

ARSENEAULT & FASSETT, LLP
ATTORNEYS AT LAW
560 MAIN STREET
CHATHAM, NEW JERSEY 07928
Telephone No. (973) 635-3366
Attorneys for the Plaintiff

ANGEL M. DEFILIPPO, ESQUIRE
ATTORNEY I.D. # 012281980

Received

OCT 27 2020

Morristown Administration

KATHLEEN FOX-TAYLOR,

Plaintiff,

v.

TOWN OF MORRISTOWN, COUNTY OF
MORRIS, STATE OF NEW JERSEY, SQUARE
LUGGAGE, MORRISTOWN GREEN, LLC,
JOHN DOES, A THROUGH Z, (Names Being
Fictitious), AND ABC CORPORATIONS, 1
THROUGH 100, (Names Being Fictitious),

Defendants.

SUPERIOR COURT OF NEW JERSEY
MORRIS COUNTY
LAW DIVISION

DOCKET NO.: MRS-L-1983-20

Civil Action

SUMMONS

From the State of New Jersey

To the Defendant(s) named above:

TOWN OF MORRISTOWN

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 of 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 thirty-five (35) days from the date you received this Summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided). If the Complaint is one of foreclosure, then you must file your written Answer or Motion and Proof of Service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, New Jersey 08625. A filing Fee* payable to the Clerk of the Superior Court 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 the 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 of

Motion (with fee and completed Case Information Statement) if you want the Court to hear your defense.

If you do not file a written Answer or Motion within thirty-five (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. If you do not have an attorney and are eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services.

Dated: October 20, 2020

Michelle M. Smith

Michelle M. Smith, Clerk of the Superior Court

Name of Defendant to be Served: TOWN OF MORRISTOWN

Address of Defendant to be Served: Office of the Town Clerk, Morristown Town Hall, 200 South Street, 1st Floor, Morristown, New Jersey 07960

*\$105.00 FOR CHANCERY DIVISION CASES OR \$110.00 FOR LAW DIVISION CASES

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Civil Action

**AMENDED COMPLAINT
AND JURY DEMAND**

Plaintiff, Kathleen Fox-Taylor, residing at [REDACTED]

[REDACTED] by way of Complaint against the Defendant(s) above, says:

FIRST COUNT

1. On or about the 29th day of November, 2018, the Plaintiff, Kathleen Fox-Taylor was lawfully on the sidewalk located at the corner of Washington Street and Schuyler Place in front of Square Luggage in the Town of Morristown, County of Morris, and State of New Jersey.
2. On the aforementioned date, said premises were owned, operated, maintained, and controlled by the Defendants, Town of Morristown, County of Morris, State of New Jersey, Square Luggage, Morristown Green, LLC, John Does, A through Z, (Names

Being Fictitious), ABC Corporations, 1 through 100, (Names Being Fictitious), and their agents, servants, or employees in such a careless, reckless and negligent fashion so as to cause a dangerous and hazardous condition to exist thereon.

3. Plaintiff has complied with the provisions of Title 59 of New Jersey Tort Claims Act and Notices of Claim were sent to Town of Morristown, County of Morris, and State of New Jersey on February 19, 2019.
4. Defendants violated the provisions of Title 59 and their actions were palpably unreasonable.
5. As a result of said negligence, the Plaintiff, Kathleen Fox-Taylor, was caused to slip and fall and sustain severe and grievous injuries resulting in damages for which she brings this action.

WHEREFORE, Plaintiff demands Judgment against the Defendant(s), Town of Morristown, County of Morris, State of New Jersey, Square Luggage, Morristown Green, LLC, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), jointly and severally, for damages together with interest and costs of suit.

SECOND COUNT

6. Plaintiff repeats each and every allegation of the First Count as if fully set forth herein at length.
7. On the aforementioned date, Defendants, Town of Morristown, County of Morris, State of New Jersey, Square Luggage, Morristown Green, LLC, and/or ABC Corporations, 1 through 100, (Names Being Fictitious), used, owned, and applied to a pedestrian sidewalk a product known as a detectable warning paver at their above referenced premises.

8. The maintenance of said detectable warning paver by Defendants, Town of Morristown, County of Morris, State of New Jersey, Square Luggage, Morristown Green, LLC, and/or ABC Corporations, 1 through 100, (Names Being Fictitious), was negligent in a heavily trafficked pedestrian sidewalk and/or corner crosswalk.
9. As a direct and proximate result of such negligent maintenance of said product, the Plaintiff, Kathleen Fox-Taylor, was caused to fall and suffer severe injuries, was caused to suffer great pain, and was caused to incur medical expenses and will continue to incur medical expenses.

WHEREFORE, Plaintiff demands Judgment against the Defendant(s), Town of Morristown, County of Morris, State of New Jersey, Square Luggage, Morristown Green, LLC, John Does, A through Z, (Names Being Fictitious) and ABC Corporations, 1 through 100, (Names Being Fictitious), jointly and severally, for damages together with interest and costs of suit.

ARSENEAULT & FASSETT, LLP
Attorneys for the Plaintiff(s)

By: Angel M. DeFilippo
ANGEL M. DEFILIPPO, ESQUIRE

DATED: October 20, 2020

JURY DEMAND

Plaintiff(s) hereby demand trial by jury of six (6) persons as to all issue so triable.

ARSENEAULT & FASSETT, LLP
Attorneys for the Plaintiff(s)

By: Angel M. DeFilippo
ANGEL M. DEFILIPPO, ESQUIRE

DATED: October 20, 2020

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to R. 4:17-1, demand is hereby made that Defendant(s) provide answers to Uniform Interrogatories, as set forth in Form C of Appendix II to the Rules of Court.

ARSENEAULT & FASSETT, LLP
Attorneys for the Plaintiff(s)

By: Angel M. DeFilippo
ANGEL M. DEFILIPPO, ESQUIRE

DATED: October 20, 2020

CERTIFICATION

I hereby certify, pursuant to R. 4:5-1, that the matter in controversy is not the subject of any other action or arbitration proceeding, nor is any other action or arbitration proceeding contemplated, and no other parties should be joined in this action at this time.

ARSENEAULT & FASSETT, LLP
Attorneys for the Plaintiff(s)

By: Angel M. DeFilippo
ANGEL M. DEFILIPPO, ESQUIRE

DATED: October 20, 2020

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Angel M. DeFilippo, Esquire, is designated as Trial Counsel.

ARSENEAULT & FASSETT, LLP
Attorneys for the Plaintiff(s)

By: Angel M. DeFilippo
ANGEL M. DEFILIPPO, ESQUIRE

DATED: October 20, 2020