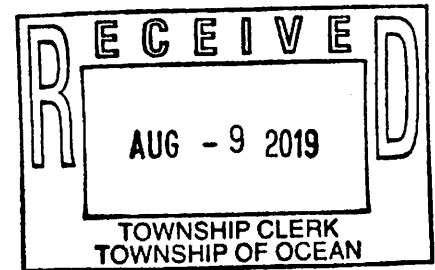


Robert M. Anderson Esq. ID No. 037041985
ESCANDON, FERNICOLA, ANDERSON,
COVELLI & MCPHERSON
 301 Main Street
 Allenhurst, NJ 07711
 (732) 663-1920
 Attorneys for Plaintiffs



TRISHA M. TULLOCH,
 Plaintiff,

v.

MATTHEW R. GUIDO, TOWNSHIP OF
 OCEAN, JOHN DOE 1-10 (fictitious), and
 ABC COMPANY 1-10 (fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: MONMOUTH COUNTY

DOCKET NO. MON-L-

CIVIL ACTION

From the State of New Jersey
 to the Defendant(s) named above:

MATTHEW GUIDO
TWP. OF OCEAN
TWP OF OCEAN P. D.

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. (The address of each deputy clerk of the Superior Court is provided.) 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, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court 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 the 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 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 the 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. A list of these offices is provided. 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 list of these numbers is also provided.

Dated: July 25, 2019

Michelle M. Smith

Michelle M. Smith, Clerk, Superior Court of New Jersey

Received:

Aug 8 2019 11:52am

From:

To:19086880885

08/08/2019 15:39

#441 P.003/015

Names/Addresses of Defendants to be Served:

MATTHEW R. GUIDO
Twp. of Ocean Police Department
399 Monmouth Road
Ocean, NJ 07712

TWP. OF OCEAN
399 Monmouth Road
Ocean, NJ 07712

TWP. OF OCEAN POLICE DEPARTMENT
399 Monmouth Road
Ocean, NJ 07712

ATLANTIC COUNTY:

Michael J. Garvin, Clerk
5901 Main St.
CN 2005
Mays Landing, NJ 08330-1797
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Kathleen A. Donovan, Clerk
One Bergen County Plaza
Hackensack, NJ 07601-7076
LAWYER REFERRAL
201-488-0044
LEGAL SERVICES
201-487-2166

BURLINGTON COUNTY:

Philip E. Haines, Clerk
Court Complex, 1st Fl.
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
609-261-4862
LEGAL SERVICES
856-964-2010

CAMDEN COUNTY:

James Beach, Clerk
Courthouse, Room 102
520 Market Street
Camden, NJ 08103
LAWYER REFERRAL
856-964-4520
LEGAL SERVICES
856-964-2010

CAPE MAY COUNTY

Angela F. Pulvino, Clerk
7 N. Main Street
P.O. Box 5000
Cape May Court House, NJ 08210
LAWYER REFERRAL
609-463-0313
LEGAL SERVICES
609-465-3001

CUMBERLAND COUNTY:

Gloria Noto, Clerk
Courthouse
60 W. Broad St.
Bridgeton, NJ 08302
LAWYER REFERRAL
856-692-6207
LEGAL SERVICES
856-451-0033

ESSEX COUNTY:

Patriick J. McNally, Clerk
Hall of Records, Room 247
465 Dr. Martin Luther King Jr. Blvd
Newark, NJ 07102
LAWYER REFERRAL
973-622-7753
LEGAL SERVICES
973-824-3000

GLOUCESTER COUNTY:

James Hogan, Clerk
Court House, 1st Fl.
1 North Broad St., P.O. Box 337
Woodbury, NJ 08096
LAWYER REFERRAL
856-848-4589
LEGAL SERVICES:
856-964-2010

HUDSON COUNTY:

Janet E. Haynes, Clerk
Justice Brennan Court House
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
201-798-2727
LEGAL SERVICES
201-792-6363

HUNTERDON COUNTY:

Dorothy K. Tirpok, Clerk
Hall of Records
71 Main Street
Flemington, NJ 08822
LAWYER REFERRAL
908-735-2611
LEGAL SERVICES
908-782-7979

MERCER COUNTY:

Catherine DiCostanzo., Clerk
100 Courthouse Annex
209 South Broad Street
Trenton, NJ 08650
LAWYER REFERRAL
609-585-6200
LEGAL SERVICES
609-695-6249

MIDDLESEX COUNTY:

Elaine Flynn, Clerk
75 Bayard Street, 4th Floor
New Brunswick, NJ 08903-1110
LAWYER REFERRAL
732-828-0053
LEGAL SERVICES
732-249-7600

MONMOUTH COUNTY:

M. Claire French, Clerk
Market Yard
P.O. Box 1251
Freehold, NJ 07728
LAWYER REFERRAL
732-431-5544
LEGAL SERVICES
732-776-7733

MORRIS COUNTY:

Joan Bramhall, Clerk
Administrative & Records Bldg.
P.O. Box 315
Morristown, NJ 07963-0315
LAWYER REFERRAL
973-267-5882
LEGAL SERVICES
973-285-6911

OCEAN COUNTY:

M. Dean Haines, Clerk
112 Court House
118 Washington St.
Toms River, NJ 08754
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
732-341-2727

PASSAIC COUNTY

Ronni Nochimson, Clerk
401 Grand St., Room 130
Paterson, NJ 07505
LAWYER REFERRAL
973-278-9223
LEGAL SERVICES
973-275-1175

SALEM COUNTY:

Gilda T. Gill, Clerk
92 Market St.
Salem, NJ 08079
LAWYER REFERRAL
856-935-5629
LEGAL SERVICES
856-964-2010

SOMERSET COUNTY:

R. Peter Widin, Clerk
20 Grove St.
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
908-231-0840

SUSSEX COUNTY:

Erma Gormley, Clerk
Hall of Records
4 Park Place
Newton, NJ 07860
LAWYER REFERRAL
201-267-5882
LEGAL SERVICES
973-383-7400

UNION COUNTY:

Joanne Rajoppi, Clerk
Union County Courthouse, Rm. 115
2 Broad Street
Elizabeth, NJ 07207
LAWYER REFERRAL
908-353-4715
LEGAL SERVICES
908-354-4340

WARREN COUNTY:

Terrance D. Lee, Clerk
413 2nd St.
Belvidere, NJ 07823
LEGAL SERVICES
908-475-2010

MON-L-002144-19 08/06/2019 1:59:01 PM Pg 1 of 10 Trans ID: LCV20191381058

ESCANDON, FERNICOLA,
ANDERSON, COVELLI & MCPHERSON
Robert M. Anderson, Esq. – 037041985
301 Main Street, Suite 3
Allenhurst, NJ 07711
(732) 663-1920
Attorneys for Plaintiff

TRISHA M. TULLOCH, Plaintiff, v. MATTHEW R. GUIDO, TOWNSHIP OF OCEAN, TOWNSHIP OF OCEAN POLICE DEPARTMENT, JOHN DOE 1-10 (fictitious), and ABC COMPANY 1-10 (fictitious), Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MONMOUTH COUNTY DOCKET NO. MON-L-2144-19 <u>CIVIL ACTION</u> FIRST AMENDED COMPLAINT
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Plaintiff Trisha M. Tulloch, residing in Tinton Falls, County of Monmouth and State of New Jersey, by and through the undersigned counsel, by way of Complaint against the defendants, says, states and avers as follows:

COUNT ONE

1. On or about June 18, 2018, plaintiff Trisha M. Tulloch was lawfully and carefully travelling westbound on West Park Avenue, having stopped at a stop sign at or near the intersection with Wayside Road South, in the Borough of Tinton Falls, County of Monmouth and State of New Jersey.

2. At the time and place aforesaid, defendant Matthew R. Guido was the permitted operator of a motor vehicle owned by defendants, Township of Ocean and/or Township of Ocean Police Department, which was traveling westbound on Wayside Road South, in the Borough of Tinton Falls, County of Monmouth and State of New Jersey.

3. At all times relevant hereto, defendant Matthew R. Guido had a duty to operate his motor vehicle in a safe and prudent manner so as to avoid causing an unreasonable risk of injury to others.

4. On or about June 18, 2018, defendant Matthew R. Guido breached his aforesaid duty and was negligent in the ownership, maintenance, operation, possession, and control of his motor vehicle causing a collision to occur, causing plaintiff Trisha M. Tulloch to sustain personal injuries.

5. As a direct and proximate result of the negligence of the defendant, as aforesaid, in the operation, control, ownership and maintenance of his motor vehicle, plaintiff Trisha M. Tulloch sustained severe and divers personal injuries for which she has incurred and will continue to incur medical expenses; loss of income; pain and suffering, discomfort, inconvenience, emotional distress, disabilities and restrictions on her normal daily activities; loss of quality and enjoyment of life's pleasures, and such further damages as will be proven at time of trial.

WHEREFORE, plaintiff Trisha M. Tulloch demands judgment against the defendant for damages, interest, attorney's fees, cost of suit and such other and further relief as the Court may deem equitable and just.

COUNT TWO

1. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth at length herein.

2. Upon information and belief, defendant Matthew R. Guido was an agent, employee, or permissive user of defendants, Township of Ocean and/or Township of Ocean Police Department.

3. Defendants Township of Ocean and/or Township of Ocean Police Department were negligent in the care and supervision of Matthew R. Guido in that they negligently or carelessly failed to exercise reasonable care to control their agent, employee or permissive user.
4. In addition to being directly liable, defendants Township of Ocean and/or Township of Ocean Police Department are vicariously liable for the acts of their agent, employee or permissive user.
5. Defendants, Township of Ocean and/or Township of Ocean Police Department are a public entity within the meaning of N.J.S.A. 59:1-1 *et seq.*
6. Plaintiff Trisha M. Tulloch has incurred medical expenses in excess of the requirements set forth in N.J.S.A. 59:9-2(d).
7. Plaintiff Trisha M. Tulloch has set forth a *prima facie* cause of action against these public defendants in that they breached their duties set forth in the New Jersey Tort Claims Act which proximately resulted in damages to the plaintiff.
8. On July 9, 2018 plaintiff served a Notice of Claim pursuant to the New Jersey Tort Claims Act upon defendants Township of Ocean and Township of Ocean Police Department. Defendant, Township of Ocean, responded with an official form of Notice of Claim which was completed and served upon defendants, Matthew Guido, Township of Ocean and Township of Ocean Police Department on August 15, 2018. Plaintiff has thus fulfilled all statutory notice requirements prerequisite to the filing of suit and has satisfied the applicable waiting period to file suit.
9. As a direct and proximate result of the negligence or carelessness of the defendant, as aforesaid, plaintiff Trisha M. Tulloch sustained severe and diverse personal injuries for which

she has incurred and will continue to incur medical expenses; loss of income; pain and suffering, discomfort, inconvenience, emotional distress, disabilities and restrictions on her normal daily activities; loss of quality and enjoyment of life's pleasures, and such further damages as will be proven at time of trial.

WHEREFORE, plaintiff Trisha M. Tulloch demands judgment against the defendants for damages, interest, attorney's fees, cost of suit and such other and further relief as the Court may deem equitable and just.

COUNT THREE

1. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth at length herein.
2. At the time and place aforesaid, defendants Matthew R. Guido, Township of Ocean and Township of Ocean Police Department did so negligently, carelessly or recklessly own, operate or maintain their vehicle that plaintiff Trisha M. Tulloch's vehicle was damaged resulting in the necessity to repair or replace Plaintiff's motor vehicle. In addition, plaintiff Trisha M. Tulloch lost the use of her motor vehicle until the same can be repaired or replaced, as well as storage fees, towing charges, and other expenses as a result of the property damage to the vehicle.
3. Defendants, Township of Ocean and Township of Ocean Police Department, are self-insured for property damage. Defendants, Township of Ocean and or Township of Ocean Police Department have failed to make the necessary payment to the plaintiff for the property damage caused by the negligence of its insured.

WHEREFORE, plaintiff Trisha M. Tulloch demands judgment against the defendants for damages, interest, attorney's fees, cost of suit and such other and further relief as the Court may deem equitable and just.

COUNT FOUR

1. Plaintiff repeats and realleges each and every paragraph of this Complaint as if fully set forth at length herein.

2. Defendants John Doe 1-10 and ABC Company 1-10 are fictitious names intended to identify any and all parties, including individuals, corporations or other entities whose identities are presently unknown to the plaintiff, who, together with the named defendants, were responsible, vicariously or otherwise, for the ownership, operation, control or maintenance of the vehicle in question, or who in any way caused or contributed to plaintiff's injuries.

3. As a direct and proximate result of the negligence of the said defendants, their agents, servants or employees, as aforesaid, the plaintiff sustained severe and divers personal injuries for which has incurred and will continue to incur medical expenses; loss of income; pain and suffering, discomfort, inconvenience, emotional distress, disabilities and restrictions on normal daily activities; loss of quality and enjoyment of life's pleasures, and such further damages as will be proven at time of trial.

WHEREFORE, plaintiff Trisha M. Tulloch demands judgment against defendants John Doe 1-10 and ABC Company 1-10, their agents, servants and/or employees, either jointly, severally or in the alternative, for damages together with interest, costs of suit and counsel fees.

DEMAND FOR ANSWERS TO INTERROGATORIES

Plaintiff hereby demands that the answering defendant provide answers to the following interrogatories:

Form C and C(1) Interrogatories as were amended in the 2014 Rules Governing the Courts of the State of New Jersey, along with the following Supplemental Interrogatories:

1. State whether you were in the course of your employment at the time of the accident, providing the name and current address of the employer.
2. Specify where you were coming from, and where you were going to, at the time of the accident, giving exact addresses.
3. State specifically whether there are any excess or umbrella insurance agreements which were in effect on the date of the incident, setting forth name and address of insurer and policy number, and attaching written copies hereto.
4. Set forth any physical or mental impairments you had at the time of the accident.
5. If you consumed any drugs, medications or alcoholic beverages during the three hours prior to the accident, specify the kind, amount, and place taken, and who prescribed them and for what purpose.
6. State whether you owned or had use of a cell phone or mobile phone on the date of the accident. If so, state whether you were in any way operating or using said phone at the time or just prior to the accident, and whether said phone use was business related.

7. Set forth the telephone numbers of all cell/mobile phones you had use of on the date of the accident, along with the name of the cell provider.

8. State whether any of the Defendants or anyone on their behalf has performed a C.I.B. (Central Index Bureau) check on the Plaintiff(s). If so, state the result of said check and attach a copy.

9. Do you, your attorneys, your insurance company, or any other agents on your behalf, have any reason to believe that Plaintiff's injuries were caused by some prior or subsequent disease, injury, sickness, other condition or disability? If so, specify the nature and extent of the grounds for such belief.

10. State what portions of any treatise, periodical, text, pamphlet, standard or other documents that will be relied upon in formulating the opinion of any expert to be called by you or which will be used at trial in either examination or cross-examination of any witness.

DEMAND FOR INSURANCE INFORMATION
PRIMARY AND EXCESS, RULE 4:10-2(b)

Plaintiff hereby requires that the defendants disclose the policy limits of their liability insurance, and Plaintiff stipulates that, pursuant to the above Rule, the answers to the following questions shall not be offered into evidence:

1. State the limits of liability insurance and the name of the carrier covering this Defendant.

2. State the limits of all excess or other liability coverage not mentioned above and the name of the carrier covering the accident in question. If none, state "none".

3. State the limits of medical payments coverage, if any.

4. Set forth the name, address, policy number and policy limits of each and every excess or secondary policy of liability insurance maintained by Defendant at the time of this accident.

5. Attach certified copies of all liability and excess policies.

NOTICE TO PRODUCE

Pursuant to R. 4:18-1, Plaintiff hereby demands that Defendants produce the following documents within 30 days as prescribed by the Rules Governing the Courts of the State of New Jersey. Additionally, please be advised that the following requests are ongoing and continuing in nature and Defendants are therefore required to continuously update their responses thereto as new information or documentation comes into existence.

1. A certified copy of the face sheet of the Defendant's policy along with the face sheet showing the liability limits applicable to that policy along with a certified copy of the face sheet of any and all umbrella policies providing excess liability coverage to the Defendant.

2. Copies of any and all information obtained as a result of any Central Index Bureau or Data Base Searches performed on the Plaintiff to ascertain whether the Plaintiff ever filed a previous or subsequent claim.

3. Copies of any and all video tapes, photographs, investigation reports, billing invoices, investigation notes, records and/or any and all other documents pertaining to surveillance or other investigations performed on behalf of the Defendant.

4. Copies of all written statements and/or transcriptions of verbal statements given by the Defendant to any and all representatives of his or her

insurance company including but not limited to claims representatives, in-house or outside investigators hired by his or her insurance company, etc. which is discoverable pursuant to the case of *Pfender v. Torres*, 336 N.J. Super. 379 (App. Div. 2001).

5. Any and all motion pictures, videotapes, film, photographs (laser color copies at our expense), re-enactments, diagrams, charts or exhibits of any kind that will be introduced or used at trial or deal with the accident or injuries involved herein.

6. True copies of any and all written estimates and/or appraisal reports, and repair bills of damage to Defendant's and Plaintiff's vehicles as a result of the accident giving rise to this lawsuit.

7. Any report or writing in possession of Defendant(s) or their attorney or insurance company completed or signed by or on behalf of Defendant(s).

8. Written proof of Defendant's insurance policy limits.

9. All reports, memoranda, qualifications, and curriculum vitae or any other documents provided by any expert witness retained by you or anyone acting on your behalf.

10. Copies of any and all reports rendered by any public or private agency or department arising out of any investigation of the accident or occurrence which is the subject of this suit.

11. Copies of any and all excess or umbrella insurance agreements which were in effect on the date of the incident, including name and address of insurer and policy number.

12. Copy of monthly statement for each cell phone that each Defendant owned or had use of, covering the date of the accident.

13. All surveillance taken of any Plaintiff, whether or not you intend to use same at trial, as well as names and addresses of any person who took the surveillance, all dates, and all time periods.

14. Copies of any and all reports, records, or other documents, including C.I.B., which support Defendant's contention that Plaintiff's injuries are not directly related to the accident/incident which is the subject of this lawsuit, or that the Plaintiff suffered personal injuries in prior or subsequent accident(s).

DEMAND FOR JURY TRIAL

Please take notice that the Plaintiff hereby demands trial by jury as to all issues raised by the within pleadings.

DESIGNATION OF TRIAL COUNSEL

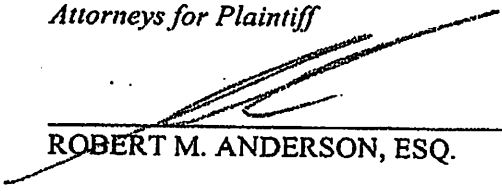
Pursuant to R. 4:25-4, Robert M. Anderson, Esq. is hereby designated as trial counsel for Plaintiff in the within matter.

CERTIFICATION

Pursuant to R. 4:5-1, the undersigned certifies that the matter in controversy is not the subject of any other action pending in any other court or of a pending arbitration proceeding nor is any other action or arbitration proceeding contemplated.

ESCANDON, FERNICOLA,
ANDERSON, COVELLI & McPHERSON
Attorneys for Plaintiff

Dated: June 21, 2019


ROBERT M. ANDERSON, ESQ.