

BENDIT WEINSTOCK

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
80 MAIN STREET
WEST ORANGE, N.J. 07052
(973) 736-9800

Attorneys for Plaintiffs
Our File #42441-WLG

DOUGLAS RIZZO , Guardian of : SUPERIOR COURT OF NEW JERSEY
Fred Rizzo, and : LAW DIVISION : BERGEN COUNTY
individually; and ELIZABETH : DOCKET NO.: BER-L-2926-12
RIZZO, Guardian Ad Litem of :
VANESSA RIZZO and JEREMY : Civil Action
RIZZO, infants, and :
individually Per Quod, :

Plaintiffs, :

-vs- :

SUMMONS

BERGEN COUNTY BOARD OF :
SOCIAL SERVICES, WILLIAM :
OSERIN, BETTINA SAVAGE, :
ELI M.S. FORMAN, **OFFICER** :
GERARD GANSEL, FRANKLIN :
LAKES POLICE DEPARTMENT, :
EMIL RIZZO and JOHN :
DUNNEGAN, :

Defendants. :

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The amended complaint attached to this summons states the basis for this lawsuit. If you dispute this amended 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, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey 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 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 or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). 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.

Jennifer M. Perez

Jennifer M. Perez
Acting Clerk of the Superior Court

DATED: April 20, 2012

Name of Defendant to Be Served: Officer Gerard Gansel
Address of Defendant to Be Served: Franklin Lakes Police Department
480 DeKorte Drive
Franklin Lakes, NJ 07417

ATLANTIC COUNTY

Law Division, Direct Filing
Atlantic County Court House
1201 Bacharach Blvd - 1st Floor
Atlantic City, NJ 08401
LAWYER REFERRAL:
609-345-3444
LEGAL SERVICES:
609-348-4200

BERGEN COUNTY

Law Division, Civil Case Processing
119 Justice Center
10 Main Street
Hackensack, NJ 07601-7698
LAWYER REFERRAL:
201-488-0044
LEGAL SERVICES:
201-487-2166

BURLINGTON COUNTY

Superior Court, Law Division
Courts Facility - 1st Floor
Box 6555
Mt. Holly, NJ 08060
LAWYER REFERRAL:
609-261-4862
LEGAL SERVICES:
609-261-1088

CAMDEN COUNTY

Civil Processing Office
Hall of Justices - 1st Floor
501 Fifth Street
Camden, NJ 08103
LAWYER REFERRAL:
856-964-4520
LEGAL SERVICES:
856-964-2010

CAPE MAY COUNTY

Law Division, Direct Filing
Cape May Superior Court
4 Moore Road - DN203
Cape May Court House, NJ 08210
LAWYER REFERRAL:
609-463-0313
LEGAL SERVICES:
609-465-3001

CUMBERLAND COUNTY

Civil Case Management Office
Court House - Room 301
Broad & Fayette Streets
Box 866
Bridgeton, NJ 08302
LAWYER REFERRAL:
856-692-6207
LEGAL SERVICES:
852-451-0003

ESSEX COUNTY

Law Division, Direct Filing
Essex County Hall of Records
Room 237
Newark, NJ 07102
LAWYER REFERRAL:
973-622-6207
LEGAL SERVICES:
973-622-0063

GLOUCESTER COUNTY

Civil Case Management Office
Att: Intake
Court House - 1st Floor
One North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL:
(856) 848-4589
LEGAL SERVICES:
(856) 848-5360

HUDSON COUNTY

Superior Court Civil Records Dept
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, NJ 07310
LAWYER REFERRAL:
201-798-2727
LEGAL SERVICES:
201-792-6363

HUNTERDON COUNTY

Civil Division Office
Hall of Records
77 Main Street
Flemington, NJ 08832
LAWYER REFERRAL:
908-735-6112
LEGAL SERVICES:
908-782-7979

MERCER COUNTY

Mercer County Office of Deputy
Clerk
P.O. Box 8068
209 So. Broad Street
Trenton, NJ 08650
LAWYER REFERRAL:
609-585-6200
LEGAL SERVICES:
609-695-6249

MIDDLESEX COUNTY

Superior Court - Att. Law Division
Administration Bldg - 3rd Floor
P.O. Box 2633
New Brunswick, NJ 08901-2633
LAWYER REFERRAL:
732-828-0053
LEGAL SERVICES:
732-249-7600

MONMOUTH COUNTY

Law Division, Direct Filing
Court House
71 Monmouth Park - West Wing
P.O. Box 1252
Freehold, NJ 07723-1252
LAWYER REFERRAL:
732-431-5544
LEGAL SERVICES:
732-502-0059

MORRIS COUNTY

Morris County Civil Division
Court House - Box 910
Morristown, NJ 07960
LAWYER REFERRAL:
973-267-5882
LEGAL SERVICES:
973-285-6911

OCEAN COUNTY

Law Division, Direct Filing
Court House - Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL:
732-240-3666
LEGAL SERVICES:
732-341-2727

PASSAIC COUNTY

Passaic County Civil Div. Office
Court House
77 Hamilton Street
Paterson, NJ 07650
LAWYER REFERRAL:
973-278-9223
LEGAL SERVICES:
973-523-2900

SALEM COUNTY

Law Division, Direct Filing
Court House
92 Market Street
P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL:
856-935-4679
LEGAL SERVICES:
856-451-0003

SOMERSET COUNTY

Civil Division Office
Court House - 3rd Floor
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL:
908-685-2323
LEGAL SERVICES:
908-231-0840

SUSSEX COUNTY

Sussex County Civil Division
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL:
973-267-5882
LEGAL SERVICES:
973-383-7400

UNION COUNTY

Deputy Clerk, Superior Court
Court House - Room 107
2 Broad Street
Elizabeth, NJ 07207-6703
LAWYER REFERRAL:
908-353-4715
LEGAL SERVICES:
908-354-4340

WARREN COUNTY

Warren County Civil Div. Office
Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL:
908-267-5882
LEGAL SERVICES:
908-475-2010

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 527-2600
COURT HOURS

DATE: APRIL 16, 2012
RE: RIZZO VS BERGEN COUNTY BD
DOCKET: BER L -002926 12

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 3.

DISCOVERY IS 450 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK M RUSSELLO

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: WILLIAM L. GOLD
BENDIT WEINSTOCK
80 MAIN ST STE 260
WEST ORANGE NJ 07052

JUBLECO

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME William L. Gold, Esq.	TELEPHONE NUMBER (973) 736-9800	COUNTY OF VENUE Bergen
	FIRM NAME (if applicable) Bendit Weinstock		DOCKET NUMBER (when available) <i>L-2926-12</i>
	OFFICE ADDRESS 80 Main Street, Suite 260 West Orange, NJ 07052		DOCUMENT TYPE COMPLAINT
			JURY DEMAND ☒ YES ☐ NO
NAME OF PARTY (e.g., John Doe, Plaintiff) Douglas Rizzo, et als., Plaintiffs		CAPTION Rizzo v. Bergen County Board of Social Services, et al.	
CASE TYPE NUMBER (See reverse side for listing) 605, 699, 005		IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☐ UNKNOWN	
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? ☒ YES ☐ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☒ FAMILIAL ☐ BUSINESS	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ 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? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ 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 <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: <i>[Signature]</i>			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Centrally Managed Litigation (Track IV)

- | | |
|----------------------------------|--|
| 280 ZELNORM | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 285 STRYKER TRIDENT HIP IMPLANTS | 291 PELVIC MESH/GYNECARE |
| 288 PRUDENTIAL TORT LITIGATION | 292 PELVIC MESH/BARD |
| 289 REGLAN | 293 DEPUY ASR HIP IMPLANT LITIGATION |

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 282 FOSAMAX |
| 271 ACCUTANE/ISOTRETINOIN | 284 NUVARING |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 286 LEVAQUIN |
| 278 ZOMETHA/ARELIA | 287 YAZ/YASMIN/OCELLA |
| 279 GADOLINIUM | 601 ASBESTOS |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

SUPERIOR COURT BERGEN COUNTY
FILED

APR 12 2012

DEPUTY CLERK

BENDIT WEINSTOCK

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
80 MAIN STREET
WEST ORANGE, N.J. 07052
(973) 736-9800

Attorneys for Plaintiffs
Our File #42441-WLG

DOUGLAS RIZZO , Guardian of
Fred Rizzo, and
individually; and ELIZABETH
RIZZO, Guardian Ad Litem of
VANESSA RIZZO and JEREMY
RIZZO, infants, and
individually Per Quod,

Plaintiffs,

-vs-

BERGEN COUNTY BOARD OF
SOCIAL SERVICES, WILLIAM
OSERIN, BETTINA SAVAGE,
ELI M.S. FORMAN, OFFICER
GERARD GANSEL, FRANKLIN
LAKES POLICE DEPARTMENT,
EMIL RIZZO and JOHN
DUNNEGAN,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION : BERGEN COUNTY
: DOCKET NO.: L-2926-12
: Civil Action

COMPLAINT and JURY DEMAND

Plaintiffs, Douglas Rizzo, Guardian of Fred Rizzo and
individually; and Elizabeth Rizzo, Guardian Ad Litem of Vanessa
Rizzo and Jeremy Rizzo, infants, and individually per quod, by way
of Complaint against defendants, says:

FACTS RELEVANT TO ALL CLAIMS

1. Douglas Rizzo ("Doug"), the son of Fred Rizzo ("Fred"), was appointed guardian of Fred Rizzo by Order of the Honorable Peter Doyne on November 7, 2011.

2. Elizabeth Rizzo ("Elizabeth") is the wife of Douglas Rizzo and the mother of infant children, Vanessa Rizzo ("Vanessa") and Jeremy Rizzo ("Jeremy").

3. All of the plaintiffs live at 1006 Clark Road, Franklin Lakes, New Jersey 07417.

4. Emil Rizzo ("Emil") is the brother of Fred Rizzo and was the party-in-interest in a lawsuit entitled Madison Sprocket & Gear Inc. and Douglas Realty Inc. v. Douglas Rizzo, Chancery Division, Passaic County, Docket No. PAS-C-116-09.

5. John Dunnegan ("Dunnegan") is the son-in-law of Emil Rizzo.

6. During the pendency of the Madison Sprocket lawsuit, defendant Dunnegan reported to Bergen County Board of Social Services that Doug, then acting under a legitimate power of attorney executed his father, Fred, was improperly caring for him and financially abusing him.

7. Dunnegan's report was false and was intended for no other purpose than to seek an advantage in his father-in-law's then pending lawsuit and to otherwise damage Fred and Doug.

8. Notwithstanding the clear conflict of interest in Dunnegan's report and without any consideration of its falsity, the defendant Bergen County Board of Social Services began an investigation into Doug's care of his father.

9. The investigation was headed by William Oserin ("Oserin").

10. On or about February 25, 2011, defendant Oserin and a purported intern, Bettina Savage ("Savage"), forced their way into the Rizzo home at 1006 Clark Road, Franklin Lakes, New Jersey, purportedly to interview Fred.

11. The aforementioned breaking and entry and trespass frightened Fred and Jeremy who called his father Doug.

12. Doug observed the fright of his father and son and asked defendants Oserin and Savage to leave.

13. On or about April 15, 2011, Doug received another hysterical call, this time from his daughter Vanessa.

14. She stated that defendant Officer Gerard Gansel of the Franklin Lakes Police Department forced his way into the house, together with defendant Eli M.S. Forman ("Forman"), to examine Fred.

15. Once again, Doug left his place of work and came home where he found defendant Forman attempting to interview his father.

16. He observed the fright of his father and daughter and asked Forman and Gansel to leave.

FIRST COUNT

UNLAWFUL INVESTIGATION BY THE
BERGEN COUNTY BOARD OF SOCIAL SERVICES, OSERIN AND SAVAGE

1. All of the facts in the Statement of Facts are included hereby reference.

2. The investigation by the Bergen County Board of Social Services was conducted on an insufficient basis and was otherwise unlawful and tortious.

3. Defendants Bergen County Board of Social Services, Oserin and Savage damaged plaintiffs by conducting an illegal investigation.

WHEREFORE, plaintiffs demand judgment against the Bergen County Board of Social Services, William Oserin and Bettina Savage for compensatory and punitive damages, attorneys fees, interest and cost of suit.

SECOND COUNT

IMPROPER REPORTING TO THE BERGEN COUNTY BOARD OF SOCIAL SERVICES
BY DEFENDANT JOHN DUNNEGAN

1. Plaintiffs repeat and replead each and every allegation contained in the First Count of the Complaint as if same were set forth at length herein.

2. Defendant Dunnegan falsely reported the condition of Fred to the Bergen County Board of Social Services for the purpose of aiding his father-in-law Emil in his lawsuit.

3. This was unlawful, improper and tortious, by which plaintiffs were damaged.

WHEREFORE plaintiffs demand judgment against John Dunnegan for compensatory and punitive damages, attorneys fees, interest and cost of suit.

THIRD COUNT

IMPROPER REPORTING TO THE BERGEN COUNTY BOARD OF SOCIAL SERVICES BY EMIL RIZZO

1. Plaintiffs repeat and replead each and every allegation contained in the First and Second Counts of the Complaint as if same were set forth at length herein.

2. Emil either instigated or approved Dunnegan's improper reporting to the Bergen County Board of Social Services which resulted in damages to Vanessa and Jeremy.

WHEREFORE, plaintiff, Elizabeth Rizzo, guardian ad litem for Vanessa and Jeremy, demands judgment against Emil Rizzo for compensatory and punitive damages, attorneys fees, interest and cost of suit.

FOURTH COUNT

TRESPASS AGAINST THE BERGEN COUNTY BOARD OF SOCIAL SERVICES, WILLIAM OSERIN AND BETTINA SAVAGE

1. Plaintiffs repeat and replead each and every allegation contained in the First through Third Counts of the Complaint as if same were set forth at length herein.

2. The unlawful entry and trespass committed by the Bergen County Board of Social Services, by and through its agents, Oserin and Savage on February 25, 2011 was illegal, unlawful and tortious and damaged the plaintiffs.

WHEREFORE, plaintiffs demand judgment against defendants Bergen County Board of Social Services, William Oserin and Bettina Savage for compensatory and punitive damages, attorneys fees, interest and cost of suit.

FIFTH COUNT

TRESPASS AGAINST THE BERGEN COUNTY BOARD OF SOCIAL SERVICES,
ELI M.S. FORMAN, FRANKLIN LAKES POLICE DEPARTMENT
and POLICE OFFICER GERARD GANSEL

1. Plaintiffs repeat and replead each and every allegation contained in the First through Fourth Counts of the Complaint as if same were set forth at length herein.

2. The unlawful entry and trespass by defendants Bergen County Board of Social Services by and through its agent, Eli M.S. Forman, and by the Franklin Lakes Police Department by and through its employee Police Officer Gerard Gansel on April 15, 2011 was illegal, unlawful and tortious and damaged the plaintiffs.

WHEREFORE, plaintiffs demand judgment against defendants Bergen County Board of Social Services, Eli M.S. Forman, Franklin Lakes Police Department and Police Officer Gansel for compensatory and punitive damages, attorneys fees, interest and cost of suit.

SIXTH COUNT

1983 ACTION

1. Plaintiffs repeat and replead each and every allegation contained in the First through Fifth Counts of the Complaint as if same were set forth at length herein.

2. The actions of defendants Bergen County Board of Social Services, Oserin, Savage, Franklin Lakes Police Department, Gansel and Forman violated the civil rights of all of the plaintiffs resulting in a deprivation of their rights, privileges and immunities secured by the Constitution of the United States and federal laws, which violations proximately caused serious injuries and damages to the plaintiffs.

3. Plaintiffs allege that the defendants are liable for the aforesaid violations of their civil rights pursuant to applicable federal statutes including 42 USCA §1983 et seq.

WHEREFORE, plaintiffs demand judgment against the defendants as a result of the violation of plaintiffs' civil rights, compensatory and punitive damages, together with attorneys fees, interest and cost of suit.

SEVENTH COUNT

ELIZABETH'S PER QUOD

1. Plaintiffs repeat and replead each and every allegation contained in the First through Sixth Counts of the Complaint as if same were set forth at length herein.

2. As a result of the injuries suffered by her husband, plaintiff Elizabeth Rizzo suffered from a loss of her husband's aid, comfort, conjugal fellowship and consortium.

WHEREFORE, Elizabeth Rizzo, demands judgment against all defendants for compensatory and punitive damages, attorneys fees, interest and cost of suit.

EIGHTH COUNT

1. Plaintiffs repeat and replead each and every allegation contained in the First through Seventh Counts of the Complaint as if same were set forth at length herein.

2. The actions of all defendants were prima facie tortious, by which all plaintiffs were injured.

WHEREFORE, plaintiffs demand judgment against all defendants for compensatory and punitive damages, attorneys fees interest and cost of suit.

JURY DEMAND

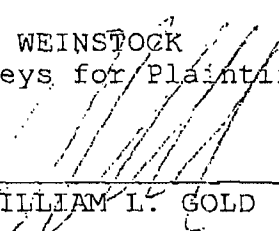
Plaintiffs hereby demand a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

William L. Gold, Esq., is hereby designated as Trial Counsel pursuant to R 4:25-4.

BENDIT WEINSTOCK
Attorneys for Plaintiffs

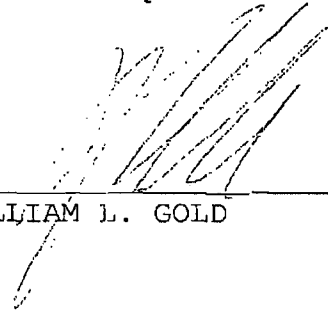
Dated: April 9, 2012

By: 
WILLIAM L. GOLD

CERTIFICATION

I HEREBY CERTIFY that, to the best of my knowledge, the subject matter of the cause of action herein is not the subject of any other action pending in any court or of any pending arbitration proceeding and that no other court proceedings or arbitration proceedings are contemplated and that no other parties need be joined.

Dated: April 9, 2012

By: 

WILLIAM L. GOLD