

Attorney(s):
Attorney Id No.:
Law Firm:
Address:

Katherine G. Houghton, Esq.

Law Office of Katherine G. Houghton
87 S Farview Ave Ste 2
Paramus, NJ 07652-2656

NEW MILFORD BOROUGH CLERK
RECEIVED

2016 NOV -9 P 3:33

Telephone No.: (201) 587-1414
Fax No.: (201) 587-8707
E-mail: kate@khoughtonlaw.com
Attorney(s) for Plaintiff(s): EARLENE HARRISON a/k/a EARLENE KENNEDY

EARLENE HARRISON a/k/a EARLENE KENNEDY

Plaintiff(s)

vs.

BOROUGH OF NEW MILFORD

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
BERGEN COUNTY

DOCKET NO.: **BER-L-7648-06**

CIVIL ACTION

Summons

FROM THE STATE OF NEW JERSEY

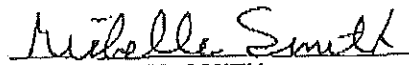
To the Defendant(s) Named Above:

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 provided and 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, 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). 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 provided and 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: **November 8, 2016**


MICHELLE M. SMITH *Clerk of the Superior Court*

Name of Defendant to be Served: **BOROUGH OF NEW MILFORD**

Address of Defendant to be Served: **920 RIVER ROAD**
NEW MILFORD, NJ 07646

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Floor
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Floor, Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY

Deputy Clerk of the Superior Court
Civil Processing Office
Hall of Justice, First Floor
101 South Fifth Street, Suite 150
Camden, NJ 08103
LAWYER REFERRAL
(856) 482-0618
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY

Deputy Clerk of the Superior Court
9 North Main Street
Cape May Court House, NJ 08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL
(856) 696-5550
LEGAL SERVICES
(856) 691-0494

ESSEX COUNTY

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(973) 622-6204
LEGAL SERVICES
(973) 624-4500

GLOUCESTER COUNTY

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake, First Floor, Court House
1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

HUDSON COUNTY

Deputy Clerk of the Superior Court
Superior Court, Civil Records Department
Brennan Court House, First Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 236-6109
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY

Deputy Clerk of the Superior Court
Middlesex Vicinage
Second Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

MONMOUTH COUNTY

Deputy Clerk of the Superior Court
Court House
P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY

Morris County Courthouse
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07963-0910
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

OCEAN COUNTY

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 523-2900

SALEM COUNTY

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market Street
Salem, NJ 08079
LAWYER REFERRAL
(856) 935-5629
LEGAL SERVICES
(856) 691-0494

SOMERSET COUNTY

Deputy Clerk of the Superior Court
Civil Division
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

UNION COUNTY

Deputy Clerk of the Superior Court
First Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY

Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL
(908) 859-4300
LEGAL SERVICES
(908) 475-2010

Updated: 8/21/13

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 8:30 AM - 4:30 PM

DATE: NOVEMBER 01, 2016
RE: HARRISON VS MORRIS
DOCKET: BER L -007648 16

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 ROBERT C. WILSON

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
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: KATHERINE G. HOUGHTON
KATHERINE G. HOUGHTON
87 S FARVIEW AVE STE 2
PARAMUS NJ 07652

JUBTRU0

SUPERIOR COURT BERGEN COUNTY
FILED

OCT 27 2016

Lana A. Senablen
DEPUTY CLERK

KATHERINE G. HOUGHTON, ESQ. (02690-1983)
LAW OFFICE OF KATHERINE G. HOUGHTON
87 S Farview Ave Ste 2
Paramus, NJ 07652-2656
(201) 587-1414
Attorney for Plaintiff

EARLENE HARRISON a/k/a : SUPERIOR COURT OF NEW JERSEY
EARLENE KENNEDY, : LAW DIVISION: BERGEN COUNTY
Plaintiff, : DOCKET NO. *L7648-16*

vs.

KEVIN J. MORRIS, BOROUGH OF : COMPLAINT AND JURY DEMAND
NEW MILFORD, NEW MILFORD :
POLICE DEPARTMENT, & ALEX :
DOE/ABC COMPANY (fictitious :
names), :
Defendants, :

EARLENE HARRISON a/k/a EARLENE KENNEDY, plaintiff,
residing at 184 Howard Drive Apt F, in the Borough of
Bergenfield, County of Bergen, and State of New Jersey,
complaining of the defendants, hereby says:

FIRST COUNT

1. On or about 10/31/2014, plaintiff, EARLENE HARRISON
a/k/a EARLENE KENNEDY, was carefully operating a motor vehicle
traveling in a general easterly direction, in rainy weather,
on wet roadways, on New Bridge Road, in New Milford, in the
State of New Jersey.

2. At or about that same time and place defendant,

KEVIN J. MORRIS, a New Milford police officer, was operating a motor vehicle owned by the co-defendant, the BOROUGH OF NEW MILFORD, travelling in the opposite direction or in a general westerly direction on the same New Bridge Road in New Milford, NJ.

3. At all times relevant herein defendant KEVIN J. MORRIS was employed by and working for the BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT as an on duty police officer, operating a police vehicle. As such, defendants, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT are vicariously liable for the tortious conduct of their agent, servant, employee and/or assign defendant, KEVIN J. MORRIS

4. Defendants, KEVIN J. MORRIS, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT owed duties to operate defendants' vehicle in a reasonably safe manner, without negligence or recklessness, to keep a proper safe distance behind and between other vehicles, stay in his lane of travel, make safe lane changes, make proper observations, drive at a safe speed commensurate with the driving conditions, engage his warning lights and sirens when appropriate, obey all official traffic control signs and device(s), to not recklessly speed on wet, slick road surfaces around a sharp curve so as to unreasonably endanger others,

and to follow all New Jersey laws and police procedures governing the operation of his motor vehicle.

5. Defendants, KEVIN J. MORRIS, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT breached some or all of these duties when defendant, KEVIN J. MORRIS, negligently and recklessly sped excessively around a sharp curve on a wet, slick roadway, without lights or sirens, knowing or having reason to know of the high risk and serious danger to others, causing defendants' vehicle to suddenly and dramatically cross over the lane dividers, spin out of control and strike plaintiff's vehicle with such great force as to total both vehicles, failed to keep a safe distance between the lanes, made an illegal lane change, crossed over the lane divider without warning or signal, failed to make proper observations, failed to operate the vehicle at a safe speed commensurate with the road conditions, failed to engage his emergency lights and sirens, failed to obey official traffic control signs and device(s), drove carelessly and recklessly, and otherwise violated NJ motor vehicle laws.

6. As a direct and proximate cause of the negligence and recklessness of defendants KEVIN J. MORRIS, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT, plaintiff, EARLENE HARRISON a/k/a EARLENE KENNEDY suffered multiple displaced fractures and substantial deformities,

serious temporary and permanent personal injuries, permanent loss of bodily function, and pain and suffering, all requiring medical treatment and causing medical expenses, economic damages, the inability to return to her chosen career, lost time from plaintiff's usual activities, and other losses.

7. Plaintiff has satisfied the monetary threshold of the New Jersey Tort Claims Act requiring medical expenses in excess of \$3,600.00. Plaintiff has further provided written notice of the claim to the public entities named herein within ninety (90) days of the date of the accident as required by the Act.

WHEREFORE, plaintiff, EARLENE HARRISON a/k/a EARLENE KENNEDY, demands judgment against defendants, KEVIN J. MORRIS, BOROUGH OF NEW MILFORD and the NEW MILFORD POLICE DEPARTMENT, jointly and/or severally, for compensatory damages, interest, costs of suit, and any other relief deemed appropriate by the court.

SECOND COUNT

1. Plaintiff repeats the allegations of the previous count as if set forth herein at length.

2. At all times relevant herein, defendant, KEVIN J. MORRIS was operating said vehicle, with permissive use of defendants, BOROUGH OF NEW MILFORD and/or the NEW MILFORD

POLICE DEPARTMENT, and within the reasonable scope of his authority as an employee, independent contractor, lessee, agent, assign and/or servant of defendants, BOROUGH OF NEW MILFORD and/or THE NEW MILFORD POLICE DEPARTMENT.

3. Pursuant to the doctrine of respondeat superior, defendants, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT are vicariously liable for the negligence and recklessness of defendant, KEVIN J. MORRIS, as described herein.

4. Further, defendants, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT owed duties to reasonably own, inspect, operate, maintain and/or repair defendants' vehicle in a safe manner and to properly train, supervise, retrain and retain or discharge defendant, KEVIN J. MORRIS.

5. Defendants BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT failed to properly own, inspect, operate, maintain and/or repair defendants' vehicle in such a negligent, reckless and careless manner as to cause defendants' vehicle to strike plaintiff's vehicle with great sudden force.

6. Defendants further owed duties to hire, supervise train, retrain, and/or retain competent, appropriate and fit employees, independent contractors, lessees, agents, assigns and/or servants to reasonably and safely operate their

vehicles so as not to endanger the very public they were sworn to protect.

7. Defendant breached said duties in negligently and recklessly hiring, training, supervising, retraining and/or retaining defendant KEVIN J. MORRIS, as an employee, independent contractor, lessee, agent servant and/or driver of the subject police patrol vehicle and as a patrol officer.

8. As a direct and proximate cause of defendants', BOROUGH OF NEW MILFORD's and/or the NEW MILFORD POLICE DEPARTMENT's independent negligence and/or the negligence and/or recklessness of their employee, independent contractor, lessee, agent, assign and/or servant, plaintiff, EARLENE HARRISON a/k/a EARLENE KENNEDY suffered multiple displaced fractures and substantial deformities, serious temporary and permanent personal injuries, permanent loss of bodily function, and pain and suffering, all requiring medical treatment and causing medical expenses, economic damages, the inability to return to her chosen career, lost time from plaintiff's usual activities, and other losses.

9. Plaintiff has satisfied the monetary threshold of the New Jersey Tort Claims Act requiring medical expenses in excess of \$3,600.00. Plaintiff has further provided written notice of the claim to the public entities named herein within ninety (90) days of the date of the accident as required by

the Act.

WHEREFORE, plaintiff, EARLENE HARRISON a/k/a EARLENE KENNEDY, demands judgment against defendants, BOROUGH OF NEW MILFORD and/or the NEW MILFORD POLICE DEPARTMENT and their employee, independent contractor, lessee, agent, assign, and/or servant KEVIN J. MORRIS, individually and vicariously, all jointly and/or severally for compensatory damages, interest, costs of suit, and any other relief deemed appropriate by the court.

THIRD COUNT

1. Plaintiff repeats the allegations of the previous counts as if set forth herein at length.

2. At all times relevant herein, defendant, ALEX DOE was operating a motor vehicle in the same area as described earlier, either on his/her own behalf or on behalf of the ABC COMPANY, all fictitious names.

3. Pursuant to the doctrine of respondeat superior, defendant, ABC COMPANY is vicariously liable for the negligence of defendant, ALEX DOE.

4. Defendant ALEX DOE and/or ABC COMPANY owed duties to operate defendants' vehicle in a reasonably safe manner, keep a proper safe distance behind and between other vehicles, stay in his/her lane of travel, make safe lane changes, make

proper observations, drive at a safe speed commensurate with the driving conditions, obey all official traffic control signs and device(s), and follow all New Jersey laws governing the operation of his/her motor vehicle.

5. Defendants, ALEX DOE and/or ABC COMPANY breached some or all of said duties in negligently failing to operate said vehicle in a reasonably safe manner, failing to keep a proper safe distance behind and between other vehicles, failing to stay in his/her lane of travel, failing to make safe lane changes, failing to make proper observations, failing to drive at a safe speed commensurate with the driving conditions, failing to obey all official traffic control signs and device(s), and failing to follow all New Jersey laws governing the operation of his/her motor vehicle.

6. As a direct and proximate cause of defendants', ALEX DOE and/or ABC COMPANY's negligence, plaintiff, EARLENE HARRISON a/k/a EARLENE KENNEDY suffered multiple displaced fractures and substantial deformities, serious temporary and permanent personal injuries, permanent loss of bodily function, and pain and suffering, all requiring medical treatment and causing medical expenses, economic damages, the inability to return to her chosen career, lost time from plaintiff's usual activities, and other losses.

WHEREFORE, plaintiff, EARLENE HARRISON a/k/a EARLENE

KENNEDY, demands judgment against defendants, ALEX DOE and/or ABC COMPANY, individually and vicariously, all jointly and/or severally for compensatory damages, interest, costs of suit, and any other relief deemed appropriate by the court.

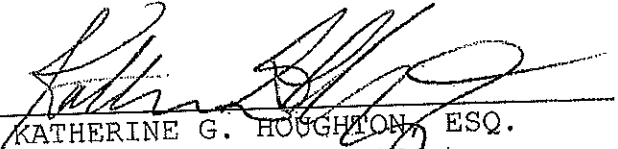
JURY DEMAND

TAKE NOTICE that plaintiff hereby demands trial by jury on all issues so triable.

CERTIFICATION

I certify that the matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding. I further certify that the plaintiff has no knowledge of any contemplated action or arbitration proceeding regarding the subject matter of this action, and they are not aware of any parties who should be joined in this action. I further 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.

DATED: October 24, 2016


KATHERINE G. HOUGHTON, ESQ.
Attorney for plaintiff

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, the undersigned is hereby
designated as trial counsel for plaintiffs.

DATED: October 24, 2016


KATHERINE G. HOUGHTON, ESQ.
Attorney for plaintiff