

LAW OFFICES OF JAMES C. DEZAO, P.A.

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Attorney for Plaintiff

SAMANTHA MARTINEZ

Plaintiff(s)

vs.

WESLEY M. GASKINS, ANTHONY T.
HUMPHREY, CHRISTOPHER J.
TELEPOSKY, EDISON TOWNSHIP
POLICE DEPARTMENT, EDISON
TOWNSHIP, NEW JERSEY PROPERTY
LIABILITY INSURANCE GUARANTY
ASSOCIATION, GEICO INSURANCE
COMPANY, CALVIN J. SIMMONS III,
JOSE A. BENGOCHEA, JUAN H. COOK
JR., LATASHA D. BURGEES, JOHN DOE
1-5, MARY DOE 1-5, DOE
CORPORATION 1-5

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO.: ESX-L-
CIVIL ACTION

Motor Vehicle Accident Complaint
Demand for Trial by Jury
Designation of Trial Attorney
Demand for Answers to Interrogatories

Plaintiff, Samantha Martinez, complains of the Defendants, deposes and says:

PARTIES

1. Plaintiff, Samantha Martinez, resides at 172 Avon Avenue, in the Town of Newark, County of Essex and State of New Jersey.
2. Defendant, Wesley M. Gaskins, resides at 1510 North Broad Street, in the Town of Hillside, County of Union and State of New Jersey.
3. Defendant, Anthony T. Humphrey, resides at 311 Tebe Place, in the Town of Vauxhall, County of Union and State of New Jersey.

4. Defendant, Christopher J. Teleposky, resides at 100 Municipal Boulevard, in the Town of Edison, County of Middlesex and State of New Jersey.
5. Defendant, Edison Township Police, whose primary business address is 100 Municipal Boulevard, in the Town of Edison, County of Middlesex and State of New Jersey.
6. Defendant, Township of Edison, whose primary business address is and State of New Jersey.
7. Defendant, New Jersey Property Liability Insurance Guarantee Association, whose primary business address is 233 Mount Airy Road, in the Town of Basking Ridge, County of Somerset and State of New Jersey.
8. Defendant, Geico Insurance Company, whose primary business address is 8000 Lincoln Drive Suite 300, in the Town of Marlton, County of Burlington and State of New Jersey.
9. Defendant, Calvin J. Simmons III, resides at 554 Hawthorne Avenue, in the Town of Newark, County of Essex and State of New Jersey.
10. Defendant, Jose A Bengochea, resides at 172 Avon Avenue, in the Town of Newark, County of Essex and State of New Jersey.
11. Defendant, Juan H. Cook Jr., resides at 490 South 4th Street, in the Town of Newark, County of Essex and State of New Jersey.
12. Defendant, Latasha D. Burgees, resides at 490 South 4th Street, in the Town of Newark, County of Essex and State of New Jersey.
13. Fictitious Parties designated as John Doe 1-5, Mary Doe 1-5 and/or Doe Corporation 1-5, whose identities unknown to the Plaintiff, are individuals/businesses who owned, occupied, and/or operated the vehicle and/or were responsible for the care and maintenance of this vehicle.

FIRST COUNT

1. On or about November 3, 2017, Plaintiff Samantha Martinez, was a passenger a certain motor vehicle operated by Defendant, Wesley M. Gaskins and owned by Defendant, Anthony T. Humphrey, which was traveling North on State Highway 1 and went through a red traffic signal at the intersection of Route 1 North and Parsonage Road, in the Town of Edison, County of Middlesex and State of New Jersey.
2. On or about November 3, 2017, Defendant, Christopher J. Teleposky, was the operator of a certain motor vehicle owned by Defendant, Edison Township Police Department, Township of Edison, which motor vehicle was being operated as a permissive user of the owner and/or as the agent, servant and/or employee of the owner and which motor vehicle was traveling East on Parsonage Road at the green traffic signal toward the ramp to Route 1 North, in the Town of Edison, County of Middlesex and State of New Jersey.
3. Defendants, Wesley M. Gaskins, Anthony T. Humphrey, Christopher J. Teleposky, Edison Township Police Department, did so negligently and carelessly own, operate and/or maintain the aforesaid motor vehicles so as to cause a collision.
4. As a direct and proximate result of the negligence of the Defendants, as aforesaid, Plaintiff, Samantha Martinez, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalizations and medication and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, Samantha Martinez, demands judgment against the Defendants, Wesley M. Gaskins, Anthony T. Humphrey, Christopher J. Teleposky, Edison Township Police Department, Township of Edison, NJ PLIGA, John Doe 1-5, Mary Doe 1-5, and/or Doe Corporation 1-5, in the amount of her damages together with interest and costs of suit.

SECOND COUNT
UM Count vs. NJPLIGA
November 3, 2017 MVA

5. On or about November 3, 2017, Plaintiff, Samantha Martinez was a passenger a certain motor vehicle operated by Defendant, Wesley M. Gaskins and owned by Defendant, Anthony T. Humphrey, which was traveling North on State Highway 1 and went through a red traffic signal at the intersection of Route 1 North and Parsonage Road, in the Town of Edison, County of Middlesex and State of New Jersey.

6. On or about November 3, 2017, Defendant, Christopher J. Teleposky, was the operator of a certain motor vehicle owned by Defendant, Edison Township Police, which motor vehicle was being operated as a permissive user of the owner and/or as the agent, servant and/or employee of the owner and which motor vehicle was traveling East on Parsonage road at the green traffic signal toward the ramp to Route 1 North, in the Town of Edison, County of Middlesex and State of New Jersey.

7. Defendants, Wesley M. Gaskins, Anthony T. Humphrey; Christopher J. Teleposky, and Edison Township Police, did so negligently and carelessly own, operate and or/maintain the aforesaid motor vehicles so as to cause same to collide with the vehicle Plaintiff, Samantha Martinez was a passenger in.

8. As a direct and proximate result of the negligence of Defendants, Wesley M. Gaskins, Anthony T. Humphrey, Christopher J. Teleposky, and Edison Township Police, as aforesaid, Plaintiff Samantha Martinez, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization and medication and has been and will in the future continue to be hampered in her daily routine.

9. At all times relevant herein, the Plaintiff was uninsured.

10. On or about November 3, 2017, Plaintiff, Samantha Martinez was a passenger of a certain motor vehicle which was involved in an accident which was caused by an uninsured vehicle.

11. The Defendant, PLIGA, as the Plaintiff's Uninsured Motorist (UM) carriers, has wrongfully failed to respond to Plaintiff's demand for Uninsured Motorist (UM) arbitration and/or has otherwise delayed a just adjudication of Plaintiff's claim for Uninsured Motorist (UM) benefits.

WHEREFORE, Plaintiff, Samantha Martinez, demands judgment against the Defendants, Wesley M. Gaskins, Anthony T. Humphrey, Christopher J. Teleposky, Edison Township Police, Township of Edison, NJ PLIGA, John Doe 1-5, Mary Doe 1-5, and/or Doe Corporation 1-5, in the amount of her damages together with interest and costs of suit.

THIRD COUNT
PIP Count vs. NJPLIGA
November 3, 2017 MVA

1. The Plaintiff repeats the foregoing allegations.
2. None of the injuries were covered by workers' compensation.
3. The Plaintiff was not the spouse, parent, or child of the judgment debtor.
4. The Plaintiff was not operating or riding in a vehicle, which she had stolen or helped to steal or were operating or riding in without owner permission.
5. The Plaintiff was not the owner or registrant of an uninsured motor vehicle.
6. The judgment debtor was not insured at the time of the accident and the insurance company is not liable to pay any part or all of the judgment.
7. The Plaintiff's claim is not covered by uninsured motorist coverage, collision insurance, extended fire, or other insurance.

8. The damage to the vehicle or property is not covered by an insurance policy.
9. The Plaintiff's claim is not for property damage of \$500 or less.
10. The Plaintiff's claim is not for property damage caused by a hit and run motor vehicle.
11. The Plaintiff was not operating a motor vehicle in violation of an order of suspension or revocation.
12. The accident did not occur outside the State of New Jersey.
13. NJPLIGA wrongfully refused to pay the Plaintiff's claim.
14. Demand has been made for satisfaction and PLIGA has refused.

WHEREFORE, the Plaintiff demands judgment against PLIGA for payment of PIP benefits.

FOURTH COUNT
PIP Count vs. GEICO
November 3rd 2017 MVA

1. The Plaintiff repeats the foregoing,
2. The Plaintiff had no policy of automobile insurance.
3. Plaintiff was entitled to PIP benefits through the host vehicle's carrier, Defendant Geico, under policy # T0249532.
4. Geico does business throughout the State of New Jersey.
5. The Plaintiff experienced an accident, sought and received medical treatment, and duly sought payment from Geico.
6. Geico erroneously denied payment on the Plaintiff's claims.
7. The Plaintiff's treatment and expenses therefrom are fully compensable under the PIP claim of the Geico policy.

WHEREFORE, the Plaintiff demands judgment against GEICO for PIP benefits.

FIFTH COUNT
August 8th 2018 MVA

1. On or about August 8, 2018, Plaintiff Samantha Martinez, was a passenger a certain motor vehicle operated by Defendant, Juan H. Cook Jr., and owned by Defendant, Latasha D. Burgees, which was traveling West on West Bigelow Street with a green traffic signal, in the Town of Newark, County of Essex and State of New Jersey.
2. On or about August 8, 2018, Defendant, Calvin J. Simmons III, was the operator of a certain motor vehicle owned by Defendant, Jose A Bengochea which motor vehicle was being operated as a permissive user of the owner and/or as the agent, servant and/or employee of the owner and which motor vehicle was traveling South on Peshine Avenue at the intersection with West Bigelow Street when he struck the vehicle Plaintiff was a passenger in, in the Town of Newark, County of Essex and State of New Jersey.
3. Defendants, Calvin J. Simmons 3rd, Jose A. Bengochea, Juan H. Cook Jr., and Latasha D. Burgees, did so negligently and carelessly own, operate and/or maintain the aforesaid motor vehicles so as to cause a collision.
4. As a direct and proximate result of the negligence of the Defendants, as aforesaid, Plaintiff, Samantha Martinez, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalizations and medication and has been and will in the future continue to be hampered in her daily routine.

WHEREFORE, Plaintiff, Samantha Martinez, demands judgment against the Defendants, Calvin J. Simmons III, Jose A. Bengochea, Juan H. Cook Jr., and Latasha D. Burgees, John Doe 1-5, Mary Doe 1-5, and/or Doe Corporation 1-5, in the amount of her damages together with interest and costs of suit.

The Law Offices of James C. DeZao, P.A.
Attorneys for Plaintiff(s)

DATE: 2-21-19

By: _____

James C. DeZao, Esq.