

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DARRAIL L. SADBERRY

PLANTIFF

vs.

STATE OF NEW JERSEY(SONJ)
CHRISTOPHER JAMES CHRISTIE, IN HIS
OFFICIAL CAPACITY AS GOVERNOR
OF THE STATE OF NEW JERSEY,
CRANFORD TOWNSHIP(A MUNICIPAL
CORPORATION ORGANIZED UNDER
NEW JERSEY LAW), BOROUGH OF
CARTERET(A MUNICIPAL
CORPORATION ORGANIZED UNDER
NEW JERSEY LAW), BOROUGH OF
WATCHUNG(A MUNICIPAL
CORPORATION ORGANIZED UNDER
NEW JERSEY LAW), UNION TOWNSHIP
(LOCATED IN UNION COUNTY)
(A MUNICIPAL CORPORATION
ORGANIZED UNDER NEW JERSEY
LAW), JOHN DOES 1-4 ,IN THEIR
OFFICIAL CAPACITY AS POLICE
OFFICERS FOR THEIR RESPECTIVE
TOWNSHIPS, JOHN DOES 5-10; JANE
DOES 1-5

Defendants,

CIVIL ACTION

DOCKET No.

14-5580
(FSH)

COMPLAINT

RECEIVED USDC
DISTRICT OF NEW JERSEY
SEP 17 AM 10:45

RECEIVED

SEP 08 2014

8:30 PM
WILLIAM T. WALSH, CLERK

Plaintiff, Darrail Sudberry, a resident of New Jersey, by way of complaint against the

Defendants says:

JURISDICTION

1. Jurisdiction of this Court is based upon 42 U.S.C §§ 1981, 1983, 1985, 1986 and the Fourth, Fifth and Fifteenth Amendments to the Constitution of the United States.

2. The jurisdiction of this Court is predicted 28 U.S.C. §1343(1),(3) and (4), as well as 28 U.S.C. §1331.
3. The supplemental jurisdiction of this Court to hear related state courses of action is invoked.

PARTIES

4. Plaintiff Darrail Sudberry is an African American resident of New Jersey who regularly uses New Jersey public roads system and must continue to use public roads for the foreseeable future for business and personal uses.
5. At all times relevant to this complaint, Defendant includes the State Of New Jersey (hereafter "SONJ"). The SONJ is sued for injunctive relief only.
6. Defendant Christopher James Christie was at all time relevant herein the Governor of the SONJ. He is sued in his official capacity only for injunctive relief.
7. Cranford Township (Union County), is sued as a municipal corporation organized under the Laws of the SONJ for the causes stated below.
8. John Doe 1 is at all times relevant herein employed as a police officer by Cranford Township and participated in the stop, arrest, detention and/or search of the Plaintiff on or about February 19, 2012 at approximately 2:00 am
9. Borough of Watchung (Somerset County), is sued as a municipal corporation organized under the laws of the SONJ for the causes stated below.
10. John Doe 2 is at all times relevant herein employed as a police offer by Borough of Watchung and participated in the stop, arrest, detention and/or search of the Plaintiff on or about June 29, 2012 at approximately 9:00pm
11. Borough of Carteret (Middlesex County), is sued as a municipal corporation organized

under the laws of the SONJ for the causes stated below.

12. John Doe 3 is at all times relevant herein employed as a police officer by the Borough of Carteret and participated in the stop, arrest, detention and/or search of Plaintiff on or about June 30, 2011 at approximately 8:00 am.
13. Union Township (Union County) is sued as a municipal corporation organized under the laws of the SONJ for the causes stated below.
14. John Doe 4 is at all times relevant herein employed as a police officer by the Township of Union and participated in the stop, arrest, detention, and/or search of the Plaintiff on or about August 9, 2014 at approximately 3:50 pm.

FACTS

15. On or about February 19, 2012 the Plaintiff was traveling on Raritan Road in Cranford Township, County of Union, State of New Jersey .
16. At or around 2:00 a.m., Plaintiff was stopped by Defendant John Doe 1 in his official capacity as a police officer employed by the Cranford Township.
17. The reason given to the Plaintiff as the pretext for the stop was tailgating (NJSA 39:4-89 an Administrative Statute promulgated by the Defendant SONJ).
18. As it was approximately 2:00am, there was no vehicular traffic on Raritan Road other than the Plaintiff and therefore no reasonable basis for the Defendant John Doe 1 to pull stop the Plaintiff for the stated reason of tailgating.
19. During the period of detention, John Doe 1 interrogated the Plaintiff as to his business in the township, as well as his point of origin and destination.
20. Ultimately Plaintiff was released and issued a summons unrelated to the initially offered basis for pull stop.
21. On or about June 21, 2012, at or around 9:00 p.m., the Plaintiff was traveling westbound on U.S. Highway 22 near the intersection of Terrill Road in the Borough of Watchung.

22. On or about June 21, 2012, Defendant John Doe 2 was employed as a police officer in by the Borough of Watchung.
23. On or about June 21, 2012, at or around 9:00 p.m. Defendant John Doe 2 was parked on Terrill Road, setback approximately 200 feet from the intersection of U.S Highway 22 and Terrill Road and therefore perpendicular to the traffic and the Plaintiff on U.S. Highway 22
24. The traffic light at the intersection of U.S. Highway 22 and Terrill Road is a standard three light traffic signal equipped with metal covers for sun glare.
25. Due to the location of John Doe 2's parked vehicle, he was not in a vantage point to see the color of the traffic signal of traffic going eastbound or westbound on U.S. Highway 22 because he was perpendicular to both.
26. Plaintiff traveled through the intersection of U.S. Highway 22 and Terrill Road, at which time the traffic signal was green.
27. Plaintiff continued approximately 1,584 feet, where he came to a stop at the Buffalo Wilds Wings, an eatery in Borough of Watchung, under his own power.
28. Defendant John Doe 2, without the use or benefit of emergency lights or sirens, entered the parking lot of the Buffalo Wild Wings. Defendant John Doe 2 exited his municipal vehicle and approached the Plaintiff. Defendant John Doe 2 then told the Plaintiff that he observed the Plaintiff fail to observe the traffic signal at the intersection of U.S. 22 Highway and Terrill Road.
29. Failure to observe traffic signal(NJSA 39:4-81)is an administrative statute promulgated by the Defendant SONJ
30. Defendant John Doe 2 offered no corroborative proof that Plaintiff had broken the above mentioned statute.
31. Defendant John Doe 2 initiated a traffic stop thou the Plaintiff was no longer in transit, but at a standstill , in a parking lot, of his own volition.

32. Defendant John Doe 2 issued the Plaintiff a citation for failure to observe a signal.
33. On or about June 28, 2011 the Plaintiff was traveling on Roosevelt Avenue in the Borough of Carteret at approximately 8:00 am.
34. While traveling on Roosevelt Avenue, Plaintiff observed and obeyed a red light at the intersection of Roosevelt Avenue and Frederick Street.
35. While stopped the Plaintiff noticed driver in front of him signaled for a left turn.
36. When the light permitted, the Plaintiff continued through the intersection bypassing the driver in front of him who signaled for a left turn, without causing incident, along Roosevelt Avenue.
37. On or about June 28, 2011, Defendant John Doe 3 was a police officer in the employ of the Defendant, the Borough of Carteret.
38. On or about June 28, 2011, Defendant John Doe 3 was at some point behind the Plaintiff, the exact distance is unknown.
39. At that time Plaintiff was stopped by Defendant John Doe 3 in his official capacity as a police officer for Defendant Borough of Carteret.
40. The reason given by Defendant John Doe 3 as pretext for the pull stop was an improper pass, allegedly committed by the Plaintiff at the intersection of Roosevelt Ave and Frederick Street.
41. Pursuant to NJSA 39: 4-85 (improper passing) an administrative statute promulgated by the Defendant SONJ, the statute shall not be construed to prohibit drivers overtaking and Passing upon the right another vehicle which is making or about to make a left turn.
42. Defendant John Doe 3 offered no corroborative proof that Plaintiff had improperly passed
43. During the period of detention , Defendant John Doe 3 interrogated the Plaintiff about the nature of his presence in Borough of Carteret, where he was from and where he was going.

44. Ultimately the Plaintiff was issued a citation for improper pass and released.
45. On or about August 9, 2014 the Plaintiff was traveling eastbound on U.S. Highway 22 in Union Township (Union County) in the rightmost lane. This segment of U.S. Highway 22 has 3 lanes, temporarily opens to a fourth lane before ultimately paring down into a 2 lane highway again.
46. On or about August 9, 2014, Defendant John Doe 4 was a police officer in the employ of the Defendant Township of Union (Union County).
47. Plaintiff, while in the normal flow of traffic, observed Defendant John Doe 4 enter the lane farthest to the left heading eastbound on U.S. 22 from the one of the businesses in the center median that divides eastbound and westbound traffic on U.S. Highway 22 in Union Township. Plaintiff was at the time behind and one lane removed from the Defendant John Doe 4.
48. Defendant John Doe 4, at sometime decelerated and took a position behind the Plaintiff and followed the Plaintiff for approximately 1.2 miles and subsequently initiated a pull stop.
49. Defendant John Doe 4 communicated to Plaintiff that he had observed the Plaintiff make a lane change without signaling (NJSA 39:4-126 an administrative statute promulgated by the Defendant SONJ) and that he had observed while pacing the Plaintiff that license plate of the Plaintiff's vehicle was improperly displayed (NJSA 39: 3-33 an administrative Statute promulgated by the Defendant SONJ) and that said license plate was defaced (NJSA 39: 3-32, an administrative statute promulgated by the Defendant SONJ).
50. Plaintiff's license plate was securely attached and properly displayed and legible insofar that the Defendant Joe Doe 4 was able to read it prior to the commencement of the pull stop.
51. In addition Defendant John Doe 4 issued a citation for unsafe lane change (NJSA 39:3-

88b, an administrative statute promulgated by the Defendant SONJ) instead of the stated reason for the the pull stop. John Doe 4 has not provided any corrabative proof that the Plaintiff, by cause of action, created unsafe traffic conditions.

52. The Defendant SONJ, (via proxy empowering municipal courts using 2A:154-1 of the administration of Civil and Criminal Justice,) is required to establish that the lane change was made at a time when it was not safe.
53. The SONJ has a longstanding de facto policy of racial profiling, acknowledged by New Jersey Governors, Attorney General , New Jersey Senate Judiciary Committee and the New Jersey Legislative Black and Latino Caucus.
54. In State v. Soto, 324 N.J.Super. 66 (Law Div. 1996), the Superior Court of New Jersey acknowledged that the SONJ, specifically the State Police, engages in the practice of institutional racism by was of its de facto policy pf targeting African American motorists.
55. Based on SONJ racial profiling policies, the Defendant statewide police force, NJSP, were under a federal court enforced consent decree wherein racial profiling was acknowledged by SONJ, and therefore extends to all law enforcement auspices under SONJ.
56. Based on SONJ's racial profiling policies, the police force of the city of Newark, a municipal corporation organized under the laws of the State of New Jersey, has acknowledged a disparity in how it polices with regard to race and has agreed to a federal monitoring program.
57. The City of Newark's acknowledgement of the effect of SONJ's racial profiling policies on law enforcement policies on a municipal level indicates a direct correlation between the SONJ's illegal racial profiling policies and municipal law enforcement racial profiling policies.

58. Defendant SONJ has promulgated administrative statutes used in selective enforcement. While SONJ has acknowledged selective enforcement at its statewide police force level, it willfully neglected to rein its use by county and municipal law enforcement.
59. Defendant SONJ exercised control over the qualification and training of all police officers through section 2A:154-2 of the administration of civil and criminal justice and 52:17B-66 of the Police Training Act.
60. Plaintiff was stopped and mistreated as set forth above due to his race and the illegal practice of racial profiling.

CAUSES OF ACTION

COUNT ONE

NEW JERSEY STATE CIVIL RIGHTS ACTION/STATE CONSTITUTIONAL CLAIM

61. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as if set forth at length herein.
62. The illegal, unconstitutional and discriminatory acts of the Defendants constituted acts of a de facto policy to discriminate, use unlawful force, falsely arrest and detain, and illegally search Plaintiff. The actions of the Defendants aforesaid also represent a de facto policy to deny Plaintiff his rights to travel, equal protection, contract and privacy. All of these violations contravene Plaintiff's constitutional rights under the New Jersey State Constitution including, but not limited to, Article I, Section 1; Article I, Section 5 - denial of rights; and 6 Article I, Section 7 and the New Jersey Civil Rights Act (N.J.S.A. 10:6-2).
63. Each individual Defendant was acting at all relevant times in furtherance of his employer as well as the State of New Jersey .
64. As a result of the aforesaid conduct, Plaintiff has been damaged, including violation of his civil rights and has suffered severe emotional pain and suffering.

COUNT TWO

VIOLATION OF 42 U.S.C. § 1983

65. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as if set forth at length herein.

66. The Defendants individually and as a group participated and conspired with one another under color of state law to deprive Plaintiff of his constitutional rights by, among other things:

- a. stopping and detaining Plaintiff without probable cause;
- b. improperly denying Plaintiff's right to privacy;
- c. denying Plaintiff his right to freedom of travel;
- d. depriving Plaintiff of his right to due process;
- e. depriving Plaintiff of his right to equal protection of the laws.

67. The above acts constitute a violation of the civil rights act, 42 U.S.C. § 1983 for violation of one's civil and constitutional rights under color of state law.

68. As a proximate result of the aforesaid acts, Plaintiff has been damaged and has suffered severe emotional injuries including mental distress and anguish.

COUNT THREE

VIOLATION OF 42 U.S.C. § 1981

69. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as if set forth at length herein.

70. The acts of the Defendants constitute a violation of the Civil Rights Act, 42 U.S.C. § 1981.

71. The acts of the Defendants were motivated by racial animosity and by the desire to injure, oppress, and intimidate the Plaintiff because of his race.

72. As a proximate result of the above-mentioned acts, Plaintiff has suffered damages including severe emotional distress and mental anguish as well as a deprivation of his rights under §1981 and the Equal Protection Clause.

COUNT FOUR

VIOLATION OF 42 U.S.C. § 1985 (CONSPIRACY TO VIOLATE CIVIL RIGHTS)

73. Plaintiff repeats each and every allegations contained in the proceeding paragraphs as if set forth at length herein.
74. The acts of the Defendants constitute a violation of the Civil Rights Act, 42 U.S.C. § 1985, namely a conspiracy to the deprived the Plaintiff of his constitutional rights based on his race.
75. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered severe emotional distress and mental anguish as well as a deprivation of rights under the Civil Rights laws.

COUNT FIVE

VIOLATION OF 42 U.S.C. § 1986

76. Plaintiff repeats each and every allegations contained in the above paragraphs as if set forth at length herein.
77. The Defendants had knowledge of the discrimination/violation of constitutional rights perpetrated on Plaintiff and/or other minorities, including Plaintiff but neglected and failed to prevent said wrongful and illegal acts when they had power to do so.
78. This neglect, aid and refusal to prevent or rectify is a violation of the Civil Rights Act 42 U.S.C. § 1986.
79. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered severe emotional pain, suffering, anguish and distress and a deprivation of rights under the Civil Rights laws.

COUNT SIX

**VIOLATION OF 42 U.S.C. § 1983 (NEGLIGENT SCREENING, HIRING, TRAINING,
SUPERVISING – DISCIPLINARY RETENTION OF DANGEROUS AND
DISCRIMINATORY POLICE OFFICERS)**

80. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as set forth at length herein.
81. The SONJ and the municipal corporations they empowered were negligent in screening, hiring, training, supervising, disciplining and/or retaining the Defendants police officers(John Does 1-4) in this matter, who they knew or should have known were dangerous and/or acted in a racially discriminatory manner.
82. Defendant SONJ is liable for the aforesaid acts both under the doctrine of *respondeat superior* and because it permitted conditions to exist which facilitated and/or permitted such conduct to occur.
83. As a proximate result of the above-mentioned acts, Plaintiff has been damaged and has suffered extreme emotional pain, anguish, distress and suffering as well as a deprivation of civil rights.

COUNT SEVEN

VIOLATION OF 42 U.S.C. § 1983 (SEEKING INJUNCTIVE RELIEF ONLY)

84. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as set forth at length herein.
85. Plaintiff seeks from Defendant Christopher James Christie or his successor, the SONJ as well Defendant townships and/or any John or Jane Does, injunctive relief as set forth below.

COUNT EIGHT

VIOLATION OF NEW JERSEY LAW AGAINST DISCRIMINATION

86. Plaintiff repeats each and every allegation contained in the proceeding paragraphs as set

forth at length herein.

87. The actions of Defendants SONJ, The Defendants Township as well as Defendant John Does 1-4 violated Plaintiff's rights pursuant to the New Jersey Law Against Discrimination.

PRAYERS FOR RELIEF

WHEREFORE, Plaintiff prays for relief and judgment against the Defendants, including but not limited to:

- A. An award of compensatory damages and punitive damages which are allowed by statutes pleaded herein or as permitted by common law and rules.
- B. An award of reasonable attorney's fees and costs of suit as well as interest thereon;
- C. An award of damages as allowed under 42 U.S.C. §§ 1988;
- D. Any other award and equitable relief allowed by statute, or pursuant to the law or equitable and just power of the Court to which Plaintiff is entitled;
- E. Injunctive relief as follows:
 - 1. An order permanently restraining and enjoining the SONJ and all Law Enforcement Organizations under its auspices (State, County and municipal) from encouraging, Teaching, training, condoning or tolerating officers in making arrests, stops or taking other law enforcement action based in whole or in part on the race or ethnic background of an individual;
 - 2. An order compelling the State of New Jersey and all Law Enforcement Organizations under its authority (State, County and Municipal) to take prompt, appropriate and effective corrective measures, including those that affect supervisors and personnel to prevent any policies, patterns and all practices that encourage, teach, train, and condone officers or employees in making any arrests, stops, searches or taking other law

enforcement action based in whole or in part on the race or ethnic background of an individual;

3. An order that the State of New Jersey and all Law Enforcement Organizations under its authority (State, County and Municipal) implement a unified and universal system in which prompt, appropriate and effective disciplinary action is taken against anyone who engages in, teaches, trains, encourages or condones making any arrests, stops, searches or other law enforcement action based in whole or in part on the race or ethnic background of an individual; 11
4. An order compelling the State of New Jersey and all Law Enforcement Organizations under its authority (State, County and Municipal) to implement a unified and universal system pursuant to which statistical information and records regarding the race of all individuals stopped, detained, searched or arrested by Law Enforcement Organizations (State, County and Municipal) are maintained and audited by the Civil Rights Division of the Department of Justice (DOJ) concurrently the Division of Civil Rights with the Office of the Attorney General of the State of New Jersey and ultimately disseminated to the public;
5. An order permanently restraining and enjoining the State of New Jersey and the New Jersey Turnpike Authority from encouraging, teaching, training, condoning or tolerating officers in making arrests, stops or taking other law enforcement action which in any way is intended to produce any of the constitutional violations described herein;
6. An order compelling the SONJ to provide funding to all Law Enforcements Organizations (State, County and Municipal) under its authority for the purchase of personal recording devices.

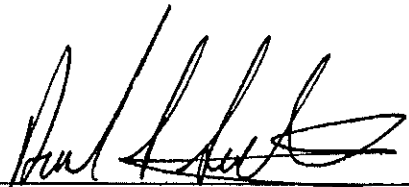
7. An order compelling all Law Enforcement Organizations(State, County and Municipal) under the authority of SONJ to record all interactions with public to provide corroborative evidence of the pretext of all interactions with the public. For said recordings to be saved and made available to all regulatory agencies and the general public.
8. Any other prospective injunctive relief that the Court finds just and appropriate under the circumstances.

JURY DEMAND

Plaintiff hereby demands trial by jury of the damages and punitive damage issues in this action .

DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby names Darraill L. Sudberry, *pro se*, as designated trial counsel relative to the matter captioned above.


DARRAIL L. SUDBERRY, *PRO SE*

ANDREW S. MAZE, ESQ. P. C.
Attorney ID: 018571991
313 AMBOY AVENUE
WOODBIDGE, NJ 07095
(732) 750-5000
ATTORNEY FOR PLAINTIFF

DAYRA ALEJANDRO,

Plaintiff,

vs.

TOMMIE PITTS, XYZ
CORPORATION 1-10, JOHN DOE :
1-5, BOROUGH OF CARTERET,
XYZ CORPORATION 11-20 and :
JOHN DOE 6-10,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY

: DOCKET NO.

: Civil Action

COMPLAINT and JURY DEMAND

MDL- 01981 17

FILED & RECEIVED #1
2011 MAR 31 P 1:21
MIDDLESEX COUNTY
CLERK OF SUPERIOR COURT

Plaintiff, DAYRA ALEJANDRO, residing at 570 Lee Street, in the City of
Perth Amboy, County of Middlesex, State of New Jersey, complaining of the defendants
says:

FIRST COUNT

1. On or about April 4, 2015, the plaintiff, DAYRA ALEJANDRO, was a
pedestrian lawfully and properly on premises located at 33 Warren Street, in the Borough
of Carteret, County of Middlesex, State of New Jersey.

2. At the time and place aforesaid the defendants, TOMMIE PITTS, XYZ
CORPORATION 1-10, JOHN DOE 1-5, BOROUGH OF CARTERET, XYZ
CORPORATION 11-20 and JOHN DOE 6-10, owned, leased, managed, maintained,
possessed, controlled, cleaned, inspected and repaired the premises including the
sidewalk area of the aforesaid premises.

3. At the time and place aforesaid the defendants, TOMMIE PITTS, XYZ CORPORATION 1-10, JOHN DOE 1-5, BOROUGH OF CARTERET, XYZ CORPORATION 11-20 and JOHN DOE 6-10, so negligently, owned, leased, managed, maintained, possessed, controlled, cleaned, inspected and repaired the aforesaid premises the sidewalk area that the sidewalk was broken, allowing a dangerous, hazardous, tripping hazard to exist and the plaintiff, DAYRA ALEJANDRO, was caused to trip and fall, sustaining serious personal injuries.

4. As a direct and proximate result of the joint, several and/or individual negligence of the defendants, TOMMIE PITTS, XYZ CORPORATION 1-10, JOHN DOE 1-5, BOROUGH OF CARTERET, XYZ CORPORATION 11-20 and JOHN DOE 6-10, the plaintiff, DAYRA ALEJANDRO, was caused to sustain serious personal injuries both temporary and permanent in nature, she suffered past, present and will suffer future pain, she was and will be obliged to spend money for hospital and doctor bills, x-rays, care and medicine in an effort to cure and alleviate her injuries, and she was and will be unable to pursue the usual course of her occupation and duties, all to her damage.

WHEREFORE, the plaintiff, DAYRA ALEJANDRO, demands judgment against the defendants, TOMMIE PITTS, XYZ CORPORATION 1-10, JOHN DOE 1-5, BOROUGH OF CARTERET, XYZ CORPORATION 11-20 and JOHN DOE 6-10, for money damages plus costs of suit on this Count.

JURY DEMAND

Plaintiff demands a trial by jury on all of the issues in the within matter.

DEMAND FOR ANSWERS TO INTERROGATORIES

I hereby make a demand for defendant (s) Answers to Form C Interrogatories within the time prescribed by the Rules of the Court.

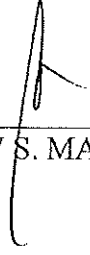
DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2 (b), plaintiff (s) hereby demand production within 30 days of a copy of the contents of any insurance agreement under which the defendant (s) may be covered to satisfy part or all of a judgment which may be entered in the action or to indemnify to reimburse for payments made to satisfy the judgment.

CERTIFICATION

Pursuant to R.4:5-1, I hereby certify that to my knowledge the with matter in controversy is not the subject of any other arbitration proceeding, and no other action or arbitration proceeding is contemplated.

DATE: March 21, 2017



ANDREW S. MAZE

THOMAS DE SENO, ESQ.
 GILL & CHAMAS, L.L.C.
 Attorney ID #: 033241990
 655 Florida Grove Road
 P.O. Box 760
 Woodbridge, New Jersey 07095
 (732) 324-7600
 Attorney for Plaintiff(s)

RECEIVED & FILED

2015 JUL 10 AM 10:57

MASS TORT CIVIL DIV #2
MIDDLESEX VICINAGE

MID-L: 4104 15

SALVATORE RENDA and JENNIFER
 RENDA

Plaintiffs,

vs.

NEW JERSEY MANUFACTURERS
 INSURANCE COMPANY, BOROUGH OF
 CARTERET (THE "BOROUGH"), and
 MIDDLESEX COUNTY JOINT
 INSURANCE FUND (the "FUND"),

Defendants.

SUPERIOR COURT OF NEW JERSEY
 LAW DIVISION; MIDDLESEX
 COUNTY
 DOCKET NO.: MID-L-

Civil Action

~~MID-L-4104-14~~

COMPLAINT, JURY DEMAND,
 DEMAND FOR PRODUCTION OF
 DOCUMENTS, DEMAND FOR
 ANSWERS TO FORM C and C(1)
 UNIFORM INTERROGATORIES
 and SUPPLEMENTAL
 INTERROGATORIES

Plaintiffs, SALVATORE RENDA and JENNIFER RENDA, residing at 46 Oak Leaf
 Lane, in the Borough of Tinton Falls, County of Monmouth, State of New Jersey, by way of
 complaint against the defendant state:

FIRST COUNT

1. On or about May 5, 2011, Plaintiff, SALVATORE RENDA, was the operator
 of a motor vehicle travelling south on Bergen Street in the Borough of Carteret, County of
 Middlesex and State of New Jersey.

2. At the time and place aforesaid, LEONARDO LOPEZ, was the owner(s) and
 operator(s) of the vehicle travelling on Salem Avenue approaching the intersection with
 Bergen Street in the Borough of Carteret, County of Middlesex and State of New Jersey.

2. At the aforementioned time and place, LEONARDO LOPEZ, had a lapsed automobile insurance policy (policy number: 07148940) with Progressive Insurance Company, an insurance carrier licensed to issue automobile insurance in the State of New Jersey. Progressive Insurance Company did not provide bodily injury or property damage liability coverage for this policy.

3. Leonardo Lopez operated his vehicle in a negligent and careless manner so as to cause injuries to plaintiff, Salvatore Renda.

4. At the time of the accident, the plaintiff, Salvatore Renda, maintained an automobile insurance policy with, bearing policy number: (F119850-6) with defendant, NEW JERSEY MANUFACTURERS INSURANCE COMPANY, an insurance carrier licensed to issue automobile insurance in the State of New Jersey, and doing business in Mercer County.

5. Pursuant to the laws of the State of New Jersey, defendant, NEW JERSEY MANUFACTURERS's policy contained an Uninsured Motorist (UM) clause providing coverage in the event the plaintiff's vehicle being lawfully operated was involved in an accident caused by an uninsured or unidentified motorist.

6. At the time of the accident, defendant, NEW JERSEY MANUFACTURERS INSURANCE COMPANY'S UM endorsement provided for coverage limits in the amount of \$100,000.00 for each person and \$300,000.00 for each accident.

7. On June 13, 2013, plaintiff, SALVATORE RENDA, asserted an Uninsured Motorist ("UM") claim against defendant, New Jersey Manufacturers Insurance Company s pursuant to the UM provision in his New Jersey Manufacturer Insurance Company motor vehicle insurance policy.

8. The parties have been unable to resolve the UM claim, and plaintiff, SALVATORE RENDA is seeking a trial on damages in this Court.

WHEREFORE, plaintiff, SALVATORE RENDA, pursuant to his Uninsured Motorist coverage, demands judgment against the defendant, NEW JERSEY MANUFACTURERS INSURANCE COMPANY for personal injury damages, lost income and expenses, interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and re-alleges the allegation in Count One as though set forth at length herein.

2. The vehicle Plaintiff, SALVATORE RENDA was an operator of a motor vehicle, which was insured through defendant, BOROUGH OF CARTERET (the "BOROUGH"), and MIDDLESEX COUNTY JOINT INSURANCE FUND (the "FUND"), bearing a (claim number 23493) with MIDDLESEX COUNTY JOINT INSURANCE FUND INC., selecting the Statutory Minimum of \$15,000.00 in UM coverage.

3. Plaintiff, SALVATORE RENDA, made timely demands for UM coverage of Defendants, BOROUGH OF CARTERET (the "BOROUGH"), and MIDDLESEX COUTNY JOINT INSURANCE FUND, INC. Neither have submitted to arbitration or resolved the matter.

4. Plaintiff has the right to proceed to a trial by jury on the issue of personal injury damages and related other damages against defendant, NEW JERSEY MANUFACTURERS INSURANCE COMPANY AND BOROUGH OF CARTERET the "BOROUGH"), and MIDDLESEX COUTNY JOINT INSURANCE FUND, INC.

WHEREFORE, plaintiff, SALVATORE RENDA, pursuant to his Uninsured Motorist coverage, demands judgment against the defendant, NEW JERSEY MANUFACTURERS INSURANCE COMPANY for personal injury damages, lost income and expenses, interest and costs of suit.

THIRD COUNT

1. The Plaintiff, Salvatore Renda repeats and reiterates each and every allegation of the preceding Courts as if the same were set forth at length herein.

2. At the time of the accident aforesaid, the policy of insurance underwritten by Defendants, New Jersey Manufacturers Insurance Company, Borough of Carteret (The Borough), and Middlesex County Joint Insurance Fund (the "FUND") contained a provision concerning uninsured motorist coverage to which the plaintiff was entitled to benefits.

3. Implicit in the policy and in accordance with the laws of the State of New Jersey, the Defendants, New Jersey Manufacturers Insurance Company, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND") have a duty and obligation to act in good faith and to deal fairly with the Plaintiff in the processing and resolution of Plaintiff's claims benefits.

4. The Defendants, New Jersey Manufacturers Insurance, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND"), by their inaction and other acts and/or omissions wrongfully and improperly denied coverage and/or failed and/or refused to process and/or resolve the Plaintiff's claims in a timely and reasonable manner.

5. The Defendants, New Jersey Manufacturers Insurance, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND"), breached their duty to the Plaintiff and have shown no debatable reasons for the denial of the Plaintiff's claims

and/or have shown no valid reasons for the denial of the Plaintiff's claims and/or have shown no valid reasons which exist to explain the delay in processing and/or settling the Plaintiff's claims and/or knew or recklessly disregarded the fact that no valid reasons exist to support the delay in processing and/or settling the Plaintiff's claims.

6. The conduct of the Defendants, New Jersey Manufacturers Insurance Company, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND") is unreasonable and/or have recklessly disregarded the fact that their conduct is unreasonable.

7. The conduct of the Defendants, New Jersey Manufacturers Insurance Company, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND"), constitutes bad faith and as such, Plaintiff is entitled to punitive damages.

8. As a direct and proximate result of the Defendants' conduct as aforesaid, the Plaintiff has suffered various damages and costs.

WHEREFORE, Plaintiff, Manuel J. Sanchez, hereby demands judgment against the Defendants, , New Jersey Manufacturers Insurance Company, Borough of Carteret (The Borough), and Middlesex County Insurance Fund (the "FUND"), for compensatory, punitive, consequential, exemplary, and other damages, interest and costs and such other and further relief as may be just and property to the Court.

FOURTH COUNT

1. Plaintiff, JENNIFER RENDA, repeats and realleges each and every paragraph of the First Count of the Complaint and makes the same a part hereof by reference thereto.

2. At all times herein mentioned, the Plaintiff, JENNIFER RENDA, was and is

the lawful wife of the Plaintiff, JENNIFER RENDA, and as such, is entitled to his services, society and consortium.

3. Solely because of the aforesaid negligence of the Defendant(s) and the result and injuries to SALVATORE RENDA, the Plaintiff, JENNIFER RENDA, became deprived of the services, society and consortium from him.

WHEREFORE, Plaintiff, JENNIFER RENDA, demands judgment against the Defendant(s) together with interest and cost of suit.

JURY DEMAND

Plaintiff demands trial by jury on all issues.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1, the Plaintiff hereby demands that the Defendant(s) produce the following documentation within thirty (30) days as prescribed by the Rules of the Court. Additionally, please be advised that the following requests are ongoing and continuing in nature and the Defendant(s) is therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. The amounts of any and all insurance coverage covering the Defendant(s), including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.

2. Copies of all insurance policies that may cover Plaintiff's claim, and any policy Defendant opines does not cover Plaintiff, as well as copies of all excess insurance policies held by the Defendants.

3. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

4. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

5. Copies of any and all signed or unsigned statement, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, business, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

6. Copies of any and all documentation, including but not limited to, any contracts between the owner of the property or product involved in the incident in question and any of the parties involved in this matter.

7. Copies of any and all contracts between any of the parties involved in the incident in question.

8. Copies of any and all documentation concerning any lease agreements between the lessor(s) and the lessee(s) concerning the incident in question.

9. Copies of any and all documentation, including but not limited to, safety manuals, statutes, rules, regulations, books, and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.

10. Copies of any and all permits applied for by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

11. Copies of any and all permits received by the parties to the action in question concerning either the product in question, the accident scene, or anything else relevant to the happening of the accident in question.

12. Copies of any and all discovery received from any other parties to the action in question.

13. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.

14. Copies of any and all reports and/or other investigations performed by O.S.H.A. or any other investigative authority.

15. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.

16. Copies of any and all records of any type subpoenaed by the Defendant(s) or received from any other source concerning the Plaintiff or the incident in question.

17. A list of employees present at the job site or accident site, their names, addresses and job titles.

17. If this defendant contends in any way that the injuries claimed by plaintiff to have been caused by this incident were in fact not caused or in any way related to this incident, state fully and in detail each and every fact upon which defendant will rely in

support of said contention. Annex hereto copies of any and all medical records or other documents upon which defendant will rely in support of said contention.

DEMAND FOR ANSWERS TO FORM C AND C(1) UNIFORM and INTERROGATORIES AND SUPPLEMENTAL INTERROGATORIES

PLEASE TAKE NOTICE that pursuant to R.4:17-1(b)(ii) plaintiffs demands certified answers to Form C and C(1) of the Uniform Interrogatories set forth in Appendix to the Rules Governing Civil Practice and the following supplemental interrogatory:

DESIGNATION OF TRIAL ATTORNEY

Please take notice pursuant to the Rules of Court, THOMAS DE SENO, ESQ., is herewith designated as trial attorney for the within matter.

CERTIFICATION

I certify that the within matter is not the subject of any other pending court or arbitration proceeding.

CERTIFICATION PURSUANT TO R.4:5-1

THOMAS DE SENO, does hereby certify as follows:

1. I am an attorney at law of the State of New Jersey and am a member of the firm and as such, I am fully familiar with same.
2. To the best of my knowledge, confirmation and belief, there is no other action pending about the subject matter of this Complaint in the Superior Court of New Jersey, Law Division, Middlesex County. Additionally, there are no other persons known to me who should be added as parties to this matter, nor are there any other actions contemplated.

3. I do hereby certify that the foregoing statements made by me are true to the best of my knowledge. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

LAW OFFICES OF GILL & CHAMAS
Attorneys for Plaintiff(s)

By: _____

THOMAS DE SENO

DATED: 7/9/15