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January 12, 2017

VIA FACSIMILE (908-226-2564)
AND FEDEX

City of Plainfield
515 Watchung Avenue
Plainfield, NJ 07060

VIA FACSIMILE (908-753-3046)
AND FEDEX

Plainfield Police Division
200 East Fourth Street
Plainfield, NJ 07060

Re: Our Client: Estate of Israel Velasquez Cruz
Date of Accident: December 24, 2016
Place of Accident: Plainfield, NJ

Dear Sir/Madam:

Please be advised that this office represents the Estate of Israel Velasquez Cruz, who was involved in a fatal motor vehicle accident involving one or more Plainfield Police Division vehicles, which occurred on December 24, 2016 at the intersection of Watchung Avenue and East 2nd Street in the City of Plainfield, New Jersey.

In that regard, enclosed please find the Order to Show Cause signed by the Honorable Karen M. Cassidy today, January 12, 2017, ordering that the subject Order to Show Cause is returnable on Tuesday, January 17, 2017 at 1:30 p.m. at Union County Superior Court, 2 Broad Street, Elizabeth, NJ.

Please guide yourselves accordingly.

Very truly yours,


ANDREW JOHN CALCAGNO

AJC/ljk
Enclosure

PLAINFIELD, NEW JERSEY
2017 JAN 13 AM 9:10
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JAN 12 2017

SECTION

FILEDJAN 12 2017
KAREN M. CASSIDY
A.J.S.C.**CALCAGNO & ASSOCIATES**

Attorneys at Law, LLC

Andrew John Calcagno, Esq. (NJ ID: 013731991)

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ATTORNEYS FOR PLAINTIFF

**ESTATE OF ISRAEL VELASQUEZ
CRUZ,**

Plaintiff,

vs.

**CITY OF PLAINFIELD, PLAINFIELD
POLICE DIVISION, INVESTORS
BANK** (for discovery purposes only), **ABC
CORP. I-X** (said names being fictitious,
true names presently unknown) and **JOHN
DOE I-X** (said names being fictitious, true
names presently unknown),

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY**

Docket No.:

UNNL 0135 17
CIVIL ACTION**ORDER TO SHOW CAUSE
WITH TEMPORARY RESTRAINTS TO
PRESERVE EVIDENCE**

THIS MATTER having been brought before the Court by Calcagno & Associates Attorneys at Law, LLC, attorneys for Plaintiff, for an Order to Show Cause with the imposition of temporary restraints to preserve evidence based upon the facts set forth in the Verified Complaint and Certification of Andrew John Calcagno in Support of Order to Show Cause and filed herewith; and the Court ^{Not} having determined that imminent and irreparable harm will result if the restraints hereinafter set forth are not immediately imposed; and for other good cause shown,

IT IS, on this ¹² day of January, 2017,

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ORDERED that Defendants, **CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK** (named for discovery purposes only) show cause before this Court, located at 2 Broad Street, Elizabeth, NJ 07201, before The Honorable Karen M. Cassidy J.S.C., on the 17th day of January, 2017 at 1:30 ~~a.m.~~ p.m.

Specifically, Defendants, **CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK**, are to show cause as to why they should not preserve, copy and produce:

- o all documents and/or records regarding the purchase, registration, repairs, replacement parts, breakdowns, inspections, New Jersey Department of Transportation inspections, manufacturer inspections, recall notices and the like in connection with the police car involved in the fatal motor vehicle accident on the evening of December 24, 2016;
- o all photographs and/or video taken of the subject police car;
- o video footage captured by any cameras and/or MVR located on the subject police car and all responding police cars;
- o video surveillance of the accident and/or accident scene captured by the subject police car and/or any City surveillance cameras and/or business surveillance cameras, including but not limited to all traffic intersection cameras located at or within a two (2) block radius of the intersection of Watchung Avenue and East 2nd Street in the City of Plainfield.
- o photographs taken of the accident scene;
- o computer chip and/or black box and/or Electric Control Module (ECM) located in the subject police car and all responding police cars;

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- o all information contained on the computer chip and/or black box and/or Electric Control Module (ECM) located in the subject police car and all responding police cars;
- o print-outs of the information contained on the computer chip and/or black box and/or Electric Control Module (ECM) located in the subject police car and all responding police cars;
- o all CAD reports pertaining to the subject accident;
- o the 911 tapes pertaining to the subject accident;
- o all dispatch calls made in reference to the subject accident;
- o all communications (either written or oral) made between any and all police officers both at the scene of the accident and in the subsequent investigation of the accident;
- o all communications (either written or oral) made between any and all police officers in regards to any traffic stop involving the subject vehicle prior to the accident;
- o all correspondence and/or documentation, reports, photographs and/or videotaped interviews/statements, regarding any Internal Affairs investigations conducted as a result of the subject accident;
- o all correspondence and/or documentation, reports, photographs and/or videotaped interviews/statements regarding any witness to the subject accident; and
- o all correspondence and/or documentation, reports, photographs and/or videotaped interviews/statements, regarding any and all investigations that were conducted as a result of the subject accident;

IT IS FURTHER ORDERED that Defendants, **CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK**, preserve, copy and produce

*Denied without prejudice as this court
has not been provided with proof
- 3 as defendants have been
put on notice.*

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the above-described records, transcripts, print-outs, written documents, video and audio records, and all transcriptions thereof upon Plaintiff's attorney in CD format; and

IT IS FURTHER ORDERED that a copy of this Order, Verified Complaint and Certification filed herein, be served upon Defendants, CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK, ^{by end of business on} within _____ days from Friday January 13, 2017 the date herein; and

IT IS FURTHER ORDERED that Defendants, CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK shall have leave to move for the dissolution or modification of the restraints imposed herein upon two (2) days' notice to Plaintiff; and No restraints imposed as of this date

IT IS FURTHER ORDERED that Defendants, CITY OF PLAINFIELD, PLAINFIELD POLICE DIVISION and INVESTORS BANK file and serve any opposition papers to Plaintiff's application for a preliminary injunction by JANUARY 17, 2017 ^{@ 12:30 pm}; and Plaintiffs shall file and serve reply papers by _____

K. M. Cassidy
A.J.S.C.

Court is unaware that defendants are on notice of this application, therefore could not address the immediate imposition of restraints.

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