

HOBBIE, CORRIGAN & BERTUCIO

A Professional Corporation

125 Wyckoff Road

Eatontown, NJ 07724

(732) 380-1515

Attorneys for Plaintiffs

LISA JURYN,

Plaintiff,

v.

FREDERIC CUESTA, DAVID TALTY,
DEAL TOWNSHIP POLICE
DEPARTMENT and DEAL TOWNSHIP,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO. L- MON-L-3759-14

Civil Action

SUMMONS

From the State of New Jersey

To the Defendant(s) named above: **Deal Township**

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, NJ 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: June 22, 2015

Michele M. Smith /s/

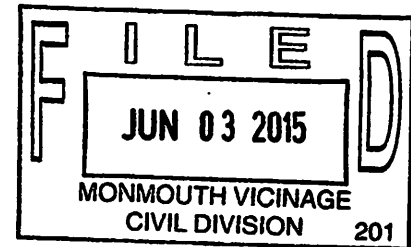
Superior Court Clerk

Name of Defendant to be served: Deal Township
Address of the Defendant to be served: 190 Norwood Avenue
Deal, NJ 07723

***\$135.00 FOR CHANCERY DIVISION CASES AND LAW DIVISION CASES**

ATLANTIC COUNTY: Deputy Clerk of the Superior Court Civil Division, Direct Filing 1201 Bacharach Blvd., First Floor Atlantic City, NJ 08401 LAWYER REFERRAL: (609) 345-3444 LEGAL SERVICES: (609) 348-4200	GLOUCESTER COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office - Attn: Intake 1 North Broad Street, PO Box 129 Woodbury, NJ 08096 LAWYER REFERRAL: (609) 848-4589 LEGAL SERVICES: (609) 848-5360	OCEAN COUNTY: Deputy Clerk of the Superior Court Court House, Room 119 118 Washington Street Toms River, NJ 08754 LAWYER REFERRAL: (732) 240-3666 LEGAL SERVICES: (732) 341-2727
BERGEN COUNTY: Deputy Clerk of the Superior Court Case Processing Section - Room 119 Justice Center, 10 Main St. Hackensack, NJ 07601-0769 LAWYER REFERRAL: (201) 488-0044 LEGAL SERVICES: (201) 487-2166	HUDSON COUNTY: Deputy Clerk of the Superior Court Superior Court, Civil Records Dept. Brennan Court House – 1 st Floor 583 Newark Ave. Jersey City, NJ 07306 LAWYER REFERRAL: (201) 798-2727 LEGAL SERVICES: (201) 798-6363	PASSAIC COUNTY: Deputy Clerk of the Superior Court Civil Division – Court House 77 Hamilton Street Paterson, NJ 07506 LAWYER REFERRAL: (973) 278-9223 LEGAL SERVICES: (973) 345-7171
BURLINGTON COUNTY: Deputy Clerk of the Superior Court Central Processing Office Attn: Judicial Intake First Fl., Courts Facility 49 Rancocas Rd. Mt. Holly, NJ 08060 LAWYER REFERRAL: (609) 261-4862 LEGAL SERVICES: (609) 261-1088	HUNTERDON COUNTY: Deputy Clerk of the Superior Court Civil Division - 65 Park Avenue Flemington, NJ 08822 LAWYER REFERRAL: (908) 735-2611 LEGAL SERVICES: (908) 782-7979	SALEM COUNTY: Deputy Clerk of the Superior Court 92 Market St., P.O. Box 18 Salem, NJ 08079 LAWYER REFERRAL: (609) 678-8363 LEGAL SERVICES: (609) 451-0003
CAMDEN COUNTY: Deputy Clerk of the Superior Court Civil Processing Office 1 st Fl., Hall of Records - 101 S. Fifth St. Camden, NJ 08103-4001 LAWYER REFERRAL: (609) 964-4520 LEGAL SERVICES: (609) 964-2010	MERCER COUNTY: Deputy Clerk of the Superior Court Local Filing Office, Courthouse 175 S. Broad St., P.O. Box 8068 Trenton, NJ 08659 LAWYER REFERRAL: (609) 585-6200 LEGAL SERVICES: (609) 695-6249	SOMERSET COUNTY: Deputy Clerk of the Superior Court Civil Division Office New Court House, 3 rd Floor P.O. Box 3000 Somerville, NJ 08876 LAWYER REFERRAL: (908) 685-2323 LEGAL SERVICES: (908) 231-0840
CAPE MAY COUNTY: Deputy Clerk of the Superior Court Central Processing Office 9 N. Main Street – Box DN-209 Cape May Court House, NJ 08210 LAWYER REFERRAL: 96090 463-0313 LEGAL SERVICES: (609) 465-3001	MIDDLESEX COUNTY: Deputy Clerk of the Superior Court Administration Building - Third Floor 1 Kennedy Square, P.O. Box 2633 New Brunswick, NJ 08903-2633 LAWYER REFERRAL: (732) 828-0053 LEGAL SERVICES: (732) 249-7600	SUSSEX COUNTY: Deputy Clerk of the Superior Court Sussex County Judicial Center 43-47 High Street Newton, NJ 07860 LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 383-7400
CUMBERLAND COUNTY: Deputy Clerk of the Superior Court Civil Case Management Office Broad & Fayette Sts., P.O. Box 615 Bridgeton, NJ 08302 LAWYER REFERRAL: (609) 692-6207 LEGAL SERVICES: (609) 451-0003	MONMOUTH COUNTY: Deputy Clerk of the Superior Court 71 Monument Park P.O. Box 1262 Court House, West Wing Freehold, NJ 07728-1262 LAWYER REFERRAL: (732) 431-5544 LEGAL SERVICES: (732) 866-0020	UNION COUNTY: Deputy Clerk of the Superior Court 1 st Fl., Court House 2 Broad Street Elizabeth, NJ 07207-6073 LAWYER REFERRAL: (908) 353-4715 LEGAL SERVICES: (908) 354-4340
ESSEX COUNTY: Deputy Clerk of the Superior Court 237 Hall of Records 465 Dr. Martin Luther King, Jr. Blvd. Newark, NJ 07102 LAWYER REFERRAL: (973) 622-6207 LEGAL SERVICES: (973) 624-4500	MORRIS COUNTY: Deputy Clerk of the Superior Court Civil Division – Hall of Records P.O. Box 910 Morristown, NJ 07930-0910 LAWYER REFERRAL: (973) 267-5882 LEGAL SERVICES: (973) 285-6911	WARREN COUNTY: Deputy Clerk of the Superior Court Civil Division Office Court House - 413 Second Street Belvidere, NJ 07823-1500 LAWYER REFERRAL: (908) 267-5882 LEGAL SERVICES: (908) 475-2010

HOBBIE, CORRIGAN & BERTUCIO
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125 Wyckoff Road
Eatontown, New Jersey 07724
(732) 380-1515
Attorneys for Plaintiffs
File No.: 30-773



LISA JURYN, Plaintiff, v. FREDERIC CUESTA, DAVID TALTY, DEAL TOWNSHIP POLICE DEPARTMENT and DEAL TOWNSHIP, Defendants.	SUPERIOR COURT OF NEW JERSEY LAW DIVISION MONMOUTH COUNTY DOCKET NO. MON-L-3759-14 <u>Civil Action</u> AMENDED COMPLAINT AND DEMAND FOR TRIAL BY JURY AND VERBAL THRESHOLD CERTIFICATION
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PLAINTIFF, Lisa Juryn residing at 1311 Evergreen Avenue, in the Township of Ocean, County of Monmouth and State of New Jersey, by way of Complaint against Defendant herein, says:

FIRST COUNT

1. On or about August 24, 2014 Plaintiff, Lisa Juryn, was the operator of a bicycle participating in a Triathlon, lawfully and carefully proceeding southbound on Ocean Avenue, approaching the intersection of Euclid Avenue, in the Township of Deal, County of Monmouth, State of New Jersey.

2. At all times pertinent herein, Defendant, Frederic Cuesta with an address of 104 Euclid Avenue in the Township of Loch Arbour, County of Monmouth, and State of New Jersey, was the operator of a motor vehicle which was traveling westbound on Euclid Avenue, in the Township of Deal, County of Monmouth, State of New Jersey.

3. At all times pertinent hereto, Defendant, Frederic Cuesta had a duty to operate his motor vehicle in a safe and prudent manner so as to avoid causing an unreasonable risk of injury to others.

4. At all times pertinent hereto, Defendant, Frederic Cuesta, did operate said motor vehicle in a negligent and careless manner, failed to make proper observations, failed to take evasive action, failed to exercise due caution, failed to exercise due caution when approaching a barricaded intersection, and otherwise violated the laws of general negligence and the laws of the State of New Jersey governing the safe operation of motor vehicles, so as to cause same to suddenly and without warning crash into with the bicycle operated by Plaintiff, Lisa Juryn.

5. As a direct and proximate result of the negligence and carelessness of Defendant, Frederic Cuesta as aforesaid, Plaintiff, Lisa Juryn sustained serious and permanent physical injuries and emotional grief, torment and anguish, have been and will in the future be prevented from engaging in her usual pursuits and activities, has been and will in the future be caused to expend great sums of money in an effort to seek a cure for her injuries, has been and will in the future be caused to sustain great economic loss, and has been and will in the future be caused to sustain a loss of enjoyment of life.

WHEREFORE, Plaintiff, Lisa Juryn hereby demands judgment in her favor against Defendant, Frederic Cuesta for damages, together with interests, costs of suit and attorneys fees, and such other relief as the Court may deem just and equitable.

SECOND COUNT

1. Plaintiff hereby repeats and realleges each and every allegation contained in the First Count of this Complaint and incorporate same by reference as though more fully set forth at length herein.

2. At all times pertinent herein, Defendant, Deal Township Patrolman David Talty was positioned on foot at the intersection of Ocean Avenue and Euclid Avenue in Deal Township, directing and supervising traffic during a bicycle race, within the Township of Deal, County of Monmouth, State of New Jersey.

3. At all times pertinent hereto, Defendant, David Talty had a duty to supervise, maintain and control the intersection in a safe and prudent manner so as to avoid causing an unreasonable risk of injury to others.

4. At all times pertinent hereto, Defendant, David Talty, did supervise, maintain and control said intersection in a negligent and careless manner.

5. Defendant, David Talty so negligently supervised, maintained and controlled said intersection so as to allow a collision between Plaintiff bicyclist and Defendant Cuesta.

6. Defendant, David Talty failed to make proper observations, failed to take evasive action, failed to exercise due caution when directing and supervising traffic, and otherwise permitted a collision to occur between Plaintiff bicyclist and Defendant Cuesta.

7. As a direct and proximate result of the negligence and carelessness of Defendant, David Talty, as aforesaid, Plaintiff, Lisa Juryn, sustained serious and permanent physical injury and emotional grief, torment and anguish, has been and will in the future be prevented from engaging in her usual pursuits and activities, has been and

will in the future be caused to expend great sums of money in an effort to seek a cure for her injuries, has been and will in the future be caused to sustain great economic loss, and has been and will in the future be caused to sustain a loss of enjoyment of life.

WHEREFORE, Plaintiff, Lisa Juryn, hereby demands judgment in her favor against Defendant, David Talty for damages, together with interests, costs of suit and attorneys fees, and such other relief as the Court may deem just and equitable.

THIRD COUNT

1. Plaintiff hereby repeats and realleges each and every allegation contained in the First through Second Counts of this Complaint and incorporate same by reference as though more fully set forth at length herein.

2. At the aforesaid time and place, Defendant, Deal Township Police Department was the employer of Defendant Patrolman David Talty.

3. As the result of the negligence of Defendant, Deal Township Police Department in permitting Defendant, David Talty to supervise and direct traffic, Plaintiff, Lisa Juryn, was permanently injured, suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention, and was prevented and will in the future be prevented from engaging in her usual pursuits and occupations.

4. As a result of permitting Defendant, David Talty to direct and supervise traffic, Defendant, Deal Township Police Department is or may be primarily and vicariously liable for the injuries sustained by the Plaintiff, Lisa Juryn, as the result of the negligence, carelessness and recklessness of Defendant, David Talty.

5. On October 30, 2014, a Tort Claims Notice was served upon Defendant, Deal Township Police Department regarding a motor vehicle incident that occurred on August 24, 2014.

WHEREFORE, Plaintiff, Lisa Juryn demands judgment against Defendant, Deal Township Police Department, for compensatory damages, together with interest, costs of suit, and such other damages as the Court may deem just and appropriate.

FOURTH COUNT

1. Plaintiff hereby repeats and realleges each and every allegation contained in the First through Third Counts of this Complaint and incorporate same by reference as though more fully set forth at length herein.

2. At the aforesaid time and place, Defendant, Deal Township was the employer of the Defendant, Patrolman David Talty.

3. As the result of the negligence of Defendant, Deal Township in permitting the Defendant, David Talty to supervise and direct traffic, Plaintiff, Lisa Juryn was permanently injured, suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention, and was prevented and will in the future be prevented from engaging in her usual pursuits and occupations.

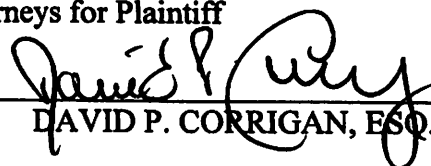
4. As a result of permitting Defendant, David Talty to supervise and direct traffic, Defendant, Township of Deal is or may be primarily and vicariously liable for the injuries sustained by the Plaintiff, Lisa Juryn as the result of the negligence, carelessness and recklessness of Defendant, David Talty.

5. On October 30, 2014 a Tort Claims Notice was served upon Defendant, Township of Deal regarding a motor vehicle incident that occurred on August 24, 2014.

WHEREFORE, Plaintiff, Lisa Juryn, demands judgment against Defendant, Township of Deal, for compensatory damages, together with interest, costs of suit, and such other damages as the Court may deem just and appropriate.

HOBBIE, CORRIGAN & BERTUCIO
A Professional Corporation
Attorneys for Plaintiff

BY:


DAVID P. CORRIGAN, ESQ.

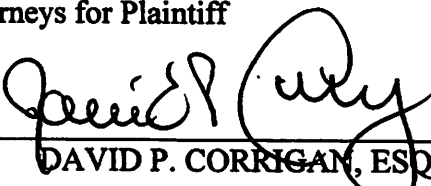
DATED: June 2, 2015

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues raised in the within pleading.

HOBBIE, CORRIGAN & BERTUCIO
A Professional Corporation
Attorneys for Plaintiff

BY:


DAVID P. CORRIGAN, ESQ.

DATED: June 2, 2015

DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:25-4, David P. Corrigan, Esq., is hereby designated as trial counsel herein

HOBBIE, CORRIGAN & BERTUCIO
A Professional Corporation
Attorneys for Plaintiffs

BY:


DAVID P. CORRIGAN, ESQ.

DATED: June 2, 2015

CERTIFICATION PURSUANT TO 4:5-1

1. The within matter is not the subject of any other proceeding or arbitration;
2. No other proceeding or arbitration is contemplated herein;
3. All parties presently known to Plaintiff have been identified herein.

HOBBIE, CORRIGAN & BERTUCIO
A Professional Corporation
Attorneys for Plaintiffs

BY:



DAVID P. CORRIGAN (ESQ.)

DATED: June 2, 2015