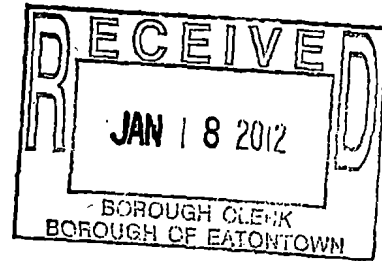


SHEBELL & SHEBELL, LLC
The Pavilion
655 Shrewsbury Avenue, Suite 314
Shrewsbury, New Jersey 07702
(732) 663-1122
Counsel for Plaintiff
File No.: 44681 (TFS*cg)



ISABELLE S. DALY, individually and as
Administratrix Ad Prosequendum for the ESTATE
OF JOHN F. DALY, JR., and MELANIE DALY,
and JEAN-CLAUDE DALY, by their g/a/l
ISABELLE S. DALY,

Plaintiffs,

v.

BOROUGH OF EATONTOWN, BOROUGH OF
EATONTOWN POLICE DEPARTMENT,
EATONTOWN POLICE OFFICER, REYES
QUINONES, POLICE OFFICERS, JOHN/JANE
DOE(S), 1-10, fictitious Defendant, BOROUGH
OF EATONTOWN PUBLIC WORKS, JERSEY
CENTRAL POWER AND LIGHT, A FIRST
ENERGY CORPORATION, STATE OF NEW
JERSEY, STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO. MON-L-72-12

Civil Action

SUMMONS

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

BOROUGH OF EATONTOWN

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, PO Box 971 [CN-971], Trenton, NJ 08625-0971. 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 of \$135.00 [\$110.00 for Law Division and \$105.00 for Chancery Division] 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.

/SS/

JENNIFER M. PEREZ, Acting Clerk, Superior Court

Dated: January 13, 2012

Defendant to be Served: Borough of Eatontown

Address for Service: Municipal Offices, 47 Broad Street, Eatontown, NJ 07724-1698

Clerk's Addresses:

Atlantic County, 1201 Bacharach Blvd., Atlantic City, New Jersey 08330
Bergen County Justice Center, 10 Main Street, Hackensack, NJ 07601
Burlington County Courts Facility, 49 Rancocas Rd., Mt. Holly, NJ 08060
Camden County Hall of Justice, 101 S. 5th Street, Camden, NJ 08103-4001
Cape May County Courthouse, Main Street, Cape May Court House, NJ 08210
Cumberland County Court House, Broad and Fayette Street, Bridgeton, NJ 08302
Essex County Courts Building, 50 W. Market Street, Newark, NJ 07102
Gloucester County Courthouse, 1 N. Broad Street, Woodbury, NJ 08096
Hudson County Administration Bldg., 595 Newark Avenue, Jersey City, NJ 07306
Hunterdon County Court House, Main Street, Flemington, NJ 08822
Mercer County Court House, PO Box 8068, Trenton, NJ 08650-0068
Middlesex County Court House, 1 Kennedy Square, New Brunswick, NJ 08903
Monmouth County Court House 71 Monument Park, Freehold, NJ 07728
Morris County Court House, PO Box 900, Morristown, NJ 07963-0900
Ocean County Court House, 118 Washington Street, Toms River, NJ 08754
Passaic County Court House, 77 Hamilton Street, Paterson, NJ 07505-2017
Salem County Court House, 92 Market Street, Salem, NJ 08079
Somerset County Court House, PO Box 3000, Somerville, NJ 08876-1262
Sussex County Court House, 43-47 High Street, Newton, NJ 07860
Union County Court House, 2 Broad Street, Elizabeth, NJ 07207
Warren County Court House, 2nd & Hardwick St., Belvidere, NJ 07823

LEGAL AID OFFICES LEGAL SERVICES OFFICES

SHEBELL & SHEBELL, LLC
The Pavilion
655 Shrewsbury Avenue, Suite 314
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File No.: 44681 (TFS*cg)

JAN - 4 2012

ISABELLE S. DALY, individually and as
Administratrix Ad Prosequendum for the ESTATE
OF JOHN F. DALY, JR., and MELANIE DALY,
and JEAN-CLAUDE DALY, by their g/a/l
ISABELLE S. DALY,

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v.

BOROUGH OF EATONTOWN, BOROUGH OF
EATONTOWN POLICE DEPARTMENT,
EATONTOWN POLICE OFFICER, REYES
QUINONES, POLICE OFFICERS, JOHN/JANE
DOE(S), 1-10, fictitious Defendant, BOROUGH
OF EATONTOWN PUBLIC WORKS, JERSEY
CENTRAL POWER AND LIGHT, A FIRST
ENERGY CORPORATION, STATE OF NEW
JERSEY, STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION,
STATE OF NEW JERSEY OFFICE OF
TRAFFIC SIGNAL AND SAFETY
ENGINEERING, H.D. MACLAUGHLIN
ASSOCIATES, INC., MARION
MACLAUGHLIN, CHRIS MACLAUGHLIN and
DONALD MACLAUGHLIN, individually and
d/b/a THE CABERET, ABC-XYZ LIQUOR
LICENSE HOLDER and/or OWNER, fictitious
Defendant(s), JOHN/JANE ROE(S), 1-25,
fictitious security defendant(s), ABC-DEF
LOUNGE(S)/BAR(S), fictitious Defendant(s),
JOHN/JANE DOE(S), 1-25 fictitious bartenders,
ABC-XYZ CORPORATIONS, fictitious
Defendant(s),

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MONMOUTH COUNTY

DOCKET NO. MON-L- 72-12

Civil Action

**WRONGFUL DEATH and
SURVIVORSHIP
COMPLAINT AND JURY DEMAND**

Plaintiff, Isabelle S. Daly, individually and Administratrix Ad Prosequendum for the
Estate of John E. Daly, Jr. and Melanie Daly and Jean-Claude Daly by their o/a/ Isabelle R.

5. At all times referenced hereto, Defendant, Eatontown Police Officer, Reyes Quinones, acted as an agent, servant and/or employee of Defendant, Borough of Eatontown and the Borough of Eatontown Police Department, and as such was entrusted with specific duties and obligations in order to protect the public from harm, and was otherwise entrusted with all such duties usually incorporated in such position.

6. On or about January 15, 2010, the Decedent, John F. Daly, Jr., was crossing at a lawful crosswalk on State Highway Route 25, in the Borough of Eatontown, County of

WHEREFORE, Plaintiff, Isabelle S. Daly, individually and as Administratrix Ad
Prosequendum for the Estate of John F. Daly, Jr., demands judgment against Defendant,

companionship, economic support, guidance, advice and counsel of Plaintiff's Decedent, John F. Daly, Jr.

5. Pursuant to N.J.S.A. 59:8-7, Notice of Claim was served upon Defendants, Borough of Eatontown, Borough of Eatontown Police Department, Police Officer Reyes Quinones and the Borough of Eatontown's Department of Public Works. Copies of the Notice of Claim are attached to Plaintiffs' Complaint as Exhibit "A" and are incorporated by reference herein.

WHEREFORE, Plaintiff, Isabelle S. Daly, as Administratrix Ad Prosequendum for the Estate of John F. Daly, Jr., demands judgment against Defendants, Borough of Eatontown, Borough of Eatontown Police Department, the Borough of Eatontown Public Works Department, John/Jane Doe Police Officer(s), I-10, fictitious Defendant(s), individually, and as agent, servant and/or employee of the Borough of Eatontown and the Eatontown Police Department, for compensatory damages for pain and suffering, punitive damages, medical expenses, counsel fees, costs of suit and any and all other damages to which plaintiff is deemed entitled

- (a) allowing the roads and highways in and about the Borough of Eatontown to remain in a dangerous condition by failing to repair three malfunctioning luminaries to representatives of the Defendants, State of New Jersey, State of New Jersey Department of Transportation and/or State of New Jersey Office of Traffic Signal and Safety Engineering, its agents, representatives and/or

physical pain and suffering, as well as prolonged psychological and emotional grief, anguish and torment and fear of impending death, all of which resulted in his death on December 25, 2010, and moreover, has been deprived of the satisfaction of living. The beneficiaries of the Estate of John F. Daly, Jr., have suffered, and will continue to suffer, the loss of services, society, companionship, support, guidance, advice and counsel of Plaintiff's Decedent, John F. Daly, Jr.

5. Pursuant to N.J.S.A. 59:8-7, Notice of Claim was served upon Defendants, State of New Jersey, State of New Jersey Department of Transportation and/or State of New Jersey Office of Traffic Signal and Safety Engineering, its agents, representatives and/or employees. Copies of the Notice of Claim are attached to Plaintiffs' Complaint as Exhibit "A" and are incorporated by reference herein.

WHEREFORE, Plaintiff, Isabelle S. Daly, as Administratrix Ad Prosequendum for the Estate of John F. Daly, Jr., demands judgment against Defendants, State of New Jersey, State of New Jersey Department of Transportation and/or State of New Jersey Office of Traffic Signal and Safety Engineering, its agents, representatives and/or employees, for compensatory damages for pain and suffering, punitive damages, medical expenses, counsel fees, costs of suit and any and all other damages to which plaintiff is deemed entitled.

FOURTH COUNT

1. Plaintiff, Isabelle S. Daly, individually and as Administratrix Ad Prosequendum for the Estate of John F. Daly, Jr., repeats and realleges each and every allegation contained in the First through Third Counts of the Complaint as if more fully set forth herein.

2. At all times relevant herein, upon information and belief, the Defendant, Jersey Central Power & Light, a First Energy Corporation, (herein after referred to as "JCP&L"), and/or ABC-XYZ Corporation(s), fictitious defendant(s), its agents, representatives and/or employees, jointly, individually and severally, negligently, carelessly and recklessly, allowed a dangerous and hazardous condition to exist, specifically by:

- (a) allowing the roads and highways in and about the Borough of Eatontown to remain in a dangerous condition by failing to replace and/or restore the street lights after having had actual and/or constructive notice of the dangerous condition that existed;
- (b) created a dangerous condition by its own actions and/or inactions to rectify the dangerous condition;
- (c) knew or should have known to take proper measures, and failed it its duty to take measures which were palpably unreasonable and thereby permitted and maintained a dangerous condition of the traffic lights;
- (d) Defendant, JCP&L, and/or ABC-XYZ Corporation(s), fictitious defendant(s), having had previous knowledge of the aforesaid dangerous roadway thereby creating a "nuisance" to the general public, specifically to decedent, John F. Daly, Jr.

3. As a direct result of the negligent, careless and reckless actions of the Defendant JCP&L and/or ABC-XYZ Corporation(s), fictitious defendant(s), Defendant JCP&L

WHEREFORE Plaintiff Isabelle S. Daly as Administratrix Ad Prosequendum for the

4. At the aforesaid time and place, the Decedent, John F. Daly, Jr., was a
owner/partner of Defendants. H.D. MacLaughlin Associates, Inc.. Marion MacLaughlin. Chris

7. As a direct and proximate result of Decedent's highly intoxicated state, caused by the negligence of Defendants, H.D. MacLaughlin Associates, Inc., Marion MacLaughlin, Chris MacLaughlin and Donald MacLaughlin, individually and d/b/a "The Cabaret", its agents, employees and/or representatives, jointly, individually and severally, by knowingly, carelessly and negligently serving alcoholic beverages to decedent, John F. Daly, Jr., whom said defendants knew or should have known to be intoxicated, he was caused to sustain severe and permanent injury, including but not limited to, prolonged conscious physical pain and suffering, as well as prolonged psychological and emotional grief, anguish and torment and fear of impending death, all of which resulted in his demise on December 25, 2010, and moreover, has been deprived of the satisfaction of living. The beneficiaries of the Estate of John F. Daly, Jr., have suffered, and will continue to suffer, the loss of services, society, companionship, support, guidance, advice and counsel of Plaintiff's Decedent, John F. Daly, Jr.

8. Defendants, H.D. MacLaughlin Associates, Inc., Chris MacLaughlin and Don MacLaughlin, individually and d/b/a "The Cabaret", through its principals, agents, employees, servants and/or representatives, is both primarily and vicariously liable for decedent's injuries and death.

9. The negligence of Defendants, H.D. MacLaughlin Associates, Inc., Marion MacLaughlin, Chris MacLaughlin and Donald MacLaughlin, individually and d/b/a "The Cabaret" its agents, employees and/or representatives jointly, individually and severally

allowed him to become intoxicated to such an extent that he could not exercise reasonable care for his safety and, thus, failed to protect his rights.

WHEREFORE, Plaintiff, Isabelle S. Daly, as Administratrix Ad Prosequendum for the Estate of John F. Daly, Jr., demands judgment against Defendants, H.D. MacLaughlin Associates, Inc., Marion MacLaughlin, Chris MacLaughlin and Donald MacLaughlin, individually and d/b/a "The Cabaret", its agents, employees and/or representatives, jointly, individually and severally, for compensatory damages, together with interest, costs of suit, and such other damages as the Court deems just and appropriate.

SEVENTH COUNT

1. Plaintiff, Isabelle S. Daly, individually and as Administratrix ad Prosequendum of the Estate of John F. Daly, Jr., repeats and realleges each and every allegation contained in the First through Sixth Counts of the Complaint as if more fully set forth herein.

2. At all times referenced herein, Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), were/are, the liquor license holders for the establishment commonly known as "The Cabaret", located at 130 Main Street, within the Borough of Eatontown, County of Monmouth and State of New Jersey.

3. Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), is the operator of a certain cocktail lounge known to sell and/or serve alcoholic beverages to the public and more particularly to the Decedent, John F. Daly, Jr., on January 15, 2010.

4. At the aforesaid time and place, the Decedent, John F. Daly, Jr., was a guest/patron of Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), and was served alcoholic beverages by agents/employees of Defendants and did knowingly, wrongfully and negligently serve large quantities of intoxicating beverages to John F. Daly, Jr., when said Defendant(s) knew or should have known he was intoxicated.

5. At the aforesaid time, Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), its agents, employees and/or representatives, jointly, individually and severally, did cause and contribute to the intoxication of the Decedent by serving him with intoxicating liquors and alcoholic beverages, although said Defendant, its agents, servants and/or employees knew or should have ascertained by observation of the Decedent that he was under the influence of liquor and was intoxicated.

6. The negligent, knowing and careless acts of Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), its agents, employees and/or representatives, jointly, individually and severally, caused Decedent to become further intoxicated to such an extent that Decedent, John F. Daly, Jr., was unable to properly and effectively leave its establishment, and the aforesaid acts of said Defendant were a proximate cause of a motor vehicle incident that occurred in which John F. Daly, Jr. was severely injured resulting in his demise.

7. As a direct and proximate result of Decedent's intoxication, caused by the negligence of Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), its agents, employees and/or representatives, jointly, individually and severally, by knowingly, carelessly and negligently serving alcoholic beverages to John F. Daly, Jr., whom said defendant knew or should have known to be intoxicated, John F. Daly, Jr., was caused to sustain severe and permanent injury, including but not limited to, prolonged conscious physical

9. The negligence of Defendant(s), ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), its agents, employees and/or representatives, jointly, individually and severally, through its agents, servants or employees, consisted of breach of duty by selling intoxicating beverages to John F. Daly, Jr., where Defendant knew or should have known that he was intoxicated. Defendants further breached its duty to properly protect or secure the safety of

WHEREFORE, Plaintiff, Isabelle S. Daly, as Administratrix Ad Prosequendum for the Estate of John F. Daly, Jr., demands judgment against Defendants, ABC-XYZ Liquor License Holder and/or Owner, fictitious Defendant(s), for damages, together with interest, costs of suit, and such other damages as the Court deems just and appropriate.

NINTH COUNT

1. Plaintiff, Isabelle S. Daly, individually and as Administratrix ad Prosequendum of the Estate of John F. Daly, Jr., repeats and realleges each and every allegation contained in the First through Eighth Counts of the Complaint as if more fully set forth herein.

5. Defendants, John/Jane Roe(s), 1-25, fictitious security, jointly, individually and severally, negligently, carelessly and recklessly allowed Decedent John F. Daly to consume

2. At all times referenced herein, the Defendant, John/Jane Doe(s), 1-25, fictitious Bartender(s), served to the Decedent John F. Daly, Jr., excessive amounts of alcohol causing him to be highly intoxicated and a danger to himself and others.

3. As a direct and proximate result of the negligent, careless, and reckless conduct of the Defendants, Borough of Eatontown, Borough of Eatontown Police Department, the Borough of Eatontown Public Works Department, Reyes Quinones, John/Jane Doe(s), I-10, fictitious Defendant(s), the State of New Jersey and the State of New Jersey Department of Transportation, State of New Jersey Office of Traffic Signal and Safety Engineering, Jersey Central Power & Light, a First Energy Corporation, Defendants, H.D. MacLaughlin Associates, Inc., Marion MacLaughlin, Chris MacLaughlin and Donald MacLaughlin, individually and d/b/a "The Cabaret", and fictitious defendants named herein above, jointly, individually and severally, as aforesaid, and the resulting wrongful death of John F. Daly, Jr., Plaintiff, Isabelle S. Daly, as Administratrix of the Estate of John F. Daly, has suffered substantial pecuniary losses, including but not limited to medical bills, funeral and burial expenses, and the loss of Plaintiff's Decedent, John F. Daly, Jr., present and future advice, counsel, guidance, services, companionship, love, care, contribution of monies, as well as the loss of economic quantification of John F. Daly, Jr.'s life in the nature of hedonic damages.

WHEREFORE, Plaintiff, Isabelle S. Daly, individually, demands judgment against all Defendants named hereinabove, jointly, individually and severally, for damages, together with interest, costs of suit, and such other damages as the Court deems just and appropriate.

TWELFTH COUNT

1. Plaintiffs, Melanie Daly and Jean-Claud Daly, individually, jointly and severally by their g/a/l Isabelle R. Daly, joins in, repeats and realleges each and every allegation contained in the First through Eleventh Counts of the Complaint as if more fully set forth herein.

2. At all times referenced herein, Plaintiffs, Melanie Daly and Jean-Claud Daly, individually, jointly and severally, were/are the natural born minor children of the Decedent, John F. Daly, Jr.

3. As a direct and proximate result of the negligent, careless and reckless conduct of the Defendants, Borough of Eatontown, Borough of Eatontown Police Department, Borough of Eatontown Public Works Department, Reyes Quinones, John/Jane Doe(s), I-10, fictitious Defendant(s), State of New Jersey and State of New Jersey Department of Transportation, State of New Jersey Office of Traffic Signal and Safety Engineering, Jersey Central Power & Light, a First Energy Corporation, H.D. MacLaughlin Associates, Inc., Marion MacLaughlin, Chris MacLaughlin and Donald MacLaughlin, individually and d/b/a "The Cabaret", and fictitious defendants named herein jointly, individually and severally, as aforesaid, and the resulting wrongful death of their father, John F. Daly, Jr., Plaintiffs, Melanie Daly and Jean-Claud Daly, individually, jointly and severally, have suffered and continue to suffer substantial pecuniary losses, including but not limited to the loss of their father's present and future advice, counsel, guidance, services, companionship, love, care, contribution of monies, as well as the loss of economic quantification of John F. Daly, Jr.'s life in the nature of hedonic damages.

WHEREFORE, Plaintiffs, Melanie Daly and Jean-Claud Daly, individually, jointly and severally, by their g/a/l Isabelle R. Daly, demands judgment against all Defendants named hereinabove, jointly, individually and severally, for damages, together with interest, costs of suit, and such other damages as the Court deems just and appropriate.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on all issues in the above-entitled cause of action.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25, Thomas F. Shebell, III, is hereby designated as trial counsel herein.

CERTIFICATION PURSUANT TO R. 4:5-1

1. The matter in controversy is not the subject of any other action pending in any court or of any pending arbitration proceeding.
2. No other action or arbitration proceeding is contemplated herein.
3. All parties known by Plaintiffs are named and identified in the action filed herein.

DEMAND FOR RESPONSES TO INTERROGATORIES

Pursuant to R.4:17-1(b)(I) and (ii), written demand is hereby made upon Defendant for the service of responsive answers to Supplemental and Uniform Interrogatories, contained in the Appendix II. Interrogatory Forms, of the New Jersey Rules Governing the Courts of the State of