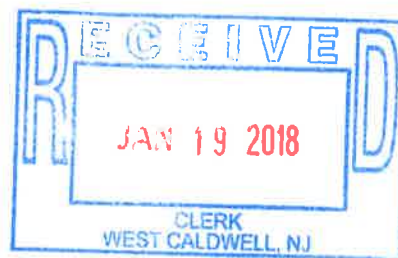


JOHN V. McDERMOTT, JR., ESQ.
 Attorney ID No. 013421975
 14 Church Street, Suite 1
 Vernon, NJ 07462
 973-764-6313
 Attorney for Plaintiffs



MICHELLE MALEK, Administrator ad
 Prosequendum and General Administrator
 of the Estate of Penny Malek, deceased, and
 MICHELLE MALEK, individually and
 MATHEW MALEK, individually

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION- ESSEX COUNTY

CIVIL ACTION

Plaintiffs

Esx - L - 8856 - 17

Docket No.: -17

vs.

TOWNSHIP of WEST CALDWELL, a
 Municipal Corporation of the
 State of New Jersey,
 STEVEN R. HUSTER, GREGORY R. RUESCH,
 WILLIAM STALLONE, DECLAN BEERE,
 And GERALD PARIS

COMPLAINT AND DEMAND
 FOR JURY TRIAL

Defendants

Plaintiffs, **MICHELLE MALEK**, Administrator ad Prosequendum and General
 Administrator of the **Estate of PENNY MALEK**, deceased, and Plaintiffs, **MICHELLE**
MALEK, and **MATHEW MALEK**, individually, residing at 76 Silver Spring Road, Short
 Hills, in the Township of Millburn, County of Essex, and State of new Jersey, by way of
 Complaint against the Defendants, **TOWNSHIP of WEST CALDWELL**, a Municipal
 Corporation of the State of New Jersey, **Ptl. STEVEN R. HUSTER**, **Ptl. GREFORY R.**
RUESCH, **Ptl. WILLIAM STALLONE**, **Sgt. DECLAN BEERE**, and **Chief GERALD**
PARIS, as police officers of West Caldwell and in their individual capacities, say:

FIRST COUNT

N.J.S.A. 59:1-1 et seq.

1. On or about April 17, 2016, at approximately 2:13A.M., decedent, Penny Malek, was operating a 2013 Honda CRV bearing N.J. license plate C93-DMF owned by Michelle Malek at or around Bloomfield Avenue and Passaic Avenue near a Walgreen's Pharmacy located at 601 Passaic Avenue, in the Township of West Caldwell, Essex County, New Jersey.
2. Decedent, Penny Malek, made a left turn from Bloomfield Avenue onto Passaic Avenue and came to a stop at the light. When the traffic light turned green, decedent drove forward and then made a left turn into the Walgreen's Pharmacy parking lot where she was going to return and exchange merchandise she bought earlier that evening.
3. When decedent, Penny Malek, completed her left turn into Walgreen's parking lot, defendant Ptl. Steve R. Huster, Badge # 767, a police officer hereinafter referred to as "Huster", employed by defendant Township of West Caldwell, a municipal corporation of the State of New Jersey, hereinafter referred to as "West Caldwell," without probable cause, without reasonable suspicion, without any information from a third party or from police dispatch, and without any basis to do so, activated the lights on the roof of the police vehicle he was operating and effected a motor vehicle stop of the decedent.
4. Decedent brought her vehicle to a stop and produced her license and registration but was unable to find the owner's insurance card.
5. Defendant Huster observed that decedent was eating an Oreo cookie and had chocolate on her mouth and lips.

6. Defendant Huster asked her where she was coming from and disputed the information she gave him in response to that question. Defendant Huster then began to harass and intimidate the decedent because he did not like the information she continued to give him about where she was coming from or what streets she drove on to reach the location where he stopped her.
7. At that time two other West Caldwell police officers, defendant Sgt. Declan Beere, Badge #742, hereinafter referred to as "Beere," and defendant Ptl. William Stallone, Badge #768, hereinafter referred to as "Stallone", arrived in separate police vehicles in the Walgreen's parking lot and began to assist Huster.
8. Without probable cause and without any reasonable factual or legal basis, defendant Huster directed decedent to exit her vehicle. Decedent complied with that demand and did so without any physical or mental difficulties.
9. Defendant Huster directed decedent to walk to the rear of her vehicle and in between her vehicle and the front of his police car. Decedent complied with that demand.
10. Defendant Huster then stated that he saw two hypodermic needles in the pouch on the back seat of the vehicle. She stated that those hypodermic needles were her mother's and that her mother was sick.
11. Defendant Huster asked decedent if she took any drugs or alcohol that night and she stated she had not done so.
12. Defendant Huster then twice requested decedent to recite a portion of the alphabet which she did both times successfully.
13. Defendant Huster then administered the horizontal gaze nystagmus test (HGN) which she successfully completed but which defendant Huster subjectively determined she did not

because he realized he had no basis to have stopped decedent and was attempting to justify his unlawful stop and wrongful detention and testing of the decedent.

14. Defendant Huster then directed the decedent to take nine (9) steps forward with her heel to toe and then return taking nine (9) steps back with her heel to toe. But, when defendant Huster demonstrated this "test" he only took three (3) steps in each direction himself. Decedent completed eight (8) steps forward and turned to go back but defendant Huster stopped her from successfully completing the test and subjectively determined that decedent could not successfully and safely have completed the test because she would have been unsafe in doing so.
15. Defendant Huster then, without probable cause or any factual or legal basis to do so, placed decedent under arrest, for "driving while intoxicated", unlawfully searched her, and placed her in the rear of his police vehicle.
16. Defendant Huster failed to read decedent her Miranda rights as of this time.
17. Defendant Huster next, without probable cause, without a search warrant, and without permission of decedent unlawfully searched the vehicle decedent had been operating.
18. Defendant Huster and defendant Ruesch then took decedent to the North Caldwell Police Department where they caused her to be searched for a second time and administered the alcotest to her.
19. The alcotest was administered to decedent at 3:36A.M. and was completely negative.
20. Defendant Huster never had a DRE test or observe decedent at anytime
21. At approximately 5:05A.M. and 1½ hours after the alcotest was given and was completely negative defendant Huster asked decedent the questions on the "Drinking Driver Questionnaire." During that questioning defendant Huster was told by the

decedent that she was under the care of Dr. DeSouza whom she had last seen two weeks ago. She also advised defendant Huster that she was prescribed Zoloft, Quanfaline for ADHD, Trazodone, Klonopin and Xanax. Decedent advised that she took her last prescription at approximately 6:00A.M. on April 16, 2016.

22. When defendant Huster read decedent her rights for the first time at 4:38A.M. decedent advised that she understood her constitutional rights and that she did not want to waive her rights and did not want to answer questions or give a statement. Despite decedent's refusal to waive her rights and make a statement, defendant Huster continued to question decedent and unlawfully obtained information from her contrary to her assertion of her constitutional rights

23. Defendant then charged decedent with the following violations:

- A. N.J.S.A. 39:4-50 (WC136854)
- B. N.J.S.A. 39:4-50G (WC136855)
- C. N.J.S.A. 39:4-49.1 (WC136856)
- D. N.J.S.A. 39:4-56 (WC136857)
- E. N.J.S.A. 39:4-97.3 (WC136858)
- F. N.J.S.A. 39:4-97 (WC136859)
- G. N.J.S.A. 39:3-29C (WC136860)
- H. N.J.S.A. 2C:35-10A(1) (S2016-0000-38)
- I. N.J.S.A. 2C:36-6A (S2016-0000-39)
- J. N.J.S.A. 2C:35-10C (S2016-0000-39)

24. Since the motor vehicle stop was unlawful and without probable cause and without any factual or legal basis, none of the above charges should have been filed by defendant Huster against the decedent.
25. All of the basis for defendant Huster to charge the violations enumerated in Paragraph 23 above were contrary to and in violation of decedent's constitutional rights.

26. The arrest and detention of decedent by defendants Huster, Ruesch, Stallone, Beere and West Caldwell from approximately 2:00A.M until 6:10A.M. was unlawful, contrary to decedent's constitutional rights, and contrary to decedent's Miranda Rights.
27. Defendants Huster, Ruesch, Stallone, Beere, and West Cladwell were fully aware of the decedent's mental condition, her lawful prescriptions of medicines that were used to treat her mental and emotional conditions and shortcomings, and they acted in gross, wanton, willful and intentional derelictions of their duties and responsibilities as police officers that resulted in unlawfully stopping, harassing, arresting, detaining, and grossly overcharging decedent with the violations enumerated in Paragraph 23 above.
28. As a result of the intentional, wanton, willful and gross derelictions of their duties by defendants Huster, Ruesch, Stallone, Beere, and West Caldwell decedent was caused significant emotional distress and severe mental impairment, all of which caused and led to decedent's death approximately thirty-five (35) hours later on April 18, 2016 at approximately 5:00P.M.
29. Defendants Huster, Ruesch, Stallone, Beere, and West Caldwell, by their negligence, carelessness, recklessness, gross dereliction of their duties and responsibilities, and wanton and willful conduct were the proximate cause of the injuries and death that resulted to decedent, all of which subjects all of these defendants to liability in accordance with the applicable provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. seq.
30. On or about July 14, 2016 plaintiffs, through their attorney, filed the required Notice of Tort Claim with these defendants by filing and serving it on the Municipal Clerk of West Caldwell pursuant to the appropriate provisions of the New Jersey Tort Claim Act,

N.J.S.A. 59:8-1 et. seq. More than six months has elapsed since the filing of that Notice of Claim and no disposition of this claim and case has yet been made.

31. On or about _____, _____ 2016, Letters of Administration ad Prosquendum were granted by the Surrogate of the County of Essex to plaintiff, Michelle Malek, for the purpose of prosecuting a claim on behalf of the heirs-at-law and surviving next-of-kin of Penny Malek, deceased, against the defendants herein identified for the injuries and death of Penny Malek. Letters of Administration were previously granted to Michelle Malek, as General Administrator of the Estate of Penny Malek, deceased, on November 9, 2016.
32. Decedent, Penny Malek, left surviving her as her heirs-at-law and surviving next-of kin, her mother, Michelle Malek, and her father, Mathew Malek, both of whom have suffered pecuniary injuries as a direct and proximate result of the death of their daughter, Penny Malek.
33. This action has been commenced within two (2) years after the date of death of Penny Malek.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;

F. For such other and further relief as this Court may deem just and proper.

SECOND COUNT

(N.J.S.A. 59:2-2(a))

34. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 33 of this Complaint as if more fully set forth herein at length.
35. At all times relevant herein, defendants Huster, Ruesch, Stallone, Beere and Paris were employed as police officers by defendant West Caldwell.
36. As a result of the employment relationship between and among these individual defendants and the public entity, West Caldwell, these defendants are liable for the negligence, carelessness, willful wanton and gross dereliction of their duties, under principles governing principal agency relations, under the doctrine of respondent superior and in accordance with N.J.S.A. 59:2-2(a).

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

THIRD COUNT

(N.J.S.A. 59:3-3 and 59:3-14)

37. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 36 of this Complaint as if more fully set forth herein at length.
38. As a result of the aforesaid actions and omissions of all of these defendants as previously set forth herein, all of these defendants are liable to the plaintiffs because of their failure to act in good faith and exercise their duties as police officers in their actions taken against plaintiffs' decedent pursuant to N.J.S.A. 59:3-3 and based upon N.J.S.A. 59:3-14.
39. All of these defendants are also liable to the plaintiffs because their motor vehicle stop and actions thereafter constituted false arrest and false imprisonment as provided for in N.J.S.A. 59:3-3.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

FOURTH COUNT

(N.J.S.A. 59:3-8)

40. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 39 of this Complaint as if more fully set forth herein at length.
41. Defendant Huster filed the charges and complaints against decedent as enumerated in Paragraph 23 of this Complaint on the basis of actual malice and/or in a manner that constituted willful misconduct in that many or most of these charges had no factual or legal basis to have been filed against decedent.
42. As a result of the foregoing, defendant Huster is liable to the plaintiffs pursuant to N.J.S.A. 59:3-8.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

FIFTH COUNT

(Intentional Infliction of Emotional Distress)

43. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 42 of this Complaint as if more fully set forth herein at length.
44. The aforesaid actions of all of these defendants constituted the intentional infliction of emotional distress upon plaintiffs' decedent all of which caused and resulted in the great diminishment in the character and quality of plaintiffs' decedent's life from the time of their intentional, willful and wanton actions and omissions and during the thirty-five (35) hours thereafter until the death of Penny Malek.
45. All of these defendants are responsible to the plaintiffs for the severe emotional distress suffered by decedent.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

SIXTH COUNT

(Conspiracy)

46. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 45 of this Complaint as if more fully set forth herein at length.
47. All of these defendants acted in concert and by way of conspiracy with defendant Huster to cover-up and justify his wrongful actions, unlawful actions and violations of the decedent's constitutional rights so as to attempt to save defendant Huster from liability to decedent and the plaintiffs.
48. As a result of these concerted and conspiratorial actions, all of these defendants are responsible to these plaintiffs for all damages and injuries suffered by their decedent and themselves.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

SEVENTH COUNT

(Supervisory Liability For Negligent Training and Supervision)

49. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 48 of this Complaint as if more fully set forth herein at length.
50. Defendants Beere and Paris were a sergeant and chief, respectively, of the West Caldwell Police Department and as supervisors of defendants Huster, Ruesch and Stallone they failed to properly train, supervise, direct and manage defendants Huster, Ruesch, and Stallone as subordinate employees of defendant West Caldwell.
51. As a result of the negligence of defendants Beere and Paris as supervisors, defendants Huster, Ruesch, and Stallone carried out their unlawful and unconstitutional actions against plaintiffs' decedent and plaintiffs herein.
52. Defendants Beere and Paris are responsible to these plaintiffs because their negligent supervision, training and management of these other defendants were the proximate cause of the decedent's and plaintiffs' damages.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;
- C. For attorney's fees and costs of suit;

- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

EIGHTH COUNT

(N.J.S.A. 2A:15-3 et. seq. Survivors' Act)

- 53. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 52 of this Complaint as if more fully set forth herein at length.
- 54. As a result of the negligence, carelessness, and wanton and willful conduct of the defendants as set forth throughout this Complaint, plaintiffs' decedent, Penny Malek, suffered great physical pain, substantial emotional pain and distress during which time she suffered greatly and endured much pain and suffering until her death on April 18, 2016.
- 55. As a result, plaintiffs Michelle Malek and Mathew Malek, individually, and as General Administrator of the Estate of Penny Malek, incurred funeral services expenses, damages, and losses in connection with the death of Penny Malek to which the Estate of Penny Malek is entitled to recover pursuant to N.J.S.A. 2A:15-3 et seq. and otherwise.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;
- B. For Punitive damages;

- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

NINTH COUNT

(N.J.S.A. 2A:31-1 et. Seq. - Wrongful Death and Survival Act)

- 56. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 55 of this Complaint as if more fully set forth herein at length.
- 57. As a direct and proximate result of the actions and omissions of the defendants plaintiffs as heirs-at-law and surviving next-of-kin of Penny Malek, deceased, have suffered the loss of love, companionship, advice and guidance.
- 58. As a direct and proximate result of the actions and omissions of the defendants, as aforesaid, the plaintiffs as heirs-at-law and surviving next-of-kin of Penny Malek, deceased, were deprived of the reasonable expectation of the pecuniary advantages which would have resulted from the continuance of the life of Penny Malek, deceased, and have otherwise suffered pecuniary and financial losses to which they are entitled to recover pursuant to N.J.S.A. 2A:31-1 et seq. and otherwise.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris, and West Caldwell jointly and severally, as follows:

- A. For Compensatory damages;

- B. For Punitive damages;
- C. For attorney's fees and costs of suit;
- D. For prejudgment interest from April 17, 2016;
- E. For post-judgment interest;
- F. For such other and further relief as this Court may deem just and proper.

TENTH COUNT

(N.J.S.A. 10:6-1 et seq.. N.J. Civil Rights Act)

- 59. Plaintiffs repeat and reallege all of the allegations of Paragraphs 1 through 58 of this Complaint as if more fully set forth herein at length.
- 60. This Tenth Count of this Complaint is brought pursuant to N.J.S.A. 10:6-1 et. seq.
- 61. All of the actions and omissions of the defendants set forth throughout this Complaint were engaged in by all defendants under color of state law.
- 62. The actions and omissions of all defendants herein deprived the decedent and plaintiffs of substantive due process and the equal protection of laws guaranteed by the Constitution and the substantive rights privileges and immunities secured by the Constitution and laws of the State of New Jersey and whose exercise and enjoyment of those substantive rights, privileges and immunities have been interfered with and attempted to be interfered with by the actions and omissions by all these defendants while acting under color of law, all of which caused the decedent and these plaintiffs serious, substantial and continuing damages, including death, contrary to and in violation of N.J.S.A. 10:6-1 et. seq.
- 63. All of the defendants herein are "persons" as defined by this statute and caselaw interpreting this statute.

64. None of the defendants herein are entitled to qualified immunity for the claims set forth herein as the constitutional rights of the plaintiffs' decedent that were violated by these defendants were clearly established and were known or should have been known by all of these defendants on and before April 17, 2016 and none of these defendants acted in good faith under the circumstances and facts of this case.
65. In all actions herein defendants Paris and Beere engaged as participants individually and in their capacities as supervisors of defendants Huster, Ruesch and Stallone.
66. Each defendant herein violated the Constitutional rights and privileges of the plaintiffs' decedent and acted in concert with and by way of conspiracy between them to inflict these constitutional violations against plaintiffs' decedent.
67. Upon information and belief, defendant West Caldwell has exhibited a failure to adequately hire, train, supervise, discipline, monitor, counsel and other wise control defendants Huster, Ruesch, and Stallone and other members of the West Caldwell police department.
68. All of these defendants violated the decedent's rights under the Constitution of the State of New Jersey as already set forth throughout this Complaint as well as in other ways and manners including, but not limited to the following: the right to enjoy and defend life and liberty; the right to acquire possess and protect property; the right to pursue and obtain safety and happiness; the right to due process of law; the right to equal protection of the laws; the right not to be denied or discriminated against in any civil right; the right to be secure against unreasonable searches and seizure; the right to any other natural and inalienable right retained by the people; the right to privacy; and all other rights and privileges that may be further determined during discovery in this case.

69. Defendants Huster, Ruesch, Stallone, Beere and Paris are sued herein in both their capacities as employees of defendant West Caldwell as well as in their individual capacities for all of their actions and constitutional violations.
70. All of these defendants are jointly and severally liable to the plaintiffs for all of the damages suffered by the plaintiffs because of these defendants' violations of the decedent's and plaintiffs' civil rights enumerated by N.J.S.A. 10:6-1 et. seq. and the caselaw decided pursuant to these statutes.

WHEREFORE, plaintiffs Michelle Malek and Mathew Malek, as Administrator ad Prosequendum of the Estate of Penny Malek, deceased, and individually, demand judgment against defendants Huster, Ruesch, Stallone, Beere, Paris and West Caldwell as follows:

- A. For injunctive relief pursuant to N.J.S.A. 10:6-2(c) barring and prohibiting defendants from continuing to stop motorists, arrest motorists, detain motorists, and file charges against motorists without probable cause;
- B. For injunctive relief pursuant to N.J.S.A. 10:6-2(c) barring and prohibiting defendants from taking and impounding vehicles of motorists whom they have allegedly stopped, arrested, unlawfully searched and charged;
- C. For injunctive relief pursuant to N.J.S.A. 10:6-2(c) requiring defendants to return to the plaintiffs the fees for towing and impounding plaintiff Michelle Malek's vehicle contrary to law;
- D. For compensatory damages pursuant to N.J.S.A. 10:6-2(c);
- E. For punitive damages;
- F. For assessment and collection of civil penalties against each of these defendants herein as provided for in N.J.S.A. 10:6-2(c);
- G. For an award of all of plaintiffs' reasonable attorney's fees and costs in bringing and pursuing this litigation provided for in N.J.S.A. 10:6-2(f);
- H. For prejudgment interest from and after April 17, 2016;

- I. For post-judgment interest;
- J. For such other and further relief as this Court may deem fair and just.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand trial by jury as to all issues.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy herein is not the subject of any other action now pending in court or in arbitration or contemplated. I further certify that I am not aware of other parties who should be joined in this action at this time. .

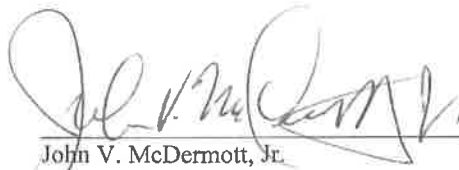
DESIGNATION OF TRIAL COUNSEL PURSUANT TO R. 4:5-1(c)

Plaintiffs designates John V. McDermott, Jr., Esq. as the attorney responsible for the prosecution and trial of this case.

CERTIFICATION PURSUANT TO R. 4:5-1(b)(3)

I certify that confidential personal identifiers have been redacted from documents now submitted to this court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

Dated: December 15, 2017


John V. McDermott, Jr.
Attorney for Plaintiffs

Civil Case Information Statement

Case Details: ESSEX | Civil Part Docket# L-008865-17

Case Caption: MALEK MICHELLE VS TOWNSHIP OF WEST CAL DWELL

Case Initiation Date: 12/15/2017

Attorney Name: JOHN V MC DERMOTT JR

Firm Name: JOHN V. MC DERMOTT, JR.

Address: 14 CHURCH STREET SUITE 1

VERNON NJ 074623227

Phone:

Name of Party: PLAINTIFF : Malek, Michelle

Name of Defendant's Primary Insurance Company

(If known): None

Case Type: CIVIL RIGHTS

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? YES

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)*

12/15/2017
Dated

/s/ JOHN V MC DERMOTT JR
Signed

Attorney(s): John V. McDermott, Jr.
Attorney Id No.: 013421975
Law Firm: John V. McDermott, Jr.
Address: 14 Church Street, Suite 1
Vernon, New Jersey 07462

Telephone No.: (973) 764-6313
Fax No.: (973) 764-0299
E-mail: jvmcdlaw14@yahoo.com
Attorney(s) for Plaintiff(s): Michelle & Mathew Malek

MICHELLE MALEK
MATHEW MALEK

Plaintiff(s)

vs.

TOWNSHIP OF WEST CALDWELL,
a Municipal Corporation of NJ

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
ESSEX COUNTY

DOCKET NO.: ESX-L-8865-17

CIVIL ACTION

Summons

FROM THE STATE OF NEW JERSEY

To the Defendant(s) Named Above:

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 provided and 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 provided and 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.

Dated: **January 8, 2018**

Michelle M. Smith
/s/ Michelle M. Smith

Clerk of the Superior Court

Name of Defendant to be Served: **TOWNSHIP OF WEST CALDWELL,
a Municipal Corporation of NJ**

Address of Defendant to be Served: **21 Clinton Rd, West Caldwell, NJ 07006**

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY

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

BERGEN COUNTY

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

BURLINGTON COUNTY

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

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice, First Floor
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY

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

CUMBERLAND COUNTY

Deputy Clerk of the 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

ESSEX COUNTY

Deputy Clerk of the 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

GLOUCESTER COUNTY

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

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Department
Brennan Court House, First Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY

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

MERCER COUNTY

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

MIDDLESEX COUNTY

Deputy Clerk of the 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

MONMOUTH COUNTY

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

MORRIS COUNTY

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

OCEAN COUNTY

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

PASSAIC COUNTY

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

SALEM COUNTY

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

SOMERSET COUNTY

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

SUSSEX COUNTY

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

UNION COUNTY

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

WARREN COUNTY

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

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