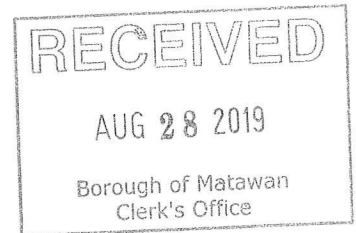


Robert Magnanini (#017221993)  
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*Attorneys for Plaintiffs*



CARL ZUCCARO AND MARIA ZUCCARO,  
  
Plaintiffs,

v.

BOROUGH OF MATAWAN, and BOROUGH OF  
MATAWAN POLICE DEPARTMENT, and JOSEPH  
LOVALLO, and JOHN DOES 1-10 and ABC  
CORPORATION 1-10 (fictitious names)

Defendants.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: MONMOUTH COUNTY

Docket No.: L-2988-19

Civil Action

**ACKNOWLEDGEMENT OF SERVICE  
OF SUMMONS AND COMPLAINT**

I, Pasquale Menna of The Menna Law Firm, LLC, attorneys <sup>Borough</sup> for Defendants Borough of Matawan and Borough of Matawan Police Department ("Defendants") in the above captioned matter, hereby acknowledge service of a copy of the Summons and Complaint on Defendant on this 27 day of August, 2019. This acknowledgement is made without any waiver of the Defendants' right to contest the propriety of personal or subject matter jurisdiction in this matter, and Defendants thereby reserve the right to do so.

Plaintiffs have consented to Defendants' request to extend their time to answer or otherwise move in response to the Complaint until 10/15, 2019.

FOR THE PLAINTIFFS:

A handwritten signature in black ink, appearing to be "Robert A. Magnanini".

Robert A. Magnanini (#0017221993)  
Bradford Muller (#011542009)  
**STONE & MAGNANINI LLP**  
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rmagnanini@stonemagnalaw.com  
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FOR THE DEFENDANTS:

A handwritten signature in black ink, appearing to be "Pasquale Menna".

Pasquale Menna, Esq.  
**THE MENNA LAW FIRM, LLC**  
151 Bodman Place, Suite 300  
Red Bank, NJ 07701

*Borough Attorney of the  
Borough of Matawan*

## SUMMONS

Attorney(s) Robert A. Magnanini, Esq.

Office Address Stone and Magnanini LLP

Town, State, Zip Code 100 Connell Drive, Suite 2200,  
Berkeley Heights, NJ 07922

Telephone Number 973-218-1111

Attorney(s) for Plaintiff Carl and Maria Zuccaro

CARL ZUCCARO

MARIA ZUCCARO

Plaintiff(s)

vs.

BOROUGH OF MATAWAN, et al

Defendant(s)

## Superior Court of New Jersey

Monmouth County

Law Division

Docket No: MRS-L-2988-19

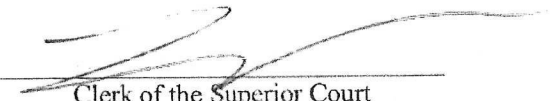
## CIVIL ACTION SUMMONS

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 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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/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, 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 \$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.njcourts.gov/forms/10153\\_deptyclerklawref.pdf](http://www.njcourts.gov/forms/10153_deptyclerklawref.pdf).

  
Clerk of the Superior Court

DATED: 08/26/2019

Name of Defendant to Be Served: Borough of Matawan and Brorough of Matawan Police Department

Address of Defendant to Be Served: The Menna Law Firm, LLC, 151 Bodman Place, Ste. 300, Red Bank, NJ 07701

Robert A. Magnanini (Attorney ID No. 017221993)  
Bradford W. Muller (Attorney ID No. 011542009)  
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*Attorneys for Plaintiffs Carl Zuccaro  
and Maria Zuccaro*

CARL ZUCCARO and MARIA ZUCCARO,  
  
Plaintiffs,

v.

BOROUGH OF MATAWAN, and BOROUGH OF  
MATAWAN POLICE DEPARTMENT, and JOSEPH  
LOVALLO, and JOHN DOES 1-10 and ABC  
CORPORATIONS 1-10 (fictitious names)

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH  
COUNTY

DOCKET NO.:

CIVIL ACTION

COMPLAINT

**JURY TRIAL REQUESTED**

Plaintiffs Carl Zuccaro and Maria Zuccaro (hereinafter "Plaintiffs"), by and through their attorneys, Stone & Magnanini LLP, by way of Complaint against Defendants, Borough of Matawan (hereinafter "Matawan Borough"), Borough of Matawan Police Department (hereinafter "Matawan Police,"), and Joseph Lovallo ("Lovallo," and, collectively with defendants Matawan Borough and Matawan Police, "Defendants"), hereby state and allege as follows:

#### **PARTIES**

1. Plaintiff Carl Zuccaro is a natural person, who at all times material, resided at 250 Jackson Street, Matawan, New Jersey 07747. Plaintiff Carl Zuccaro is the owner of, and works full-time as a hair stylist at the Zuccaro Salon in Matawan, New Jersey.

2. Plaintiff Maria Zuccaro, spouse of Plaintiff Carl Zuccaro, is a natural person, who at all times material, resided at 250 Jackson Street, Matawan, New Jersey 07747. Plaintiff Maria Zuccaro is the co-owner and full time manager of the Zuccaro Salon.

3. Defendant Matawan Borough is a municipality within the State of New Jersey with its central offices located at 201 Broad Street, Matawan, New Jersey 07747.

4. Defendant Matawan Police, is a municipal police department responsible for policing Defendant Matawan Borough by performing a wide variety of public safety, law enforcement, traffic management, and emergency response roles, with its central offices located at 150 Main Street, Matawan, New Jersey 07747.

5. Upon information and belief, Matawan Police is an entity under the control and supervision of Defendant Matawan Borough.

6. Defendant Joseph Lovallo is a detective employed by Defendant Matawan Police who, upon information and belief, resides at 2 Woodland Avenue, Matawan, New Jersey 07747.

#### **JURISDICTION AND VENUE**

7. This Court has subject-matter jurisdiction over the instant matter pursuant to Rule 4:3-1 of the New Jersey Rules of Civil Procedure.

8. This Court has personal jurisdiction over Defendants in that they conduct business in the State of New Jersey at all times relevant to the cause of action herein.

9. Venue is proper pursuant to Rule 4:3-2 of the New Jersey Rules of Civil Procedure in that Plaintiffs reside in the County of Monmouth, the subject matter of the case occurred in the County of Monmouth, and the Matawan Police and Matawan Borough are entities located in the County of Monmouth, in the State of New Jersey.

FACTS

10. At all times material hereto, Defendant Lovallo was acting as the servant, agent, representative or employee of Defendants Matawan Borough and Matawan Police, and was operating the 2010 Black Dodge Charger, New Jersey License Plate Number YRV82S and VIN 2B3AA4CV7AH170967 (hereinafter the "subject vehicle"), within the scope of his duties, and with the knowledge, consent, and authorization of Defendants Matawan Borough and Matawan Police.

11. At all times material hereto, Defendants Matawan Borough and Matawan Police owned the subject vehicle.

12. At all times material hereto, Defendants Matawan Borough and Matawan Police controlled the subject vehicle.

13. On or about April 26, 2018, at approximately 7:54 a.m., Plaintiff Carl Zuccaro was traveling southbound, by bicycle, on Main Street, heading through the intersection with Spring Street in the Borough of Matawan, New Jersey.

14. The intersection of Main Street and Spring Street has stop signs for traffic moving on Spring Street, but no stop sign for traffic moving on Main Street.

15. As Plaintiff Carl Zuccaro was cycling through the intersection of Main Street and Spring Street, Lovallo was traveling eastbound in the subject vehicle on Spring Street, and approached the stop sign at the intersection of Main Street and Spring Street, preparing to make a right turn onto Main Street.

16. Without coming to a complete stop at the stop sign at the intersection of Main Street and Spring Street, Lovallo negligently, carelessly, and/or recklessly proceeded through the

stop sign at the intersection of Main Street and Spring Street, and while making a right turn onto Main Street, struck Plaintiff Carl Zuccaro.

17. As a direct and proximate result of the negligence of Defendants, Plaintiff Carl Zuccaro was thrown from his bicycle and violently collided with the ground.

18. As a direct and proximate result of the collision, Plaintiff Carl Zuccaro was caused to sustain bodily injury resulting in severe and permanent physical injuries, including but not limited to a severe concussion, Post-Concussive Syndrome, loss of his sense of taste, injuries to his hands, wrists, feet, ankles, neck, cervical and thoracic spine, and other injuries requiring significant and costly medical surgeries, treatment and care, and interfering significantly with his ability to work and earn income, and otherwise preventing him from performing and enjoying routine life activities.

19. For example, Mr. Zuccaro is no longer able to see as many customers per day at his hair salon due to the lingering effects of his concussion and injuries to his hands, wrists, feet, ankles, and neck. This has directly resulted in reduced income for Mr. Zuccaro, as he is a small business owner relying on his own physical abilities to make a living.

20. As a direct and proximate result of Plaintiff Carl Zuccaro's injuries, Plaintiff Maria Zuccaro has been forced to take over additional tasks both at the work place and at home. As a result of this increased work both at home and at the Zuccaro Salon, Mrs. Zuccaro's own health has declined from the stress. For example, Mrs. Zuccaro's Hashimoto's disease has flared due to her being overworked and under stress caring for her husband, which has caused her to suffer fatigue, weight gain, and other symptoms.

21. On or about June 19, 2018, Plaintiffs filed a Notice of Tort Claim with the Borough of Matawan, advising them pursuant to the New Jersey Tort Claims act that they intended to file suit for the above-referenced injuries.

**FIRST COUNT**  
**(Negligence – Defendant Joseph Lovallo)**

22. Plaintiffs repeat and incorporate by reference each and every allegation contained in the above paragraphs as if set forth fully herein.

23. At all times material hereto, Defendant Lovallo was acting as the servant, agent or employee of Defendants Matawan Borough and Matawan Police, and was operating the subject vehicle, within the scope of his duties, and with the knowledge, consent, and authorization of Defendants Matawan Borough and Matawan Police.

24. At the aforesaid time and place, Lovallo was negligent, careless, and/or reckless in the operation of the subject vehicle by:

- a. Failing to come to a complete stop at the stop sign at the intersection of Main Street and Spring Street;
- b. Failing to observe Plaintiff Carl Zuccaro while he was crossing the intersection of Main Street and Spring Street; and
- c. Negligently colliding with Plaintiff Carl Zuccaro after failing to carefully and thoroughly inspect the intersection of Main Street and Spring Street for other vehicles.

25. Such negligence caused Lovallo to collide with Plaintiff Carl Zuccaro.

26. As a direct and proximate result of Lovallo's negligence, carelessness, and recklessness, Plaintiff Carl Zuccaro was caused to sustain severe and permanent bodily injuries, including a severe concussion, Post-Concussive Syndrome, loss of his sense of taste, injuries to

his hands, wrists, feet, ankles, neck, cervical and thoracic spine, and other injuries, which caused him great pain and suffering, incapacitated him from pursuing his usual activities, interfered significantly with his ability work and earn income, left him with permanent disabilities that will in the future similarly incapacitated him, and otherwise require continued medical treatment.

**SECOND COUNT**

**(Vicarious Liability – Defendants Borough of Matawan and Borough of Matawan Police Department)**

27. Plaintiffs repeat and incorporate by reference each and every allegation contained in the above paragraphs as if set forth fully herein.

28. At all times material hereto, Defendant Lovallo was acting as the servant, agent or employee of Defendants Matawan Borough and Matawan Police, and was operating the subject vehicle, within the scope of his duties, and with the knowledge, consent, and permission of Defendants Matawan Borough and Matawan Police.

29. Defendants Matawan Borough and Matawan Police are vicariously responsible for the negligence of Defendant Lovallo.

30. As a direct and proximate result of the negligence of Defendants Matawan Borough and Matawan Police, Plaintiff Carl Zuccaro was caused to sustain severe and permanent bodily injuries, severe concussion, Post-Concussive Syndrome, loss of his sense of taste, injuries to his hands, wrists, feet, ankles, neck, cervical and thoracic spine, and other injuries which caused him great pain and suffering, incapacitated him from pursuing his usual activities, interfered significantly with his ability work and earn income, left him with permanent disabilities that will in the future similarly incapacitated him, and otherwise require continued medical treatment.

**THIRD COUNT**  
**(Negligence – Fictitious entities)**

31. Plaintiffs repeat and incorporate by reference each and every allegation contained in the above paragraphs as if set forth fully herein.

32. Defendants John Does 1-10 and ABC Corporates 1-10 are fictitious names intended to represent additional persons or legal entities that may have caused the accidents and/or Plaintiff Carl Zuccaro's damages through their negligence or who are otherwise vicariously liable for the negligence of the named defendants and that cannot be identified at this time but may be identified through the course of discovery.

**FOURTH COUNT**  
**(Negligent Supervision/Hiring/Retention – Matawan Borough and Matawan Police)**

33. Plaintiffs repeat and incorporate by reference each and every allegation contained in the above paragraphs as if set forth fully herein.

34. Defendants Matawan Borough and Matawan Police owed a duty of care to Plaintiffs.

35. Matawan Borough and Matawan Police, were and are responsible for the supervision, training, instruction, discipline, control, conduct, inspection, monitoring and hiring of Defendant Lovallo.

36. Matawan Borough and Matawan Police were and responsible for correcting Lovallo's conduct or terminating Lovallo upon learning of Lovallo's negligent, careless and/or reckless conduct.

37. Matawan Borough and Matawan Police breached their duty to Plaintiffs.

38. As a result of Matawan Borough and Matawan Police's breach, Lovallo continued to engage in negligent, careless and/or reckless conduct.

39. As a direct and proximate result of Defendants Matawan Borough and Matawan Police's negligence, Plaintiff Carl Zuccaro was caused to sustain severe and permanent bodily injuries, severe concussion, Post-Concussive Syndrome, loss of his sense of taste, injuries to his hands, wrists, feet, ankles, neck, cervical and thoracic spine, and other injuries which caused him great pain and suffering, incapacitated him from pursuing his usual activities, interfered significantly with his ability work and earn income, left him with permanent disabilities that will in the future similarly incapacitated him, and otherwise require continued medical treatment.

**FIFTH COUNT**  
**(Loss of Consortium – All Defendants)**

40. Plaintiffs repeat and incorporate by reference each and every allegation contained in the above paragraphs as if set forth fully herein.

41. At all times material hereto, Plaintiffs Carl Zuccaro and Maria Zuccaro were husband and wife.

42. As a result of Defendants' negligence, Plaintiff Carl Zuccaro was caused to sustain severe and permanent bodily injuries, including a severe concussion, Post-Concussive Syndrome, loss of his sense of taste, injuries to his hands, wrists, feet, ankles, neck, cervical and thoracic spine, and other injuries, which caused him great pain and suffering, incapacitated him from pursuing his usual activities, interfered significantly with his ability work and earn income, left him with permanent disabilities that will in the future similarly incapacitated him, and otherwise require continued medical treatment.

43. As a further result of the negligence of Defendants, Plaintiff Maria Zuccaro suffered, and will continue to suffer for an indefinite time in the future, loss of services, security, companionship, and consortium of her husband.

**WHEREFORE**, Plaintiffs respectfully request that this Court enter judgment in their favor against Defendants Matawan Borough, Matawan Police and Lovallo, including compensatory and equitable relief as alleged herein and/or based on the evidence at trial, as well as punitive damages, attorneys' fees and costs of suit, and for such other relief that the Court deems equitable and just.

**JURY DEMAND**

Please be advised that Plaintiffs, Carl Zuccaro and Maria Zuccaro, hereby demand a trial by jury on all issues so triable.

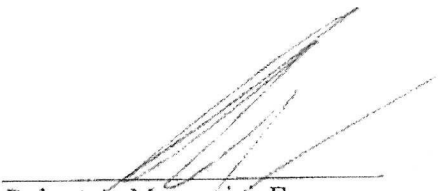
**DESIGNATION OF TRIAL COUNSEL**

Pursuant to Rule 4:25-4 of the New Jersey Rules of Court, Robert A. Magnanini, Esq., has been designated as trial counsel on behalf of Plaintiffs in the above-captioned matter.

**CERTIFICATIONS**

1. Pursuant to Rule 4:5-1 of the New Jersey Rules of Court, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.
2. I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.
3. I 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.
4. 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).

Dated: August 21, 2019

By: 

Robert A. Magnanini, Esq.  
Bradford Muller, Esq.  
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rmagnanini@stonemagnalaw.com  
bmuller@stonemagnalaw.com

*Attorneys for Plaintiffs Carl Zuccaro and  
Maria Zuccaro*

## Civil Case Information Statement

**Case Details: MONMOUTH | Civil Part Docket# L-002988-19**

**Case Caption:** ZUCCARO CARL VS BOROUGH OF  
MATAWAN

**Case Initiation Date:** 08/21/2019

**Attorney Name:** ROBERT A MAGNANINI

**Firm Name:** STONE & MAGNANINI LLP

**Address:** 100 CONNELL DR STE 2200

BERKELEY HEIGHTS NJ 07922

**Phone:** 9732181111

**Name of Party:** PLAINTIFF : Zuccaro, Carl

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

**Case Type:** TORT-OTHER

**Document Type:** Complaint with Jury Demand

**Jury Demand:** YES - 6 JURORS

**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:**

**Please check off each applicable category: Putative Class Action?** NO

**Title 59?** NO

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)*

08/21/2019  
Dated

/s/ ROBERT A MAGNANINI  
Signed

MONMOUTH COUNTY  
SUPERIOR COURT  
PO BOX 1269  
FREEHOLD

NJ 07728

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 358-8700  
COURT HOURS 8:30 AM - 4:30 PM

DATE: AUGUST 21, 2019  
RE: ZUCCARO CARL VS BOROUGH OF MATAWAN  
DOCKET: MON L -002988 19

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 MARA ZAZZALI-HOGAN

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 003  
AT: (732) 358-8700.

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: ROBERT A. MAGNANINI  
STONE & MAGNANINI LLP  
100 CONNELL DR  
STE 2200  
BERKELEY HEIGHTS NJ 07922

ECOURTS