

WILLIAM J. POLLINGER, P.A.
 60 Court Street, Suite #2
 Hackensack, New Jersey 07601
 (201) 487-5666
 Attorney ID # 253861969
 Attorney for Plaintiff
 Our File No. P-22,035

2017 NOV 17 PM 1:24

SOMERSET COUNTY
 DEPUTY CLERK

BATCH #: 956
 DATE: 11-17-17
 PYMT: CA/CK/MO
 PYMT #: 16352
 AMT: 250.00
 PREPARER: RQ

MICHAEL BESSASPARIS and
 SHT CORP., t/a SOMERSET HILLS
 TOWING,

Plaintiffs,

v.

THE TOWNSHIP OF BRIDGEWATER,
 POLICE OFFICER JASON DAUNTON,
 POLICE LIEUTENANT PAUL PAYNE,
 and FORMER CHIEF OF POLICE,
 MANUEL CARAVELA.

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION: SOMERSET COUNTY
 DOCKET NO. L-1419-17

Civil Action

COMPLAINT

Plaintiffs, Michael Bessasparis and SHT Corp., t/a Somerset Hills Towing, by
 way of complaint against defendants, say:

PARTIES

1. Plaintiff, SHT Corp. t/a Somerset Hills Towing (SHT), is a corporation of New Jersey, engaged in the recovery, towing and storing of motor vehicles.

2. Plaintiff, SHT, has been a licensee of the Township of Bridgewater for the recovery, towing and storage of motor vehicle at the request of the Township Police Department.

3. Plaintiff, Michael Bessasparis, is a taxpayer of the defendant, Township of Bridgewater, and the owner of plaintiff, SHT.

4. Defendant, Township of Bridgewater (Bridgewater), is a municipality of the State of New Jersey.

5. Defendant, Bridgewater, enacted ordinance Chapter 216 of the Municipal Ordinances of the Township, which regulates towing and storage and licenses tow companies to perform recovery, towing and storage services for the municipality.

6. The Ordinances, enacted on December 4, 2006 and amended on November 6, 2014, are the operative Ordinances involved in this matter.

7. Pursuant to those Ordinances § 216-13 (2006) and § 216-15 (2014), the Police Department and Chief of Police were designated as the persons responsible for enforcement of the Ordinances in accord with their provisions.

8. Such designation is required by and was as the result of the provisions of N.J.S.A. 40:48-2.49 which states that any such ordinance shall include a "designation of a municipal officer or agency to enforce the provisions of the ordinance in accordance with due process of law".

9. Defendant, Manuel Caravela, was the Chief of Police during all times referred to in this complaint.

10. Defendant. Caravela, directed that complaints be issued against plaintiff, Michael Bessasparis, and rejected plaintiff, SHT's, application for a license for calendar year 2016, based upon totally unfounded, unsubstantiated and unproven allegations of violations of the Ordinance.

11. Defendant, Jason Daunton, is a Police Officer of the Township of Bridgewater and issued complaints against plaintiff, Michael Bessasparis.

12. Defendant, Paul Payne, is a Lieutenant of Police of the defendant, Township of Bridgewater, and issued complaints against plaintiff, Michael Bessasparis.

13. John Kennedy and Kurt Bernhard, are officers of defendant, Township of Bridgewater, and enforced a warrant against plaintiff, Michael Bessasparies, arresting and detaining him until he posted bail, thus effecting his release.

STATEMENT OF FACTS

1. Plaintiff, SHT, is a tow company, located in Somerset County, and which tows, recovers and stores motor vehicles for a fee.

2. Like many other towers, plaintiff, SHT, applied for and received licenses to tow for municipalities in the County of Somerset, including in defendant, Bridgewater.

3. From 2011 to 2016, SHT filed applications for tow licenses in Bridgewater; each time submitting applications in the name of SHT Corp., or SHT Corp., t/a Somerset Hills Towing or Somerset Hills Towing.

4. Plaintiff, SHT, never submitted any application to defendant, Bridgewater, seeking a license in the name of any individual person and plaintiff, Michael Bessasparis, never submitted any such application nor was he ever a licensee.

5. § 216-6 of the 2006 Ordinance states that, upon approval of an application, “the Township shall issue a license.”

6. § 216-7 of the 2014 Ordinance states that, upon approval, the applicant “shall be issued a license.”

7. Although an actual license is therefore required to be issued, defendant, Bridgewater, never actually issued any paper licenses, but simply placed each approved licensee on the existing rotation list of towers for each ensuing calendar year.

8. Accordingly, from 2011 through 2015, either Somerset Hills Towing or SHT Corp., t/a Somerset Hills Towing, as the result of their application approvals, became licensees and were placed on the rotation list for each of those calendar years.

9. At no time did plaintiff, Michael Bessasparis, as an individual person, ever apply for or receive a license nor was "Michael Bessasparis", as an individual person, ever placed on any rotation list at any time or for any year.

10. Nevertheless, on March 4, 2014, defendant, Jason Daunton, issued a complaint, # S2014-000080, against plaintiff, Michael Bessasparis, in his individual capacity, alleging violations of Section 216-9 of the 2006 Township Ordinance.

11. Likewise, on August 25, 2014, defendant, Paul Payne, issued a complaint, # S2014-000288, against plaintiff, Michael Bessasparis, in his individual capacity, alleging violations of Section 216-9 of the 2006 Towing Ordinance.

12. During the pendency of those complaints, a warrant was issued on September 26, 2014, under S2014-000288, directing the arrest of defendant, Michael Bessasparis.

13. As the result of such warrant, John Kennedy and Kurt Bernhard, appeared at the business premises of plaintiff, Michael Bessasparis, arrested and detained plaintiff, Michael Bessasparis, therein until he posted \$1,000 bail, which, if not posted, would have resulted in his being brought before the Court.

14. The warrant reads:

"You are hereby commanded to arrest the Defendant whose name and address are shown below and bring him before this Court to answer a Complaint charging an offense in the jurisdiction of this Court or hold the defendant to bail before an authorized official if an amount of bail is shown above."

15. Only upon presenting to Kennedy and Bernhard the \$1,000 bail, was plaintiff, Michael Bessasparis, released.

16. The warrant, upon information obtained by plaintiff, Michael Bessasparis, was issued as the result of his failure to appear on a designated date to answer the

underlying complaint; however, plaintiff, Michael Bessasparis, never received any notice respecting such required appearance.

17. Based upon a reading of the 2006 Ordinance, it is clear that no reasonable person would or could have concluded that Michael Bessasparis, individually, was ever a licensee of the defendant, Bridgewater, and the original two complaints should never have been filed against him.

18. Subsequently, on January 8, 2015, complaint S2014-000288 was dismissed by the Municipal Court and on February 4, 2015, complaint S2014-000080 was also dismissed.

19. In spite of dismissal of S2014-000080, on February 10, 2015, defendant, Jason Daunton, issued complaints S2015-59 through S2015-99, containing over 250 counts of violations of § 2016-9 of the 2006 Ordinance, the very same allegations previously contained in the previously dismissed complaint S2014-000080.

20. In spite of dismissal of S2014-000288, on January 12, 2015, defendant, Paul Payne, issued complaints S2015-14, 15 and 16 and on January 21, 2015, issued complaint S2015-000029, containing counts of violations of § 2016-9 of the 2006 Ordinance, the very same allegations previously contained in the previously dismissed complaint S2014-000288.

21. Plaintiff, Michael Bessasparis, filed a Motion for Leave to Appeal to the Superior Court seeking dismissal of the "new" complaints filed in 2015. The Superior Court, however, determined that those new complaints were merely amendments of the original complaints; that they were not therefore time-barred; denied plaintiff's motion; and remanded all complaints to the Municipal Court for trial.

22. During trial it was determined that those original complaints were filed

against plaintiff, Michael Bessasparis, by defendants, Daunton and Payne, at the direction of their “supervisors”; who, while unnamed, based upon the Ordinances, which delegated responsibility to the Chief of Police, could only have been defendant, Caravela.

23. Defendant, Caravela, has stated that he approved the filing of the complaints against plaintiff, Michael Bessasparis.

24. Since the Police Department and the Chief of Police had been delegated with the responsibility for enforcement of the Ordinance, any decisions made or policies created or actions taken by the Police Department and Chief of Police became the policies, decisions and actions of defendant, Bridgewater, for which they are all responsible.

25. The amended complaints were ultimately tried before the Bridgewater Municipal Court.

26. Upon motion by plaintiff, Michael Bessasparis, the Municipal Court issued an opinion dated December 10, 2015 finding that there was no factual or legal basis whatever for a determination that plaintiff, Michael Bessasparis, individually, violated any Municipal Ordinance and accordingly, all complaints against Michael Bessasparis contained in S2015-59 through 99 and S2015-14 through 16 and 29 were dismissed.

27. On January 6, 2016, orders were entered by the Bridgewater Municipal Court dismissing all those complaints.

28. During the years of 2011 through 2015, and except for the complaints filed by defendants, Daunton and Payne, there was not a single complaint filed against plaintiff, Michael Bessasparis, in the Township of Bridgewater or anywhere else.

29. During the years of 2011 through 2015, there was not a single complaint filed against plaintiff, SHT, in the Township of Bridgewater.

30. The 2014 Ordinance provides for the mechanism by which an application can be filed for issuance of a tow license in Section 2016-5 thereof.

31. Consistent with the defendant, Bridgewater's, designation of the Police Department and Police Chief to administer the Ordinance, any policies, decisions or actions undertaken in such enforcement must be in accordance with the provisions of N.J.S.A. 40:48-2.49 and the Ordinance itself.

32. That Ordinance provides:

Section 216-7

A. Upon completion of his investigation, the Chief of Police shall forward a copy of the completed Bridgewater Township application for wrecker service licenses to the Mayor along with a written recommendation for approval or disapproval of the license and the reason(s) for disapproval. (Emphasis supplied).

33. In contravention of the requirements of the Ordinance, defendant, Caravela, never sent any such recommendation to the Mayor.

34. Instead, by letter of January 28, 2016, defendant, Caravela, took it upon himself to deny the SHT's application for a 2016 license, thus removing plaintiff, SHT, from the tow list as it had been on the list and was already towing for the entirety of January, 2016. The denial, however, did not include the reasons therefor.

35. Only after plaintiff, SHT, demanded a copy of the reasons for the denial was it determined that the sole bases for the denial were the very same complaints that had been the subject of the Municipal Court proceedings, even though neither the Municipal Court nor anyone else had ever determined that plaintiff, SHT, had ever violated any Township Ordinance nor had any complaints for those alleged violations ever been filed against Plaintiff, SHT.

36. The Ordinance also provides, in Section 216-8, that an applicant whose application has been “recommended” for denial may file an appeal and request a hearing.

37. Plaintiff, SHT, duly appealed and the Mayor appointed a Hearing Officer to hear the appeal.

38. During the hearing proceedings, the Hearing Officer placed the burden of proof upon plaintiff, SHT, to show that it had not violated the Bridgewater Ordinance and that plaintiff, SHT, had to present its case first, thus requiring SHT to prove a negative.

39. During those proceedings, it was determined that Defendant, Caravela, had never communicated to anyone any bases for denial other than the contents of the “Reasons for Denial” document.

40. Plaintiff, SHT, made it known to the Hearing Officer and defendant, Bridgewater’s, counsel, both orally at the hearing and in writing, that it was, as the result of the Hearing Officer’s decision regarding presentation of evidence, absolutely essential that defendant, Bridgewater, produce defendant, Officer Daunton, at the hearing to testify.

41. Plaintiff’s counsel was prepared, on numerous occasions, to examine defendant, Daunton, and appeared prepared to do so, only to find, on each occasion, that Officer Daunton was not going to appear. Plaintiff’s counsel was only advised of that circumstance after appearing for the hearing on each of those occasions.

42. While plaintiff was advised that Officer Daunton had family matters, the ultimate reasons for his failure to appear on numerous occasions were never provided, even though scheduling of hearing dates had been accomplished long in advance and everyone, including Officer Daunton, was notified of the date and time to appear.

43. As the result of the failure and refusal of defendant, Bridgewater, to produce defendant, Daunton, plaintiff did not receive a fair and meaningful hearing at a meaningful time or in a meaningful manner.

44. As the result of defendants' failure to produce Officer Daunton, the entire year of 2016 elapsed; plaintiff was never restored to the tow list in 2016; and plaintiff lost significant income as the result.

45. Finally, as 2016 had expired, the Hearing Officer concluded the hearing by determining that the issue had become moot as the result of the lapse of time.

46. With the knowledge that his testimony would be inimical to their interests, defendants conspired to keep Officer Daunton from testifying, to plaintiff's detriment, resulting in plaintiff enduring significant losses and damages.

47. As the result of the conduct of all defendants, both plaintiff, SHT, and plaintiff, Michael Bessasparis, were denied their constitutional rights; the denial of plaintiff's 2016 license application was never properly handled pursuant to the Bridgewater Ordinance and thus, never properly denied; defendants maliciously interfered with plaintiff's rights; the allegations against plaintiff, Bessasparis, were false and fraudulent; defendant, Caravela, violated N.J.S.A. 2C:30-2, by acting with the intent to injure and harass plaintiffs; Defendants intentionally interfered with plaintiffs' economic advantage; defendants negligently interfered with plaintiff's economic advantage; defendants maliciously prosecuted plaintiff, Bessasparis, by acting without a reasonable basis to believe that he had ever violated any Municipal Ordinance; defendants caused plaintiff, Bessasparis, to be arrested and detained as a result of the filing of the improper, false and fraudulent complaints against him; engaged in other conduct designated to cause plaintiffs damage and plaintiffs suffered such damage;

conspired to deny plaintiff its due process rights, both substantively and procedurally; engaged in conduct which violated numerous statutory provisions, including its own ordinance; discriminated against plaintiffs; harassed plaintiffs; failed to enforce the Ordinance in a non-exclusionary and non-discriminatory manner; and otherwise injured plaintiffs; and violated plaintiff's constitutional rights; all to his detriment resulting in significant damages.

FIRST COUNT

1. Plaintiffs repeat all allegations contained in the Statement of Facts, supra

2. In spite of complaints having been filed against plaintiff, Michael Bessasparis, plaintiff, SHT, continued to tow for defendant, Bridgewater, in 2014 and 2015 and towed for the entire years.

3 After plaintiff, SHT, applied for a license in 2016, its application was received and its check cashed.

4. Testimony in Court in the Municipal Court proceeding revealed that an actual license was never issued, but that receipt of an application and cashing of the check constituted the license to tow.

5. Plaintiff received tow calls from the rotational list for all of January 2016.

6. On February 1, 2016, a letter was hand delivered to plaintiff, SHT, dated January 28, 2016, from defendant, Caravela, stating that SHT's application was denied for reasons attached; however, there was no such attachment.

7. As a result of an email to defendant, Caravela, the "reasons" were finally provided on February 1, 2016, which were the same allegations as contained in the Municipal Court complaints against plaintiff, Bessasparis.

8. All those complaints has already been dismissed.

9. There had never been and has never been any finding that plaintiff, SHT, violated any provision of the Bridgewater Ordinance 216 nor has any complaint ever been filed against plaintiff, SHT, alleging such violations.

10. All claims contained in the "reasons" were from calendar year 2013 and the month of January 2014.

11. By virtue of renewal of plaintiff's license in 2014 and 2015, defendants had waived any rights to claim overcharging during prior periods of time.

12. The action of defendant, Caravela, in denying plaintiff's application was barred by the doctrine of laches.

13. The action of defendant, Caravela, was an intentional act, solely for the purpose of injuring SHT and denying plaintiff, SHT, the benefits of the tow license.

14. The conduct of defendant, Caravela, was a violation of N.J.S.A. 26:30-2 and was motivated solely to injure plaintiff, SHT.

15. The conduct of defendant, Caravela, was further motivated to harass plaintiff, SHT, and injure its business.

16. The alleged violations of a prior Township Ordinance was purely and solely pretextual.

Wherefore, plaintiff, SHT, demands judgment against defendant, Caravela, plus interest and costs.

SECOND COUNT

1. Plaintiffs incorporate herein all prior allegations of this complaint.

2. It was known at all times that the licensee which applied for and received a license to tow in the Township was SHT Corp. t/a Somerset Hills Towing, SHT Corp. or Somerset Hills Towing.

3. No reasonable person reading the Ordinance of the Township could ever conclude otherwise than that licensee was SHT Corp. t/a Somerset Hills Towing or SHT Corp. or Somerset Hills Towing; and no reasonable person could ever conclude that plaintiff, Michael Bessasparis, was ever, at any time, a licensee.

4. In spite of such knowledge, defendant, Payne, issued complaints against plaintiff, Michael Bessasparis, in his individual capacity, for violation of Ordinance 216.

5. Plaintiff, Bessasparis, was arrested and forced to post bail as the result of the issuance of those complaints.

6. All such complaints were dismissed by the Municipal Court based upon a finding that there was no evidence that plaintiff, Michael Bessasparis, was either a licensee nor that he was involved in preparing any invoice which was the subject of those complaints; that the licensee, SHT Corp., was a person under the law; and that there was no basis upon which to charge the owner of the corporation for any of the corporation's alleged acts.

7. The institution of those complaints by defendant, Payne, constituted malicious prosecution.

8. The determination by the Municipal Court that there was no basis for any finding against plaintiff, Bessasparis, was a determination of the absence of probable cause therefor.

9. The element of malice is inferred from an absence of probable cause.

10. Accordingly, since defendant, Payne, initiated a criminal proceeding; the proceeding ended in favor of plaintiff, Bessasparis; there was a total absence of probable cause for the complaints; there was malice as the result thereof; and plaintiff, Bessasparis, having been arrested and detained, thereby suffered deprivation of liberty, consistent with a seizure, as a consequence of a legal proceeding.

11. As the result of the conduct of defendant, Payne, the violation of the rights of plaintiff, Bessasparis, constituted a violation of his Fourth Amendment rights under the U.S. Constitution, resulting in economic loss.

12. Plaintiff, Bessasparis, is thus entitled to damages pursuant to 42 USC §1983, and counsel fees pursuant to 42 USC §1988.

Wherefore, plaintiff, Bessasparis, demands judgment against defendant, Payne, plus interest and costs of suit.

THIRD COUNT

1. Plaintiffs incorporate all prior allegations of this complaint herein.

2. Defendant, Caravela, was the supervisor of defendant, Payne.

3. Defendant, Caravela, approved the filing of the complaints by defendant, Payne.

4. Defendant, Caravela, is thus responsible in the same manner as is defendant, Payne, for violation of the constitutional rights of plaintiff, Bessasparis.

5. Defendant, Caravela, is liable under 42 USC §1983 for damages and 42 USC §1988 for counsel fees.

Wherefore, plaintiff, Bessasparis, demands judgment against defendant, Caravela, plus interest and costs.

FOURTH COUNT

1. Plaintiffs incorporate all prior allegations of this complaint herein.

2. The conduct of defendants, Payne and Caravela, as set forth in the Second and Third Counts, further constitute violations of the New Jersey Civil Rights Act, N.J.S.A. 10:6-2.

Wherefore, plaintiff, Bessasparis, demands judgment against defendants, Payne and Caravela, jointly and severally, plus interest and costs of suit.

FIFTH COUNT

1. Plaintiffs incorporate all prior allegations of this complaint herein.
2. The conduct of defendant, Daunton, in filing a complaint containing over 250 counts against defendant, Bessasparis, without any delineation as respects the particulars of such claims was a violation of plaintiff's due process rights under the Fourth and Fifth Amendments to the U.S. Constitution.
3. Defendant, Caravela, approved the filing of the complaints.
4. Accordingly, defendants are liable under 42 USC § 1983 for damages and 42 USC §1988 for counsel fees.

Wherefore, plaintiff demands judgment against defendants, Daunton and Caravela, for damages, fees and costs.

SIXTH COUNT

1. Plaintiffs incorporate all allegations of this complaint herein.
2. The filing of the complaints against plaintiff, Bessasparis, by defendants, Daunton and Payne, and approved by defendant, Caravela, violate the basic notions of fundamental fairness so as to deny him due process.
3. There was neither a rational basis, probable cause, nor any probability of any kind that plaintiff, Bessasparis, would or could be individually liable under the Township Ordinance.
4. The conduct of defendants, Daunton, Payne and Caravela, thus violated plaintiff's due process rights under the Fifth Amendment to the US Constitution.

5. Defendants, Daunton, Payne and Caravela, are thus liable to plaintiff, Bessasparis, for damages under 42 USC §1983 and for counsel fees under 42 USC §1988.

Wherefore, plaintiff, Bessasparis, demands judgment against defendants, Daunton, Payne and Caravela, plus interest, costs and fees.

SEVENTH COUNT

1. Plaintiffs incorporate all prior allegations of this complaint herein.

2. The conduct of defendant, Caravela, in denying plaintiff, SHT, its application to tow in 2016 was contrary to the provisions of Ordinance 216, which was in effect at the time.

3. Defendant, Caravela, was only authorized to “recommend” approval or denial of a license; however, defendant, Caravela, was not authorized to reject any application himself.

4. Further, in spite of the fact that a hearing was scheduled, defendants, Caravela and Daunton, conspired to preclude plaintiff, SHT, from obtaining a meaningful hearing, which is the essence of due process.

5. Plaintiff, SHT, made it known, orally at the hearing and in writing, that defendant, Daunton, was its main witness.

6. The necessity for Daunton’s testimony was caused by the Hearing Officer requiring plaintiff, SHT, to prove a negative, i.e., that it did not violate a prior ordinance, even though the allegations were never established or proven by the Police Department at any time.

7. As the result of such conspiracy, defendant, Daunton, never appeared at the hearing, precluding plaintiff, SHT, from proceeding and necessitating adjournment after adjournment of the hearing proceeding.

8. Such conduct deprived plaintiff, SHT, of a rightful or meaningful hearing which, as the result of the passage of time, was declared moot by the Hearing Officer.

9. The entire year of 2016 passed, during which plaintiff, SHT, did not tow for Bridgewater; the hearing could never be completed during the year; and the time for new applications for the 2017 calendar year arrived.

10. Such conduct violated the Fourth and Fifth Amendments to the US Constitution and the New Jersey Civil Rights Act.

11. As a result, plaintiff, SHT, is entitled to damages under 42 USC §1983 and counsel fees under 42 USC §1988 and damages under N.J.S.A. 10:6-2.

Wherefore, plaintiff demands judgment against defendants, Daunton and Caravela, plus fees and costs.

EIGHTH COUNT

1. Plaintiffs incorporate prior allegations of this complaint herein.

2. The Defendant, Bridgewater, assigned all obligations of enforcement of Ordinance 216 to the Township Police Department and Chief of Police.

3. The Chief of Police was therefore designated as the person to establish policy for the enforcement of the Ordinance, which policy thus became the policy of the defendant, Township.

4. Defendant, Caravela, as the agent or alter ego for the Township, bound the Township to his own conduct and policy decisions.

5. As a result, defendant, Township of Bridgewater, is liable to plaintiffs for all the decision making by the Police Department and Chief of Police including, but not limited to, the discriminatory and exclusionary implementation of the provisions thereof.

6. Defendant, Township of Bridgewater, is thus liable under 42 USC §1983 for damages and 42 USC §1988 for counsel fees.

Wherefore, plaintiffs demand judgment against defendant, Township of Bridgewater, plus fees, interest and costs.

NINTH COUNT

1. Plaintiffs incorporate prior allegations of this complaint herein.

2. All defendants selectively enforced the provisions of the Ordinance in an exclusionary and discriminatory manner.

3. Defendants, Daunton and Payne, admitted that many other towers had violated the Ordinance, however, because they alleged that plaintiffs did not cooperate with them, complaints were only filed against plaintiff, Bessasparis, and one other.

4. Such conduct violated the equal protection rights of plaintiff, Bessasparis, under the Fifth Amendment to the US Constitution and the New Jersey Civil Rights Act.

5. Defendants are thus liable under 42 USC §1983 for damages and 42 USC §1988 for counsel fees and under N.J.S.A. 10:6-2.

Wherefore, plaintiff, Bessasparis, demands judgment against all defendants for damages, fees, interest and costs.

TENTH COUNT

1. Plaintiffs repeat the allegations of all prior Counts of this Complaint.

2. By virtue of their conduct enumerated in the First through Ninth Counts defendants are jointly and severally liable for violations of plaintiffs' civil and constitutional rights, as more particularly set forth therein.

Wherefore, plaintiffs demand judgment against all defendants jointly and severally, plus interest, attorney fees and costs of suit.

ELEVENTH COUNT

1. Plaintiffs repeat the allegations of all prior Counts of this Complaint.
2. Plaintiffs reserve the right to file amended pleadings to all additional causes of action based upon such facts as may be elicited during discovery or at trial.

RULE 4:5-1 CERTIFICATION

In accordance with Rule 4:5-1, I certify that the matter in controversy is not the subject of any other action or arbitration either pending or contemplated.

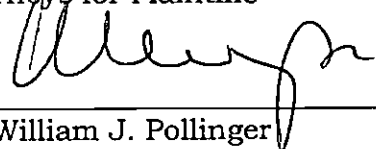
JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues so triable.

DESIGNATION OF COUNSEL

William J. Pollinger, Esq., is hereby designated as trial counsel in this matter.

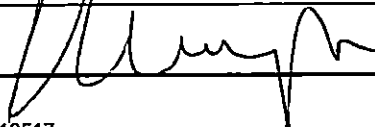
WILLIAM J. POLLINGER, P.A.
Attorneys for Plaintiffs

By: 

William J. Pollinger

Dated: November 14, 2017

Appendix XII-B1RECEIVED
FILED
2017 NOV 17

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: AMOUNT: \$ OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY / PRO SE NAME William J. Pollinger, Esq.		TELEPHONE NUMBER (201) 487-5666	
FIRM NAME (if applicable) William J. Pollinger, P.A.		COUNTY OF VENUE Somerset		
OFFICE ADDRESS 60 Court Street, Suite #2 Hackensack, NJ 07601		DOCKET NUMBER (when available) 2-1419-14		
NAME OF PARTY (e.g., John Doe, Plaintiff) Michael Bessasparis and SHT Corp. t/a Somerset Hills Towing, Plaintiff		CAPTION Michael Bessasparis and SHT Corp. t/a Somerset Hills Towing v. The Township of Bridgewater, et al.		
CASE TYPE NUMBER (See reverse side for listing) 005	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: 				

Side 2



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)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | 624 STRYKER LFIT CoCr V40 FEMORAL HEADS |

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

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

SOMERSET COUNTY SUPERIOR COURT
40 NORTH BRIDGE STREET
1ST FLR PO BOX 3000
SOMERVILLE NJ 08876-1262

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (908) 231-7054
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 20, 2017
RE: BESSASPARIS VS BRIDGEWATER TOWNSHIP
DOCKET: SOM L -001419 17

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 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 YOLANDA CICCONE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (908) 203-6034.

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: WILLIAM J. POLLINGER
PA WILLIAM J. POLLINGER
60 COURT ST STE 2
HACKENSACK NJ 07601

JUTGRO2