

THIS IS NOT AN ARBITRATION COMPLAINT
AN ASSESSMENT OF DAMAGES HEARING
IS REQUIRED

SIMON & SIMON, P.C.

Marc I. Simon, Esquire
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Attorneys for Plaintiff(s)

Attorney I.D. No. 18242005

401 Market Street, P.O. Box 807
Camden, NJ 08101
(856-457-6393)

John Collins
520 Collins Ave, Apt B629
Collingswood, NJ 08107

Plaintiff

v.

Borough of Collingswood
678 Haddon Ave
Collingswood NJ 08108

And

John Doe (1-Unlimited)

And

ABC Corporation (1-Unlimited)

Defendants

SUPERIOR COURT OF NEW JERSEY
CAMDEN COUNTY

FEBRUARY TERM 2018

No.: _____

JURY TRIAL DEMANDED

COMPLAINT

1. Plaintiff, John Collins is a resident of the State of New Jersey, residing at the address listed in the caption of this Complaint.

2. Upon information and belief, Defendant, Borough of Collingswood, is a political subdivision of the State of New Jersey, residing at the address listed in the caption of this Complaint.

3. On or about July 31st, 2017, at approximately 8:30AM, Plaintiff, was a pedestrian who was traveling on Route 30 & Collins Ave, Collingswood NJ.

4. At or about the same date and time, Defendant, Borough of Collingswood, was the owner and operator of a motor vehicle which was traveling on Route 30 & Collins Ave, Collingswood NJ, at or near the aforesaid location and/or the location of the Plaintiff.

5. At or about the same date and time, Defendant's vehicle was involved in a collision with the Plaintiff.

6. The aforesaid motor vehicle collision was caused by the Defendant negligently and/or carelessly, operating his vehicle in such a manner so as to strike the Plaintiff.

7. The aforesaid motor vehicle collision was the result of the negligence and/or carelessness of Defendant and not the result of any action or failure to act by Plaintiff.

8. As a result of the accident, Plaintiff suffered serious, severe and permanent bodily injuries as set forth more fully below.

9. The negligence and/or carelessness of Defendant, which was the direct and sole cause of the aforesaid motor vehicle accident and the injuries and damages sustained by the Plaintiff, consisted of, but is not limited to, the following:

a. Striking the Plaintiff;

- b. Operating his/her vehicle into Plaintiff's lane of travel;
- c. Failing to maintain proper distance between Plaintiff and vehicle;
- d. Operating his vehicle in a negligent and/or careless manner without regard for the rights or safety of Plaintiff or others;
- e. Failing to have his vehicle under proper and adequate control;
- f. Operating his vehicle at a dangerous and excessive rate of speed under the circumstances;
- g. Violation of the "assured clear distance ahead" rule;
- h. Failure to keep a proper lookout;
- i. Failure to apply brakes earlier to stop the vehicle without striking the Plaintiff;
- j. Being inattentive to his/her duties as an operator of a motor vehicle;
- k. Disregarding traffic lanes, patterns, and other devices;
- l. Driving at a high rate of speed which was high and dangerous for conditions;
- m. Failing to remain continually alert while operating said vehicle;
- n. Failing to perceive the highly apparent danger to others which the actions and/or inactions posed;
- o. Failing to give Plaintiff meaningful warning signs concerning the impending collision;
- p. Failing to exercise ordinary care to avoid a collision;
- q. Failing to be highly vigilant and maintain sufficient control of said vehicle and to bring it to a stop on the shortest possible notice;

- r. Operating said vehicle with disregard for the rights of Plaintiff, even though he was aware or should have been aware of the presence of Plaintiff and the threat of harm posed to Plaintiff;
- s. Continuing to operate the vehicle in a direction towards Plaintiff's vehicle when she saw, or in the exercise of reasonable diligence, should have seen, that further operation in that direction would result in a collision;
- t. Failing to operate his/her vehicle in compliance with the applicable laws and ordinances of the State of New Jersey and Camden County pertaining to the operation and control of motor vehicles;

10. As a direct and consequential result of the negligent and/or careless conduct of the Defendant, described above, Plaintiff suffered various serious and permanent personal injuries, serious impairment of bodily function and/or permanent serious disfigurement and/or aggravation of pre-existing conditions, all to Plaintiff's great loss and detriment.

11. As a result of these injuries, all of which are permanent in nature and all of which are to Plaintiff's great financial detriment and loss, Plaintiff has in the past, is presently and may in the future suffer great anguish, sickness and agony and will continue to suffer for an indefinite time into the future.

12. As an additional result of the carelessness and/or negligence of defendant, Plaintiff has suffered emotional injuries, along with the physical injuries suffered.

13. As a direct result of the negligent and/or careless conduct of the Defendant, Plaintiff suffered damage to his/her personal property, all to Plaintiff's great loss and detriment.

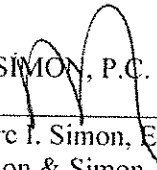
14. As a further result of Plaintiff's injuries, she has in the past, is presently and may in the future undergo a great loss of earnings and/or earning capacity, all to Plaintiff's further loss and detriment.

15. Furthermore, in addition to all the injuries and losses suffered by Plaintiff, Plaintiff has also incurred or will incur medical, rehabilitative and other related expenses in an amount equal to and/or in excess of the basic personal injury protection benefits for which she makes a claim for payment in the present action.

WHEREFORE, Plaintiff demands judgment in Plaintiff's favor and against Defendant in an amount not in excess of Fifty Thousand (\$50,000.00) Dollars, plus all costs and other relief this court deems necessary.

SIMON & SIMON, P.C.

BY:

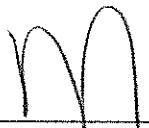


Marc I. Simon, Esquire
Simon & Simon, P.C.
Attorney for Plaintiff

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint,
pursuant to New Jersey Court Rules 1:8-2(b) and 4:35-1(a).

Simon & Simon, P.C.

BY: 

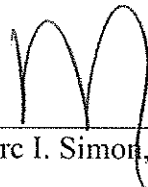
Marc I. Simon, Esquire
Simon & Simon, P.C.
Attorneys for Plaintiff

DEMAND FOR DISCLOSURE OF NON-PARTIES PURSUANT TO R.4:5-1(b)(2)

Please take notice that Plaintiff(s) hereby demands strict compliance with R.4:5-1(b)(2) which requires that “each party shall disclosure in the certification the names of any non-party who should be joined in the action pursuant to R.4:28 or who is subject to joinder pursuant to R.29-1(b) because of potential liability to any party on the basis of the same transaction facts.”

Plaintiff(s) hereby demands that Defendant(s) review all available records, undertake reasonable investigation and determine the identity of any other individuals pursuant to R.4:5-1(b)(2).

The failure to identify non-parties pursuant to this rule will result in an application for sanctions as well as for expenses incurred in connection with the discovery of individuals who should have been identified pursuant to the rule.



Marc I. Simon, Esquire

CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and believe no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complain, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

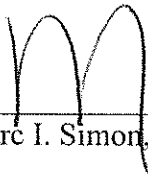
A handwritten signature in black ink, consisting of a stylized 'M' followed by a vertical line, positioned above a horizontal line.

Marc I. Simon, Esquire
Simon & Simon, P.C.
Attorneys for Plaintiff

VERIFICATION

I, Marc I. Simon, hereby state that I am the attorney for Plaintiff in the within action and that the facts set forth in this Civil Action Complaint above are true and correct to the best of my knowledge, information and belief.

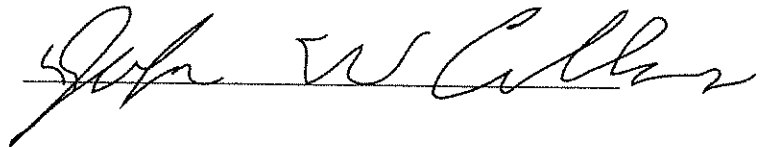
I understand that the statements in this Verification are made subject to the penalties relating to unsworn falsification to authorities.



Marc I. Simon, Esquire

VERIFICATION

I am the Plaintiff this action, and I hereby state that the facts set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that this Verification is subject to 18 Pa.C.S. § 4904 providing for criminal penalties for unsworn falsification to authorities.

A handwritten signature in cursive script, reading "John W. Collins", written over a horizontal line.

Civil Case Information Statement

Case Details: CAMDEN | Civil Part Docket# L-000730-18

Case Caption: COLLINS JOHN VS BOROUGH OF
COLLINGSW OOD

Case Initiation Date: 02/22/2018

Attorney Name: MARC I SIMON

Firm Name: SIMON & SIMON, PC

Address: 401 MARKET STREET PO BOX 807

CAMDEN NJ 08101

Phone:

Name of Party: PLAINTIFF : Collins, John

Name of Defendant's Primary Insurance Company

(if known): None

Case Type: TORT-OTHER

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

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

02/22/2018

Dated

/s/ MARC I SIMON

Signed