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CIVIL OFFICE
MIDDLESEX COUNTY

JUAN C. VIALET a/k/a JUAN DE LOS
SANTOS, an individual,

Plaintiff

v.

MICHAEL CIMMINO, an individual;
TOWNSHIP OF EDISON, a municipality;
JOHN DOE, a fictitiously named
individual; RIDER INSURANCE
COMPANY,

Defendants

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION
: MIDDLESEX COUNTY

: DOCKET NO. 4227-15

: CIVIL ACTION

: COMPLAINT; JURY DEMAND;
: DESIGNATION OF TRIAL COUNSEL;
: CERTIFICATIONS R.4:5-1, R.4:5-1(b)(3)

Plaintiff, Juan C. Violet a/k/a Juan De Los Santos, , an individual, residing at 375
Mechanic Street, 2nd Floor, City of Perth Amboy, County of Middlesex and State of New
Jersey, by way of Complaint against the defendants says:

FIRST COUNT

1. On May 31, 2014, the plaintiff, Juan C. Violet a/k/a Juan De Los Santos
(hereinafter "Juan C. Violet") was the operator of a 2014 BMW S10 motorcycle, which was
owned by Yenny J. Gutierrez-Abreau (hereinafter "motorcycle").

2. The plaintiff was carefully operating the 2014 motorcycle in a southerly
direction on Lincoln Highway (Route 27) within the Township of Edison, County of
Middlesex and State of New Jersey.

3. On May 31, 2014, the defendant, Michael Cimmino, was a uniformed police officer employed by the Police Department, Township of Edison, County of Middlesex and State of New Jersey.

4. On May 31, 2014, the defendant, Michael Cimmino, in the course of his employment, was operating a 2013 Ford XPL motor vehicle, which was owned by his employer, defendant, Township of Edison.

5. The defendant, Michael Cimmino, was operating the 2013 Ford motor vehicle in a northerly direction on Lincoln Highway (Route 27), within the Township of Edison, County of Middlesex and State of New Jersey.

6. The defendant, John Doe, a fictitiously named individual, was, on May 31, 2014, operating an unidentified motorcycle in a southbound direction on Lincoln Highway (Route 27), within the Township of Edison, County of Middlesex and State of New Jersey.

7. On May 31, 2014, Rider Insurance Company was a motorcycle liability insurance company, which insured the 2014 BMW S10 motorcycle owned by Yenny J. Gutierrez-Abreau; the defendant, Rider Insurance Company, insured said motorcycle under policy number R2900/80442-0.

7a. The above-identified Rider policy of insurance contained an endorsement for uninsured motorists coverage, which coverage was available to the plaintiff, Juan C. Violet, as additional insured due to his permissive use of the motorcycle.

SECOND COUNT - NEGLIGENCE
(Defendants, Cimmino, Township of Edison, John Doe)

1. Plaintiff, Juan C. Violet, repeats and realleges each and every paragraph of the First Count as if set forth at length.

2. On May 31, 2014, the defendant, John Doe, an unknown individual on an unknown motorcycle, was operating said motorcycle in a careless manner on Lincoln Highway (Route 27) southbound. Without limitation, said defendant, John Doe, did operate his vehicle in a careless manner such as to get the attention of the defendant, Michael Cimmino, a police officer employed by the defendant, Township of Edison.

3. Upon observing the defendant, John Doe, operating his vehicle in a negligent manner, the defendant, Michael Cimmino, attempted to negotiate a "U-turn" from northbound traffic to southbound traffic, so as to follow the motorcycle operated by the defendant, John Doe.

4. The defendant, Michael Cimmino, did negligently allow the 2013 Ford police vehicle to enter the southbound lanes of Lincoln Highway (Route 27) when the traffic light for southbound vehicular traffic on Lincoln Highway was green; the defendant, Cimmino, did negligently attempt a "U-turn" maneuver when it was unsafe to do so and without making proper observations of the oncoming 2014 BMW S10 motorcycle operated by the plaintiff.

5. As a result of the negligent entry of the 2013 Ford police vehicle into the southbound lanes of Lincoln Highway (Route 27), a collision occurred between said police vehicle and the 2014 BMW S10 motorcycle operated by the plaintiff.

6. As a result of the negligence of the defendants, John Dow and Michael Cimmino, the latter as agent, servant, employee of the defendant, Township of Edison, the plaintiff sustained serious injuries. Plaintiff was caused to suffer great pain of mind and body; he was required to be hospitalized and receive substantial medical treatment at great

expense; he was prevented from attending to his normal activities and affairs; and he was caused to suffer permanent disability and impairment.

7. Plaintiff did timely file a Notice of Claim under Title 59 placing the defendants, Cimmino and Township of Edison, on notice of the subject claim.

WHEREFORE, plaintiff, Juan C. Violet, demands judgment against the defendants, John Doe, Michael Cimmino and Township of Edison, jointly and severally, for compensatory damages, together with interest and costs of suit.

THIRD COUNT

(Uninsured Motorist Benefit; Medical Payments Benefit)

1. Plaintiff, Juan C. Violet, repeats and realleges each and every paragraph of the First Count as if set forth at length.

2. Defendant, Rider Insurance Company (hereinafter "Rider") did, on May 31, 2104, insure the 2014 BMW S10 motorcycle owned by Yenny J. Gutierrez-Abreau.

3. Plaintiff, Juan C. Violet, on May 31, 2014, was a permissive user of the 2014 BMW S10 motorcycle.

4. Plaintiff, Violet, was and is entitled to an uninsured motorist benefit from the defendant, Rider, due to the negligent conduct of the defendant, John Doe.

5. Plaintiff, Violet, was and is entitled to a medical payments benefit from the defendant, Rider, as the plaintiff incurred hospital and medical expenses as a result of operating the Rider insured's motorcycle on May 31, 2014.

WHEREFORE, the plaintiff, Juan C. Violet, demands judgment against the defendant, Rider, for uninsured motorist benefit and also for medical payments benefit

according to the policy of insurance and the coverages therein.

JURY DEMAND

Plaintiff does hereby demand a trial by a jury of six (6) persons on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, Michael F. Lombardi, Esq., is hereby designated as trial counsel.

CERTIFICATION; R.4:5-1

The undersigned certifies that, to the best of his knowledge and belief, there is not currently pending nor anticipated any other related civil action or arbitration proceeding regarding the subject matter of the within lawsuit.

CERTIFICATION R.4:5-1 (b) (3)

The undersigned certifies that the within pleading contains no personal confidential identifiers for any party named herein. The undersigned recognizes a responsibility to ensure the same as to subsequent pleadings.

I certify that the foregoing statements made by me in this Certification are true. I am aware that if any statement contained herein is willfully false, I am subject to punishment.

Date: June 18, 2015



Raymond L. Dademo, Esq.