

OCT-17-16

09:00

FROM-Piro Zina Cifelli Paris & Genitempo

973-661-5157

T-073 P.013/027 F-108

CIVIL RECORDS
N.J. SUPERIOR COURT
MIDDLESEX VICINAGE

COPY

2016 OCT -6 P 1:01

FILED & RECEIVED #5

PIRO, ZINNA, CIFEILLI, PARIS & GENITEMPO, L.L.C.

360 Passaic Avenue

Nutley, New Jersey 07110

(973) 661-0710

Attorneys for Plaintiff

Deborah Ruskowski

Attorney ID: Alan Genitempo - Esq.-023181987

DEBORAH RUSKOWSKI, and

RONALD RUSKOWSKI H/W

Plaintiff,

vs.

BOROUGH OF CARTERET,

CARTERET POLICE DEPARTMENT,

POLICE OFFICER MICHAEL

CHIARELLA #163, POLICE OFFICER:

JAVIER DIAZ #169, POLICE

SERGEANT LAWRENCE CRAIG #077,

JOHN DOES 1-10 AND ABC

ENTITIES 1-10 (as yet unknown

and unidentified supervisors,

agents, or employees or

entities,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO.: MID- 5855-16

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, **DEBORAH RUSKOWSKI and RONALD RUSKOWSKI**, residing at 89 Washington Avenue, in the Borough of Carteret, in the County of Middlesex, and in the State of New Jersey, by way of Complaint herein states:

ALLEGATIONS RELEVANT TO ALL COUNTS

1. At all times relevant hereto, Plaintiff Deborah Ruskowski was a resident of Carteret, New Jersey.

2. At all times relevant hereto, Defendant Borough of Carteret ("Carteret") was and still is a municipal entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business located at 61 Cooke Avenue, Carteret, New Jersey.

3. At all times relevant hereto, Defendant Carteret Police Department ("Carteret PD") was and still is an agency, department, or subdivision of Carteret organized and existing pursuant to the laws of the State of New Jersey, engaged in the hiring, training, and supervision of law enforcement officers, with a place of business located at 230 Roosevelt Avenue, Carteret, New Jersey.

4. At all times relevant hereto, Defendants Police Officer Michael Chiarella, Police Officer Javier Diaz, and Police Sergeant Lawrence Craig (Collectively, "Officer Defendants") were employees of Defendants Carteret PD and Carteret.

5. At all times relevant herein, Defendant JOHN DOES 1-10 are fictitious names representing unknown parties who, as employees of Defendant, Carteret Police and Carteret were supervisors, managers or superior officers of the Officer Defendants.

6. On November 4, 2014, Plaintiff was at her home, located at 89 Washington Avenue, Carteret, New Jersey, when the Officer Defendants knocked on the door asking for her son, Michael Ruskowski. Plaintiff answered the door and was told by the Officer Defendants that they were there to serve Michael Ruskowski with a Temporary Restraining Order from a prior incident.

7. Once outside, one of the officers informed Michael that they had an arrest warrant for him and he complied with the officers without incident.

8. After Michael was taken into custody, the Officer Defendants insisted on going into Deborah's home. Ronald Ruskowski, Deborah's husband, said he would let them inside if they had a warrant or court order allowing them to do so. Ronald then told Jennifer, who was holding Michael's daughter Emma, to go inside the house.

9. One of the Officer Defendants then informed the Ruskowskis and Jennifer that they also needed to take Emma.

10. At that time Deborah Ruskowski, Ronald Ruskowski, and Jennifer refused to give Emma to the Officer Defendants because

they would not produce a warrant or court order stating they had the right to take Emma.

11. As one of the Officer Defendants attempted to move toward Jennifer to grab her and take Emma, he then intentionally elbowed Deborah in the chest to get past her. Deborah was knocked to the ground from the blow and was knocked unconscious after hitting her head on the ground.

12. The Officer Defendants alerted Emergency Medical Services and upon arrival transported Deborah to JFK Hospital.

13. The fall caused Deborah to suffer a concussion, a sprained knee, chest pain, and an aggravation of prior injuries to her back.

14. Deborah also suffered an exacerbation of serious pre-existing heart and medical conditions that stem from a stroke and heart attack that she suffered in October 2013.

15. Plaintiff was thereafter wrongfully charged with Obstructing Administration of Law, pursuant to N.J.S.A. 2C:29-1B, after the incident.

FIRST COUNT
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

16. Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

17. Through the above referenced actions, Defendants have negligently inflicted emotional distress upon the Plaintiff.

18. The Defendants negligently subjected Plaintiff to the Officer Defendants' conduct and failed to properly train the Defendant Officers. Such action was conducted without regard for the emotional distress which might be inflicted upon the Plaintiff.

19. As a direct and proximate result of the Defendants' actions, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit;
- 6) any other relief that the court deems to be just and equitable.

SECOND COUNT
ASSAULT & BATTERY

20. The Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

21. The Officer Defendants committed assault and battery upon the Plaintiff, based on the unauthorized and non-consensual elbowing of Plaintiff in the chest.

22. As a direct and proximate result of Defendant's assault and battery upon the Plaintiff, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit;
- 6) any other relief that the court deems to be just and equitable.

THIRD COUNT
VIOLATION OF CIVIL RIGHTS UNDER THE NEW JERSEY CIVIL RIGHTS ACT

23. Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

24. Through the above referenced actions, Plaintiff was subjected to actions which violated her Civil Rights and her rights of Due Process under the Constitution of the State of New Jersey. As a direct and proximate result of the assault and battery upon Plaintiff by the defendants plaintiff was caused to be placed in fear of physical harm, suffered severe physical injury, emotional anguish and has otherwise been damaged. The aforesaid damages and injuries were caused solely and wholly by the intentional and willful assault and battery of the defendants without any fault of the Plaintiff.

25. Said claims include but are not limited to claims under the New Jersey Civil Rights Act.

26. As a direct and proximate result of the Defendants' actions, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for the following:

- 7) compensatory damages;
- 8) pre-judgment interest;
- 9) punitive damages;

- 10) counsel fees;
- 11) cost of suit;
- 12) any other relief that the court deems to be just and equitable.

FOURTH COUNT
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

27. Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

28. Through the above referenced actions, the Defendants acted with intent to inflict emotional distress upon the Plaintiff.

29. The Officer Defendants intentionally struck the Plaintiff, and subsequently wrongfully charged her with a crime. Such conduct by Defendants was intended to inflict emotional distress upon Plaintiff.

30. As a direct and proximate result of the Defendants' actions, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;

- 4) counsel fees;
- 5) cost of suit;
- 6) any other relief that the court deems to be just and equitable.

FIFTH COUNT
RESPONDEAT SUPERIOR

31. The Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

32. The Defendants, Carteret PD, Carteret, and JOHN DOES 1-10, were the superiors of and supervisory authority over the Officer Defendants.

33. Carteret and Carteret PD, as the employers of the Officer Defendants and JOHN DOES 1-10, are responsible for the actions and conduct of their employees.

34. As a direct and proximate result of the Defendants' actions, the Plaintiff has suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiff demands judgment against the Defendants, jointly and severally, for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;

- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit;
- 6) any other relief that the court deems to be just and equitable.

SIXTH COUNT

WRONGFUL AND FALSE ARREST AND ABUSE OF PROCESS

35. The Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

36. The Plaintiffs were both wrongfully and falsely placed under arrest by the Defendant Officers, Michael Chiarella, Javier Diaz, and Sergeant Lawrence Craig and were then wrongfully charged with a violation of N.J.S.A. 2C:29-1B.

37. These Defendants acted as police officers, agents, servants and employees of the Boro of Carteret and the Carteret Police Department.

38. These Defendants were acting within the scope of their employment and/or agency at the time of the aforementioned false imprisonment and arrest and did not have cause to arrest or charge the Plaintiff's Deborah and Ronald Ruskowski.

39. As a result of the aforesaid false arrest and wrongful charge the Plaintiffs were caused to suffer severe emotional distress, humiliation, embarrassment, ridicule and scorn along with the violation of their civil rights, liberty and freedom.

40. The aforesaid false arrest and abuse of process were wanton, reckless, malicious, intentional and without probable cause.

41. As a direct and proximate result of the false arrest and abuse of process the plaintiffs have suffered and will continue to suffer severe physical and emotional distress, economic loss, and mental uncertainty and anguish.

WHEREFORE, the Plaintiffs Deborah Ruskowski and Ronald Ruskowski demand judgment against the Defendants, jointly and severally, for the following:

- 1) compensatory damages;
- 2) pre-judgment interest;
- 3) punitive damages;
- 4) counsel fees;
- 5) cost of suit;
- 6) any other relief that the court deems to be just and equitable.

SEVENTH COUNT

LOSS OF CONSORTIUM

42. The Plaintiff repeats each and every allegation of the Complaint as if the same were set forth at length herein.

43. During all relevant time periods the Plaintiff, Ronald Ruskowski, has been the lawful husband of the Plaintiff, Deborah Ruskowski.

44. As a direct and proximate result of the negligence of the Defendants as aforesaid, Plaintiff, Ronald Ruskowski, has been deprived of the society, services and consortium of his wife.

WHEREFORE, Plaintiffs, Ronald Ruskowski and Deborah Ruskowski demand judgment against the Defendants for compensatory damages together with pre-judgement interest, punitive damages, counsel fees, cost of suit and any other relief that the court deems to be just and equitable.

JURY DEMAND

Plaintiff hereby demands trial by jury as to all matters herein.

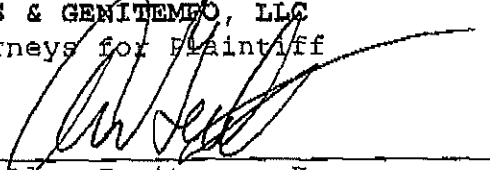
TRIAL DESIGNATION

Pursuant to R.4:5-1, Alan Genitempo, Esq., is hereby designated as trial counsel for the within matter.

CERTIFICATION

I certify, pursuant to R.4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action at this time.

PIRO, ZINNA, CIFELLI,
PARIS & GENITEMPO, LLC
Attorneys for Plaintiff

BY: 

Brian Genitempo, Esq.

Dated: October 5, 2016

Matthew V. Villani – Attorney ID No.: 026452007
GINARTE, O'DWYER, GONZALEZ,
GALLARDO, VERCHICK & WINOGRAD, L.L.P.
400 MARKET STREET
NEWARK, NEW JERSEY 07105
(973)854-8400
Our File No.: 240892
Attorneys for plaintiff, Raquel Vega

FILED 2 SEPTEMBER 2013

2013 SEP 22 AM 10:29

CLERK OF COURT
MIDDLESEX COUNTY

RAQUEL VEGA	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: MIDDLESEX COUNTY
Plaintiff,	:	
	:	
vs.	:	DOCKET NO.: MID-L-1153-16
	:	
Borough of Carteret, Housing Authority	:	CIVIL ACTION
of the Borough of Carteret, D'Onofrio	:	
and Sons Inc., JOHN and JANE DOES 1-	:	FIRST AMENDED COMPLAINT, JURY
10 (fictitious unidentified individuals)	:	DEMAND, DESIGNATION OF TRIAL
AND ABC CORPORATIONS 1-10,	:	COUNSEL, DISCOVERY REQUESTS
(fictitious individuals, corporations or	:	UPON DEFENDANTS, AND REQUEST
other business entities presently	:	FOR ADMISSIONS
unidentifiable)	:	
	:	
Defendants.	:	

Plaintiff, Raquel Vega, residing at N-7 Essex Street, Carteret, New Jersey, by way of
Complaint against the Defendants, says:

FIRST COUNT

1. On or about August 4, 2014, plaintiff, Raquel Vega, was lawfully upon the premises located at or near N-7 Essex Street, Carteret, New Jersey.
2. On or about the aforementioned date, such premises, including but not limited to the area of the common grounds of the premises, were owned, managed, supervised, maintained, constructed, repaired, installed, and/or controlled by defendants, Borough of Carteret, Housing Authority of the Borough of Carteret, D'Onofrio and Sons Inc., JOHN AND JANE DOES 1-10, and ABC CORPS 1-10.

3. Defendants, John and Jane Does 1-10 and ABC Corporations 1-10 are fictitious individuals, corporations or business entities named herein for the expressed purpose of tolling the applicable statute of limitations and were either the owners, managers, supervisors, operators, or constructed, repaired, or maintained the aforesaid premises and common grounds of the housing property.

4. Defendants, breached their duties to plaintiff, Raquel Vega, by carelessly, recklessly, and negligently maintaining, repairing, managing, controlling operating, constructing and/or supervising the aforesaid premises.

5. On the above date, defendants' failure to maintain the premises in a reasonably safe condition for use by plaintiff, was palpably unreasonable and created a dangerous condition and a substantial risk of injury to the plaintiff.

6. As a direct and proximate result of the aforesaid negligence of the defendants, plaintiff, Raquel Vega, was caused to trip and fall while walking on the defendant's property, and will be caused to sustain severe personal injuries, suffered and in the future will suffer great pain, was caused to seek medical treatment and attention and was and will be prevented from engaging in her normal activities and pursuits and thereby did incur lost wages.

WHEREFORE, plaintiff, Raquel Vega, demands judgment against the defendants, for damages, interest and costs of this action.

SECOND COUNT

1. Plaintiff repeats and realleges the allegations of the First Count as though set forth herein.

2. On the same date, defendants', including the fictitious defendants', negligent failure to remedy the dangerous and defective condition of the aforesaid premises constituted a

breach of the implied warranty of habitability.

3. As a result of the defendants' breach of this implied warranty, plaintiff has sustained severe and permanent injuries; suffered and in the future will suffer considerable pain, was and will require to obtain medical attention and was and will be prevented from engaging in normal activities and pursuits and has and will incur lost wages.

WHEREFORE, plaintiff, Raquel Vega, demands judgment against all the defendants, for damages interest and costs of this action.

THIRD COUNT

1. Plaintiff repeats and realleges the allegations of the First and Second Counts as though set forth herein.

2. On or about the aforementioned date and at the aforementioned premises, defendants, including the fictitious defendants, negligently failed to warn, inform, notify, or otherwise advise plaintiff that a dangerous condition existed on said premises.

3. As a result of the defendants' negligence, plaintiff, Raquel Vega, sustained severe and permanent personal injuries of body, mind and emotion; endured excruciating pain and suffering; became disabled and impaired; incurred liabilities for medical care and treatment; lost employment earnings; and suffered a significant diminution in the quality and enjoyment of life.

WHEREFORE, plaintiff, Raquel Vega, demands judgment against the defendants, for damages, interest, attorney's fees, Court costs, and any other relief the Court deems fair and just.

JURY DEMAND

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

CERTIFICATION

The undersigned certifies that the above matter is not the subject of any other action, suit or arbitration proceeding pending or contemplated.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, the firm of Ginarte, O'Dwyer, Gonzalez, Gallardo, Verchick & Winograd, LLP., attorneys for Plaintiff, hereby appoint Matthew V. Villani as trial counsel.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1 et seq., plaintiff hereby demands that all defendants provide answers to Form C and C-2 interrogatories.

DEMAND FOR SUPPLEMENTAL INTERROGATORIES

1. Please state the name of any person or entity who was responsible for operation, cleaning, landscaping and/or maintenance of the common grounds at the premises described in the complaint for the last 5 years.
2. Please state the name of any person or entity who performed any inspection, maintenance or repairs to the premises of the property described in the complaint for the last 5 years.
3. Describe in detail and previous or subsequent incidents of which defendant is aware which occurred in substantially the same way as plaintiff's accident or in the same or nearby location (i.e. trip on a depression in the lawn).
4. Describe what efforts the defendant made to correct or warn of the condition or defect which plaintiff alleges both before and after the incident.
5. Did the defendant have any procedures for regular inspection of the exterior of the property and common grounds, including the lawn? If so, please describe.
6. If you are claiming any statutory or common law immunity please state the nature of the alleged immunity and the facts upon which you will rely to establish your claim.
7. Provide the name and address of any individuals or entities that you allege are responsible for the subject accident or plaintiff's alleged injuries. Please describe how you believe those individuals or entities are responsible.

DEMAND FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 4:18-1, et seq., plaintiff hereby demands that all defendants provide the following documents:

1. Any and all statements or reports made by any person or governmental entity concerning this civil action or its subject matter.
2. Copies of any and all photographs in your possession of the location, the alleged condition, or the parties involved in this accident.
3. Copies of any and all estimates, bills, or invoices for work or repair done to the area of the incident for five years prior and subsequent to the incident.
4. Copies of any claims information bureau or other insurance claims searches or other documents referencing any prior or subsequent injuries and/or claims by the plaintiff.
5. Copies of any statements made by any person with regard to the happening of the collision or having to do with the subject matter of this action.
6. Copies of any and all expert reports, reports of diagnostic tests, hospital and medical records, X-rays, CAT scan films, MRI films and any other films and bills relating to any condition or injury sustained by the plaintiff.
7. Copies of all written reports or summaries of oral reports of all expert or treating or examining physicians along with their curriculum vitae.
8. Copies of any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations or other published documents referred to, utilized by or relied upon by any expert witness whom plaintiff/defendant intends to call at the time of trial.
9. Copies of any and all documents, reports, correspondence, blue prints, charts, diagrams, drawings, graphs, maps, plats, plans, photographs, models or other visual reproductions of any object, place or thing prepared or utilized by, referred to or relied upon by any expert witnesses, whether or not you intend on calling them at the time of trial.
10. Copies of any and all photographs, diagrams, charts, drawings, maps, plans or models or other visual reproductions of any object, place or thing related to this litigation.
11. All documents, tangible evidence or other items relevant to the incident set forth in the plaintiff's complaint.
12. All deeds, leases, contracts, invoices, maintenance agreements, or records pertaining to any person, vehicle, or premises identified in the plaintiff's complaint.

13. Copies of any and all surveillance or other video of the persons involved in the incident, the incident itself, the plaintiff, or of any other matter that is relevant to the within action.

14. If you are not supplying any statement, report, medical record or other item requested herein, identify the item; indicate who has possession of the item; specify their address and state the reason why the items are not being provided.

15. Copies of any sweep, monitoring, or inspection logs or other documentation reflecting or referencing regular inspection of the premises.

REQUEST FOR ADMISSIONS

Pursuant to Rule 4:22-1, et seq., plaintiff hereby demands that defendants provide answers to the following:

1. The incident that forms the basis of this action occurred on the date and at the place referenced in the complaint.

2. At the time of the alleged incident, the premises where the incident is alleged to have occurred was owned and controlled by defendant Borough of Carteret and the Housing Authority of the Borough of Carteret.

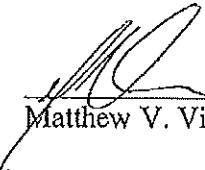
3. Defendant D'Onofrio and Songs Inc. was in charge of all landscaping and lawn maintenance at the property described in the complaint at the time of the alleged accident.

4. At the time of the alleged accident, plaintiff was a tenant of defendants Borough of Carteret and the Housing Authority of the Borough of Carteret.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2 (b) demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment. If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception and expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) property damage limits (g) medical payment limits (h) name and address of person who has custody and possession thereof (i) where and when each policy or agreement can be inspected and copied., (j) excess coverage, (k) concurrent coverage, (l) umbrella policies.

GINARTE, O'DWYER, GONZALEZ,
GALLARDO, VERCHICK & WINOGRAD, LLP
Attorneys for Plaintiffs



Matthew V. Villani

DATED: April 18, 2016

FILED & RECEIVED #1

2015 AUG 10 P 2:25

Raul I. Gonzalez, Esq. - Attorney ID No. 034431983

WYSOKER, GLASSNER, WEINGARTNER,

GONZALEZ & LOCKSPEISER, P.A.

340 George Street

New Brunswick, NJ 08901

(732) 545-3231

Attorneys for Plaintiff

CIVIL OFFICE
MIDDLESEX VICTIMAGE

Casayndra Basarab,

Plaintiff

vs.

Anthony J. Nacco, Carteret Police
Department, Borough of Carteret,
and/or John Does 1-20 (fictitious
persons or entities),

Defendants

: SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION

: MIDDLESEX COUNTY

: DOCKET NO.

L-4739-15

Civil Action

: **COMPLAINT AND JURY DEMAND**

Plaintiff Casayndra Basarab residing at 48 Grant Avenue in Carteret, New Jersey,
complaining of defendants, says:

FIRST COUNT

1. On or about September 7, 2013, plaintiff Casayndra Basarab was operating her motor vehicle eastbound on Roosevelt Avenue at its intersection with Pershing Avenue in Carteret, New Jersey.

2. At said time mentioned above, defendant Anthony J. Nacco was operating his motor vehicle on northbound on Pershing Avenue at its intersection with Roosevelt Avenue in Carteret, New Jersey.

3. Due to the negligence of defendant Anthony J. Nacco in the operation, control and/or use

of his motor vehicle, defendant's motor vehicle crashed into plaintiff's motor vehicle.

4. As a result, plaintiff Casayndra Basarab sustained severe personal injuries, causing great anguish and pain, requiring medical care and treatment, causing her to lose time from her usual duties, and causing her to sustain other diverse losses in monies.

5. Plaintiff Casayndra Basarab sustained an injury which has caused a permanent loss of bodily function together with pain and suffering.

6. Plaintiff Casayndra Basarab has required medical treatment to treat her injury and the medical expenses are in excess of \$3,600.00.

7. Plaintiff Casayndra Basarab served defendant Anthony J. Nacco with the appropriate Notice of Claim, six months have expired since the Notice of Claim was served on defendant Anthony J. Nacco, suit is being instituted within two years of the claims accrual, and no settlement has been made.

WHEREFORE, plaintiff Casayndra Basarab demands judgment against defendant Anthony J. Nacco for damages and costs.

SECOND COUNT

1. Plaintiff Casayndra Basarab repeats every allegation of the First Count of the Complaint as though set forth herein.

2. At the time of the above-described motor vehicle accident, defendant was an employee, agent, or servant of defendants Carteret Police Department and/or the Borough of Carteret.

3. Defendant Carteret Police Department and/or the Borough of Carteret are vicariously liable for the actions of its employee, agent, or servant defendant Anthony J. Nacco.

4. Plaintiff Casayndra Basarab served defendants Carteret Police Department and the Borough of Carteret with the appropriate Notice of Claim, six months have expired since the Notice

of Claim was served on defendants Carteret Police Department and Borough of Carteret, suit is being instituted within two years of the claims accrual, and no valid settlement has been made.

WHEREFORE, plaintiff Casayndra Basarab demands judgment against defendants Carteret Police Department and/or Borough of Carteret jointly and severally for damages and costs.

THIRD COUNT

1. Plaintiff Casayndra Basarab repeats every allegation of the First and Second Counts of the Complaint as though set forth herein.

2. At the time of the above-described motor vehicle accident, defendant Anthony J. Nacco operated his motor vehicle in a willful and wanton manner.

WHEREFORE, plaintiff Casayndra Basarab demands judgment against defendant Anthony J. Nacco for damages and costs.

FOURTH COUNT

1. Plaintiff Casayndra Basarab repeats every allegation of the First, Second and Third Counts of the Complaint as though set forth herein.

2. Defendants John Does 1-20 (fictitious persons or entities) were the owners and operators of the motor vehicle involved in the above-described accident and their current identities are unknown.

WHEREFORE, plaintiff Casayndra Basarab demands judgment against defendants jointly and severally for damages and costs.

JURY DEMAND

Plaintiff demands trial by jury on all issues involved herein.

TRIAL DESIGNATION

Raul I. Gonzalez, Esq., is hereby designated as the trial attorney in this matter.

PHYSICIAN'S CERTIFICATION

Plaintiff's Physician's Certification from Allan D. Tiedrich, M.D., in compliance with N.J.S.A. 39:6A-8, is attached to this Complaint.

INTERROGATORIES

Plaintiff demands that defendant(s) answer Form C and Form C (1) of the Interrogatories attached to the New Jersey Rules of Court.

SUPPLEMENTAL INTERROGATORIES

Plaintiff demands that defendant(s) answer the following Supplemental Interrogatories:

1. Attach to these interrogatories exact copies of all photographs or other recording media depicting any and all motor vehicles involved in the subject accident.
2. Was defendant talking to or listening to a radio, cassette player, CD player, MP3 player, or other listening media and/or telephone just prior to the accident?
3. Was defendant familiar with the area of the accident; if so, describe how often defendant would drive in the area prior to the accident
4. Has defendant been issued any Summonses and/or Complaints for moving motor vehicle violations within the last ten years? If so, provide the date and nature of all offenses.
5. Was defendant's motor vehicle repaired following the accident? If so, provide a copy of the repair invoice, or if the invoice is not available, state the total cost of the repair and the name and address of the business establishment where the motor vehicle was repaired?
6. Did defendant appear in Municipal Court following the accident; if so, provide the date when defendant appeared and the name and address of the Municipal Court.
7. Is the defendant's statement, which appears in the narrative section of the police report, complete and accurate? If not, explain why it is not complete and accurate.
8. Attach to these interrogatories any and all writings defendant reviewed prior to answering these interrogatories.
9. Provide defendant's current address and all addresses where defendant has resided within the last ten (10) years.

10. At the time of the subject motor vehicle accident, did defendant have any medical condition that required regular monitoring by a medical professional and/or the taking of prescription medication? If so, describe the medical conditions and list all prescription medications defendant was using.

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2(b), plaintiff demands that defendant(s) disclose "the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment."

NOTICE TO PRODUCE

Demand is hereby made upon you pursuant to Rules 4:10-2 and 4:18-1 for you to produce for inspection and copying at the Law Offices of Wysoker, Glassner, Weingartner, Gonzalez & Lockspeiser, P.A., 340 George Street, New Brunswick, New Jersey, on the 50th day following the service date of this notice, all of the documents and things listed on the attached:

You are requested to respond to this Notice to Produce in writing within the time requested above pursuant to Rule 4:18-1, and indicate in your response, on an item by item basis, the following:

- a) the items you have produced;
- b) the items you have not produced, but will allow inspection and copying of, as well as the location where such inspection and copying may be done, and your reason for non-production; and
- c) the items you have not produced, and will not allow us to inspect and copy at all, and your reasons for this.

NOTE: If you claim work product privilege or any other reasons for non-production of any item requested in this Schedule A. Please state your reason for refusing to produce each and every such item and without revealing contents, please describe and identify each and every such item, and state the name and address of its preparer, your relationship to its preparer, its date of preparation, its subject matter, and the name and address of its present custodian.

You may fax your responses, along with documents, which you are producing in response to this notice to us at (732) 545-2366.

1. TRIAL DOCUMENTS AND THINGS PREPARED BY OR FOR YOU: Any and all documents, reports, writings, drawings, graphs, charts, photographs, motion pictures, recordings, diagrams, or other things prepared by or for you, which contain or refer to any matter relevant to the subject matter involved in this pending action, and which you intend to introduce into evidence, or otherwise use at trial in this case.

2. TRIAL DOCUMENTS AND THINGS PREPARED BY OR FOR OTHERS: Any and all documents, reports, writings, drawings, graphs, charts, photographs, motion pictures, recordings, diagrams, or other things prepared by or for other persons firms or entities which you intend to introduce into evidence, or otherwise use at trial in this case.

3. TRIAL DOCUMENTS AND THINGS GENERALLY: Any and all documents, writings, reports, drawings, graphs, charts, photographs, motion pictures, recordings, diagrams, or other things, which you intend to introduce into evidence, or otherwise use at trial in this case.

4. OTHER LAW SUITS GENERALLY: A list of all other law suits or legal proceedings in which you have been a party, indicating the names of the parties, Docket Numbers, and Courts in which you filed, and copies of any and all pleadings, interrogatory questions and answers, depositions, document demands and responses, and requests for admissions from any and all such other law suits or legal actions, civil or criminal, to which you have been a party.

5. OTHER SIMILAR LAW SUITS: A list of all other law suits or legal proceedings involving accidents, incidents, occurrences, or events similar to those alleged in the Complaint or amended Complaint, or involving the same or similar products in question in this case, or involving the same premises in question in this case involving the same or similar injuries; in which you have been a party, indicating the names of the parties, Docket Numbers, and Courts in which you filed; and copies of any and all pleadings, interrogatory questions and answers, depositions, document demands and responses, and requests for admissions from any and all such other similar law suits or legal actions, civil or criminal, to which you have been a party.

6. REPORTS MADE TO YOU: Any reports made to you by any of your agents, servants or employees concerning the incident in question in this case. Werkheiser v. T.E. Warren, Inc., 142 N.J. Super. 405 (Law Div. 1976).

7. PHOTOS, MOTION PICTURES AND DIAGRAMS: Any photographs, motion pictures, drawings, or diagrams or other graphic representations of the accident scene, or of any of the parties to this action, or of any property involved in this action, or of any other object relevant to the subject matter or the issues in this action.

8. EXPERTS-REPORTS AND OTHER RELEVANT DOCUMENTS AND THINGS: The reports of any experts who you intend to call as witnesses at trial, and for each such expert:

(a) Copies of all documents, correspondence, photography or other things provided to that expert prior to making his or her report, and

- (b) Copies of all documents, correspondence, photography or other things reviewed by that expert prior to making his or her report, and
- (c) Copies of all documents, correspondence, photography or other things relied on by that expert prior to making his or her report, and
- (d) Copies of that expert's Curriculum Vitae; and
- (e) Copies of any publications authored or co-authored by that expert; and
- (f) A list of all texts, treatises, and periodicals which that expert has in his or her office; and
- (g) A list of all texts, treatises, and periodicals which that expert has referred to at any time in his or her work in the field of his or her expertise; and
- (h) A list of all texts, treatises, and periodicals which that expert considers standard texts, treatises, or periodicals in the field of his or her expertise; and
- (i) Copies of W-2 and or 1099 Forms received by that expert showing income received from expert consultation work for the past five years for work done as an expert.

9. INTERROGATORY DOCUMENT REQUESTS: Any and all documents and things that you were requested to attach to your answers to all Interrogatory questions propounded by any parties to this litigation.

10. ANSWERS TO INTERROGATORIES: Copies of any and all answers to Interrogatories that you have received from any parties to this litigation other than the party noticing this production.

11. SUBPOENA OBTAINED DOCUMENTS: Any and all reports, records, documents and things that you obtain through the use of any Subpoena or Subpoenas.

12. DOCUMENTS REFERRED TO IN PLEADINGS: Any and all documents, papers, or other things referred to in any pleadings filed in this case. (Rule 4:18-2).

13. EYEWITNESS LIST: A list identifying and describing all witnesses to the accident, events, or occurrences alleged in the Complaint, including their names, addresses, telephone numbers, and occupations, to the extent known to you.

14. TRIAL WITNESS LIST: A list of every witness who you intend to call to testify at trial, indicating that witness' name, address, telephone number, and a summary of the fact or facts you expect to establish by the testimony of each witness.

15. CAUSATION: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that your acts

and conduct were not a contributing cause in fact of any of the injuries and/or damages claimed.

16. NEGLIGENCE: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that you were not negligent in causing the events and damages alleged in the Complaint.

17. COMPARATIVE NEGLIGENCE: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that comparative negligence in causing the events and damages alleged in the Complaint.

18. NEGLIGENCE OF OTHERS: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that the negligence of any other person, persons, firms or entities caused, or contributed to causing the events and damages alleged in the Complaint.

19. WRITTEN STATEMENTS OR ADMISSIONS OF PROPOUNDING PARTY: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that the party propounding these production requests has made any written statements or written admissions of any kind concerning any aspect of this case.

20. NONWRITTEN STATEMENTS OR ADMISSIONS OF PROPOUNDING PARTY: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that the party propounding these production requests has made any non-written statements or admissions of any kind concerning any aspect of this case.

21. WRITTEN STATEMENTS OR ADMISSIONS OF OTHER THAN PROPOUNDING PARTY: Each and every document and thing of any kind whatsoever on which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that any persons, firms or entities other than the party propounding these production requests has made any written statement or admissions of any kind concerning any aspects of this case.

22. NONWRITTEN STATEMENTS OR ADMISSIONS OF OTHER THAN PROPOUNDING PARTY: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that any persons, firms or entities other than the party propounding these production requests has made any non-written statements or admissions of any kind concerning any aspect of this case.

23. CRIMINAL CONVICTIONS: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that any parties to this suit, or any witness named in any Interrogatories or deposition, has ever been convicted of, or entered a plea of guilty to, any criminal charge other than a traffic violation or disorderly persons offense.

24. SUBJECT MATTER JURISDICTION: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that the Court in which this action has been filed lacks subject matter jurisdiction.

25. IN PERSONAM JURISDICTION: Each and every document and thing of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that the Court in which this action has been filed lacks personal (in personam) jurisdiction over the party or parties to whom these Interrogatories are directed.

26. MEDICAL CARE BILLS-FAIR AND REASONABLE IN AMOUNT: Each and every document and thing, including expert reports, of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that any bills submitted by you for care and treatment provided by any hospitals, medical or chiropractic doctors, physical therapists, or other medical care providers, are fair and reasonable in amount.

27. MEDICAL CARE BILLS-TRUE AND CORRECT COPIES: Each and every document and thing, including expert reports, of any kind whatsoever which you intend to introduce into evidence at trial, or rely upon in any way at trial, to show that any bills submitted by you for care and treatment by any hospitals, medical or chiropractic doctors, physical therapists, or other medical care providers, are true and correct copies of the originals.

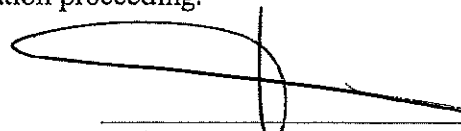
Dated: 8/6/15

WYSOKER, GLASSNER, WEINGARTNER,
GONZALEZ & LOCKSPEISER, P.A.

By 
RAUL I. GONZALEZ

CERTIFICATION

I, as attorney for the plaintiff in the above-captioned matter, certify that all the known parties in the within action have been named in the within Complaint and I am unaware at this time of any other pending litigation or arbitration proceeding.

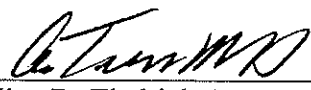

RAUL I. GONZALEZ

PHYSICIAN'S CERTIFICATION

I, Allan D. Tiedrich, M.D., am over 18 years of age, and state as follows:

1. I am a physician in the State of New Jersey, and I have been so licensed since October, 1982.
2. I am board certified in physical medicine and rehabilitation.
3. I maintain offices for the practice of medicine in Plainfield and Somerset, New Jersey.
4. I have examined Casayndra Basarab for injuries sustained in a motor vehicle accident on September 7, 2013.
5. I have authored a report dated December 30, 2013, a true copy of which is attached hereto and incorporated in this Certification. R. 1:4-3. I also attach hereto an MRI report of the cervical spine from Diagnostic Radiology Associates dated July 9, 2014 together with my office notes. The report and attached records set forth my findings on examination, my review of medical records and diagnostic tests, and my diagnoses and prognoses.
6. This Certification is based on the objective clinical evidence referenced in the body of the attached true copy of my report and records.
7. It is my opinion, within a reasonable degree of medical probability, that Casayndra Basarab has sustained a permanent injury in her neck, back and left shoulder that has not healed to function normally and will not heal to function normally.
8. I am submitting this Physician's Certification, together with the attached true copies of my report and records, in satisfaction of the Physician's Certification requirement in N.J.S.A. 39:6A-8.

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



Allan D. Tiedrich, M.D.

Dated: 2/30/16

October 1, 2013

TO: Carteret Police Department
230 Roosevelt Avenue
Carteret, NJ 07008

Borough of Carteret
ATTN: Kathleen M. Barney, Borough Clerk
61 Cooke Avenue
Carteret, NJ 07008

Police Officer Anthony J. Macco
30 Liberty Street
Carteret, NJ 07008

NOTICE OF CLAIM PURSUANT TO N.J.S.A. 59:1-1 et. seq.

- A. CLAIMANT: Casayndra H. Basarab
48 Grant Avenue
Carteret, NJ 07008
- B. NOTICE TO BE SENT TO: ATTENTION: Raul I. Gonzalez, Esq.
Wysoker, Glassner, Weingartner,
Gonzalez & Lockspeiser, P.A.
340 George Street
New Brunswick, NJ 08901
(732) 545-3231
- C. INCIDENT: On September 7, 2013 claimant Casayndra Basarab was operating her motor vehicle eastbound on Roosevelt Avenue at its intersection with Pershing Avenue in Carteret, New Jersey. Police officer Anthony J. Macco was operating his police car on Pershing Avenue, at the above-stated intersection, when he ran a red light and crashed into claimant's motor vehicle.
- D. INJURY: Left shoulder pain, chest pain, right hand pain, back pain, pain in the arms and pain in wrists.
- E. RESPONDENTS: Carteret Police Department
Borough of Carteret
Police Officer Anthony J. Macco

DONALD W. STIEH, ESQ.
ID NO.: 004071977
STANTON & STIEH, P.A.
216-F1 STELTON ROAD
PISCATAWAY, NEW JERSEY 08854
(732) 752-4000
Attorneys for Plaintiff

FILED IN REPLY TO

2016 JAN -6 P 3:16

CIVIL CASE
MIDDLESEX VICINAGE

Plaintiff:	:	SUPERIOR COURT OF NEW JERSEY
	:	MIDDLESEX COUNTY
DANIEL F. MENDOZA	:	LAW DIVISION
vs.	:	DOCKET NO. <i>2122 16</i>
Defendants:	:	CIVIL ACTION
BOROUGH OF CARTERET,	:	COMPLAINT & JURY DEMAND
BOROUGH OF CARTERET	:	
POLICE DEPARTMENT,	:	
DETECTIVE MARCUS ROSARIO,	:	
DETECTIVE LUIS MALDONADO :	:	
and JOHN DOES 1 THROUGH 10	:	
_____	:	

Plaintiff, Daniel F. Mendoza, residing in the Boro of Somerset, County of Somerset, State of New Jersey by way of Complaint against the Defendants, says:

FIRST COUNT

1. On or about January 9, 2014 the Plaintiff, Daniel F. Mendoza was lawfully upon the premises of the Carteret High School attending a wrestling match as a spectator.

2. Upon leaving the High School at the conclusion of the match, Plaintiff was outside the main entrance when he observed his twenty-four year old son, Daniel Mendoza lying motionless and unattended in the street in front of the High School.

3. Plaintiff went to assess and assist his son, and identified himself as a trained Licensed Practical Nurse and Emergency Medical Technician.

4. Plaintiff was grabbed and forcibly restrained by Defendants, Detective Marcus Rosario, Detective Luis Maldonado, and John Does 1 through 10 who are and were members of the Carteret Police Department and employed by the Defendant, Borough of Carteret in that capacity.

5. The aforesaid Defendants in the use of excessive and unnecessary force, grabbed Plaintiff by his arm, tackled him to the ground, stomped on him, kicked him, hit him in the back of his head with an object and otherwise assaulted Plaintiff.

6. As a direct and proximate results of the actions of the Defendants, as set forth above, Plaintiff sustained severe, painful and permanent personal injuries, which have and will require costly medical care and Plaintiff was disabled and continues to be disabled and has suffered and will in the future be caused to suffer great pain and mental anguish.

7. On April 4, 2014 Plaintiff served a Notice of Claim, by certified mail, return receipt requested, upon the Clerk of the Borough of Carteret and Chief of Police of the Borough of Carteret.

8. More than six months have elapsed since the service of Plaintiff's Notice of Claim and Plaintiff's claim remains unsatisfied.

WHEREFORE, Plaintiff demands Judgment against the Defendants for damages, interest, costs of suit and attorney fees.

SECOND COUNT

1. Plaintiff repeats the allegations contained in the First Count of this Complaint, as if set forth at length herein.

2. At all times relevant herein, the Defendants, Detective Marcus Rosario and Detective Luis Maldonado were Police Officers, employed by the Defendant, Borough of Carteret and were acting in their capacity as such Police Officers.

WHEREFORE, Plaintiff demands Judgment against the Defendant, Borough of Carteret for damages, interest, costs of suit and attorney fees.

THIRD COUNT

1. Plaintiff repeats the allegations contained in the First and Second Counts of this Complaint, as if set forth at length herein.

2. The Defendant, Borough of Carteret was negligent in its training, hiring, supervision, and retention of the above named Defendant Police Officers.

3. As a direct and proximate result of the negligence of the Defendant, Borough of Carteret, the Plaintiff sustained injuries.

WHEREFORE, Plaintiff demands Judgment against the Defendant, Borough of Carteret for damages, interest, costs of suit and attorney fees.

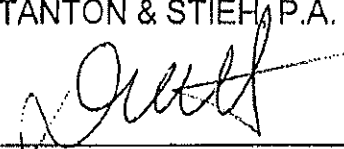
FOURTH COUNT

1. Plaintiff repeats the allegations contained in the First, Second and Third Counts of this Complaint, as if set forth at length herein.

2. The actions of the Defendants, Detective Marcus Rosario, Detective Luis Maldonado, and John Does 1 through 10 in assaulting and restraining Plaintiff were deliberate and done with malice and with the intent to injure and harm Plaintiff.

WHEREFORE, Plaintiff demands Judgment against these Defendants for damages, punitive damages, interest, costs of suit and attorney fees.

STANTON & STIEH, P.A.

By: 

DONALD W. STIEH, ESQ.
Attorney for Plaintiff

Dated: January 6, 2016

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by Jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

Donald W. Stieh, Esq., is hereby designated as trial counsel in this matter.

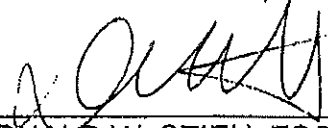
DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

CERTIFICATION PURSUANT TO R. 4:5-1

I certify that the matter in controversy in this action is not the subject of any other action pending in any other Court or of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated.

STANTON & STIEH, P.A.

By: 

DONALD W. STIEH, ESQ.

Attorney for Plaintiff

Dated: January 6, 2016