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Borough Clerk

BRITCHER LEONE, L.L.C.

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(201) 444-1644
Attorneys for the Plaintiff

TRACEE E. GONZALEZ, Administratrix
for the Estate of Anthony J. Gonzalez, and
on behalf of the heirs of Anthony J.
Gonzalez, and Tracee E. Gonzalez,
individually,

Plaintiff,

-vs-

REGINALD D. JOHNSON; PENSKE
TRUCK LEASING CO.; GIANT OF
MARYLAND, L.L.C.; ORANGE AND
ROCKLAND UTILITIES, INC.;
ROCKLAND ELECTRIC CO.;
BOROUGH OF FRANKLIN LAKES;
BOROUGH OF FRANKLIN LAKES
POLICE DEPARTMENT, BOROUGH OF
FRANKLIN LAKES FIRE
DEPARTMENT; BOROUGH OF
FRANKLIN LAKES DEPARTMENT OF
PUBLIC WORKS; COUNTY OF
BERGEN; STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION;
JOHN DOE 1-10; JANE DOE 1-10; JOHN
DOE CORP. 1-10, fictitious names,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
: DOCKET NO. BER-L-8519-18

: CIVIL ACTION

: SUMMONS

From the State of New Jersey

To: **Municipal Clerk**
Borough of Franklin Lakes
480 DeKorte Drive
Franklin Lakes, NJ 07417

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. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) 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, New Jersey 08625. 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 \$175.00 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). 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 directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: December 3, 2018

/S/ Michelle M. Smith
Michelle M. Smith
Clerk of the Superior Court

BRITCHER LEONE, L.L.C.

E. Drew Britcher, Esq. (Atty ID 037421984)

175 Rock Road

Glen Rock, NJ 07452

(201) 444-1644

Attorneys for the Plaintiff

TRACEE E. GONZALEZ, Administratrix
for the Estate of Anthony J. Gonzalez, and
on behalf of the heirs of Anthony J.
Gonzalez, and Tracee E. Gonzalez,
individually,

Plaintiff,

-vs-

REGINALD D. JOHNSON; PENSKE
TRUCK LEASING CO.; GIANT OF
MARYLAND, L.L.C.; ORANGE AND
ROCKLAND UTILITIES, INC.;
ROCKLAND ELECTRIC CO.;
BOROUGH OF FRANKLIN LAKES;
BOROUGH OF FRANKLIN LAKES
POLICE DEPARTMENT, BOROUGH OF
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PUBLIC WORKS; COUNTY OF
BERGEN; STATE OF NEW JERSEY
DEPARTMENT OF TRANSPORTATION;
JOHN DOE 1-10; JANE DOE 1-10; JOHN
DOE CORP. 1-10, fictitious names,

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: BERGEN COUNTY
: DOCKET NO. BER-L-

: **CIVIL ACTION**

: **COMPLAINT, JURY DEMAND, AND**
: **DESIGNATION OF TRIAL COUNSEL**

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Plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and
on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, residing

in the Borough of Wanaque, County of Passaic and State of New Jersey, by way of complaint against the defendants, herein says:

FIRST COUNT

1. On or about March 8, 2018 at approximately 5:04 am, the defendant, Reginald D. Johnson, was the operator of a tractor trailer, traveling on Summit Avenue in the Borough of Franklin Lakes, County of Bergen, and State of New Jersey.

2. The defendant, Reginald D. Johnson, in his attempt to pass under low hanging snow covered wires caught a high-tension wire with the top of his vehicle causing it to become dislodged from the utility pole.

3. The dislodged wire caught on fire and was actively burning in the roadway.

4. Later that morning, at approximately 8:58 am, plaintiff's decedent was traveling north on Summit Avenue when his vehicle came into contact with the downed power line and caught fire.

5. At all times relevant hereto, the defendant, Reginald D. Johnson, owed to all motorists on the roadway, but more particularly to the plaintiff's decedent, Anthony J. Gonzalez, the duty of exercising reasonable care for the safety of others in the operation of his motor vehicle so as to avoid injury to others as a reasonable and prudent person would have done in like or similar circumstances.

6. The vehicle driven by the defendant, Reginald D. Johnson, was operated in a negligent, careless and reckless manner in that the defendant proceeded to drive under the low

hanging wires resulting in a downed power line thereby causing a dangerous and hazardous condition to exist.

7. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent, Anthony J. Gonzalez, sustained serious bodily injuries which subsequently caused his death on March 8, 2018.

8. The estate of the decedent was liable for and paid for funeral and burial expenses and charges for the decedent.

9. As a result of the wrongful death of plaintiff's decedent, decedent's survivors have suffered pecuniary losses.

10. Plaintiff brings forth this action pursuant to the provisions of N.J.S.A. 2A:31-1 through 6 for the benefit of the next of kin of the decedent.

11. The action is commenced within two years of the occurrence of this accident and death of the decedent.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for

compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

SECOND COUNT

1. Plaintiff repeats each and every allegation contained in the First Count of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Penske Truck Leasing Co., was the owner of the vehicle that was operated by the defendant, Reginald D. Johnson.

3. On March 8, 2018, the defendant, Penske Truck Leasing Co., negligently entrusted its vehicle to the defendant, Reginald D. Johnson.

4. The defendant, Penske Truck Leasing Co., having given express and/or implied permission to the defendant, Reginald D. Johnson, to operate the aforementioned vehicle failed to exercise reasonable care under the circumstances and was otherwise negligent.

5. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent, Anthony J. Gonzalez, sustained fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public

Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

THIRD COUNT

1. Plaintiff repeats each and every allegation contained in the First and Second Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Reginald D. Johnson, was acting within the scope of his employment with the defendant, Giant of Maryland, L.L.C., when his vehicle, leased and/or otherwise in control of Giant of Maryland, L.L.C., caused a high tension wire to be detached from a utility pole resulting in an actively burning wire in the roadway.

3. Under the doctrine of *respondeat superior*, the defendant, Giant of Maryland, L.L.C., is responsible and/or liable for the actions of its employee, the defendant, Reginald D. Johnson.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent, Anthony J. Gonzalez, sustained fatal injuries.

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WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland

Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

FOURTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Third Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Orange and Rockland Utilities, Inc., owned the high-tension wire connected to the utility pole which was dislodged by the negligent act of the defendant, Reginald D. Johnson.

3. On the aforementioned date, the defendant, Orange and Rockland Utilities, Inc., by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and ensuring that high tension wires were properly and securely suspended above the roadway so that snow would not cause the wires to sink under its weight.

3. On the aforementioned date, the defendant, Orange and Rockland Utilities, Inc., by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to make timely inspections of the wires;

by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the dangerous and hazardous condition; and by failing to promptly send a representative to the scene to address the downed wire and to promptly deactivate it.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

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FIFTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Fourth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Rockland Electric Co., by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and ensuring that high tension wires were properly and securely suspended above the roadway so that snow would not cause the wires to sink under its weight.

3. On the aforementioned date, the defendant, Rockland Electric Co., by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to make timely inspections of the wires; by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the dangerous and hazardous condition; and by failing to promptly send a representative to the scene to address the downed wire.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10,

Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

SIXTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Fifth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Borough of Franklin Lakes, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the Borough's thoroughfares, and more specifically Summit Avenue near the interchange for Route 208 North.

3. On the aforementioned date, the defendant, Borough of Franklin Lakes, by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to warn motorists traversing said road of the dangerous condition and by failing to properly close off and barricade Summit Avenue in both directions, post an officer at the scene and take other steps to protect the public until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

SEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Sixth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Borough of Franklin Lakes Police Department, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the Borough's thoroughfares, and more specifically Summit Avenue near the interchange for Route 208 North and for properly and adequately advising, warning, alerting and/or notifying oncoming motorists of the existence of an extremely dangerous condition.

3. On the aforementioned date, the defendant, Borough of Franklin Lakes Police Department, by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the dangerous and hazardous condition; by failing to maintain a police presence at the scene and by failing to close off and barricade Summit Avenue in both directions until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

EIGHTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Seventh Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Borough of Franklin Lakes Fire Department, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the Borough's thoroughfares, particularly relating to power lines and more specifically Summit Avenue near the interchange for Route 208 North, and for properly and adequately advising, warning, alerting and/or notifying oncoming motorists of the existence of an extremely dangerous condition.

3. On the aforementioned date, the defendant, Borough of Franklin Lakes Fire Department, by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the dangerous and hazardous condition; by failing to maintain a police/fire presence at the scene and by failing to close off and barricade Summit Avenue in both directions until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries. //

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske

Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

NINTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Eighth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, Borough of Franklin Lakes Department of Public Works, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the Borough's thoroughfares, and more specifically Summit Avenue near the interchange for Route 208 North, and for properly and adequately advising, warning, alerting and/or notifying oncoming motorists of the existence of an extremely dangerous condition.

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3. On the aforementioned date, the defendant, Borough of Franklin Lakes Department of Public Works, by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the

dangerous and hazardous condition; by failing to station a police officer or other Borough employee at the scene and by failing to close off and barricade Summit Avenue in both directions until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

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TENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Ninth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, County of Bergen, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the County's thoroughfares, and more specifically Summit Avenue near the interchange for Route 208 North in the Borough of Franklin Lakes.

3. On the aforementioned date, the defendant, County of Bergen, by and through its agents, employees, servants, and/or assigns, permitted an unsafe, dangerous, defective and hazardous condition to exist by failing to highlight the location of the hazard; by failing to warn motorists traversing said road of the extremely dangerous and hazardous condition; by failing to station a County police officer or other County employee at the scene or to coordinate with the police officers, fire fighters and employees of the Department of Public Works of the Borough of Franklin Lakes to assume a station at the site of the hazard and by failing to close off and barricade Summit Avenue in both directions until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public

Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

ELEVENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Tenth Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendant, State of New Jersey Department of Transportation, by and through its agents, employees, servants, and/or assigns, was responsible for inspecting, maintaining, operating, repairing and supervising the County and State's thoroughfares, and more specifically Summit Avenue near the interchange for Route 208 North in the Borough of Franklin Lakes and for properly and adequately advising, warning, alerting and/or notifying oncoming motorists of the existence of an extremely dangerous condition which caused injury to the plaintiff's decedent.

3. On the aforementioned date, the defendant, State of New Jersey Department of Transportation, by and through its agents, employees, servants, and/or assigns, failed to properly and adequately advise, warn, alert and/or notify oncoming motorists of the existence of a dangerous condition and failed to station a New Jersey State Trooper or other employee at the scene or to coordinate with the police officers, fire fighters and employees of the Department

of Public Works of the Borough of Franklin Lakes to assume a station at the site of the hazard until the downed wire was deactivated.

4. As a direct and proximate result of the defendant's negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

TWELFTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Eleventh Counts of the Complaint as though duly set forth herein and at length.

2. On or about March 8, 2018, the defendants, John Doe 1-10, Jane Doe 1-10 and/or John Doe Corp. 1-10, were responsible for the ownership, operation, control, manufacture

and/or maintenance of the vehicle, power line, or the road upon which plaintiff's decedent was traveling or providing proper and adequate warning of an extremely dangerous condition, which caused the injury to the plaintiff's decedent

3. Defendants, John Doe 1-10, Jane Doe 1-10 and/or John Doe Corp. 1-10, are named fictitiously herein due to plaintiff's lack of information and belief as to the true identities of said John Doe 1-10, Jane Doe 1-10, and/or John Doe Corp. 1-10. At such time as the plaintiff learns the true identities of John Doe 1-10, Jane Doe 1-10, and/or Jane Doe Corp. 1-10, this Complaint will be amended to reflect the same.

4. The defendants, John Doe 1-10, Jane Doe 1-10, and/or John Doe Corp. 1-10, owed to all members of the public and more particularly to the plaintiff's decedent, Anthony J. Gonzalez, the duty of exercising reasonable care for the safety of others in owning, operating, controlling, manufacturing and/or maintaining the said vehicle and/or the road upon which it was traveling including providing proper and adequate warning of an extremely dangerous condition so as to avoid injury to others as a reasonable and prudent person would have done in like or similar circumstances.

5. The defendants, John Doe 1-10, Jane Doe 1-10 and/or John Doe Corp. 1-10, failed to exercise reasonable care for the safety of others in owning, operating, controlling, manufacturing and/or maintaining the said vehicle and/or the road upon which it was traveling including providing proper and adequate warning of an extremely dangerous condition.

6. As a direct and proximate result of the defendants' negligence as aforesaid, the plaintiff's decedent's vehicle came into contact with the downed power line causing it to be set on fire and resulting in the plaintiff's decedent's fatal injuries.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

THIRTEENTH COUNT

1. Plaintiff repeats each and every allegation contained in the First through Twelfth Counts of the Complaint as though duly set forth herein and at length.

2. Plaintiff, Tracee E. Gonzalez, was the lawful wife of plaintiff's decedent, Anthony J. Gonzalez. //

3. As a direct and proximate result of the negligence of the defendants as aforesaid, plaintiff, Tracee E. Gonzalez, has been deprived of the services, society, consortium, guidance, aid and support of the plaintiff's decedent, Tracee E. Gonzalez. Plaintiff, Tracee E. Gonzalez, has suffered, and will in the future suffer severe mental, emotional and psychological damages,

injuries, pain, suffering and anguish and has incurred substantial expenses, and was and will in other ways be damaged.

WHEREFORE, plaintiff, Tracee E. Gonzalez, Administratrix for the Estate of Anthony J. Gonzalez and on behalf of the heirs of Anthony J. Gonzalez, and Tracee E. Gonzalez, individually, demands judgment against defendants, Reginald D. Johnson, Penske Truck Leasing Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., Rockland Electric Co., Borough of Franklin Lakes, Borough of Franklin Lakes Police Department, Borough of Franklin Lakes Fire Department, Borough of Franklin Lakes Department of Public Works, County of Bergen, State of New Jersey Department of Transportation, John Doe 1-10, Jane Doe 1-10, John Doe Corp. 1-10 jointly, severally and/or in the alternative, for compensatory damages, including the value of the loss as provided by N.J.S.A. 2A:31-1 et seq., interest thereon, costs of suit and such other and further relief as the Court may deem equitable and just.

DEMAND FOR ANSWERS TO INTERROGATORIES

Plaintiff hereby demands that Defendant(s) provide answers to Form C and C(1) Interrogatories as set forth in the Appendix to the New Jersey Court Rules within the time set forth therein.

JURY DEMAND

PLEASE TAKE NOTICE that the Plaintiff demands that the issues herein be tried by a jury.

DESIGNATION OF TRIAL COUNSEL

E. DREW BRITCHER, ESQ., is hereby designated as trial counsel in the above-captioned matter.

BRITCHER LEONE, L.L.C.
Attorneys for the Plaintiff

Dated: November 28, 2018

By: /s/ E. Drew Britcher
E. DREW BRITCHER

CERTIFICATION PURSUANT TO R. 4:5-1

In accordance with Rule 4:5-1, I hereby certify that the matter in controversy in this action is not the subject of any pending action or arbitration and that no such action or arbitration is presently contemplated.

I hereby 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.

BRITCHER LEONE, L.L.C.
Attorneys for the Plaintiff

Dated: November 28, 2018

By: /s/ E. Drew Britcher
E. DREW BRITCHER

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 E. Drew Britcher, Esq.		TELEPHONE NUMBER (201) 444-1644	
	FIRM NAME (if applicable) Britcher Leone, L.L.C.		COUNTY OF VENUE Bergen	
	OFFICE ADDRESS 175 Rock Road Glen Rock, NJ 07452		DOCKET NUMBER (when available) BER-L-	
		DOCUMENT TYPE Complaint and Jury Demand		JURY DEMAND ☒ YES ☐ NO
NAME OF PARTY (e.g., John Doe, Plaintiff) Tracee E. Gonzalez, Adminstratrix for the Estate of Anthony J. Gonzalez		CAPTION Gonzalez v. Reginald D. Johnson, Penske Truck Leasing, Co., Giant of Maryland, L.L.C., Orange and Rockland Utilities, Inc., et al.		
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -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 Defendants' negligence in allowing a dangerous and hazardous condition to exist resulted in serious bodily injuries to and subsequent death of plaintiff's decedent.				
 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>E. Drew Britcher</i>				

Side 2



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
- 608 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 618 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

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

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

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-008519-18

Case Caption: GONZALEZ TRACEE VS JOHNSON
REGINALD

Case Initiation Date: 11/28/2018

Attorney Name: E DREW BRITCHER

Firm Name: BRITCHER LEONE, LLC

Address: 175 ROCK RD

GLEN ROCK NJ 07452

Phone:

Name of Party: PLAINTIFF : Gonzalez, Tracee, E

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

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)*

11/28/2018
Dated

/s/ E DREW BRITCHER
Signed

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

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 221-0700
COURT HOURS 8:30 AM - 4:30 PM

DATE: NOVEMBER 28, 2018
RE: GONZALEZ TRACEE VS JOHNSON REGINALD
DOCKET: BER L -008519 18

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 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 WALTER F. SKROD

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: E D. BRITCHER
BRITCHER LEONE, LLC
175 ROCK RD
GLEN ROCK NJ 07452

ECOURTS