

HEYMANN & FLETCHER, ESQS.

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Attorney(s) for Plaintiff

NOV 2 20 PM 12:50

JERRY TUCKER,

Plaintiff,

vs.

TOWN OF MORRISTOWN, TOWN OF
MORRISTOWN - PUBLIC WORKS
DEPARTMENT, STATE OF NEW JERSEY -
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, ABC CORPORATIONS 1-10 and
JOHN/JANE DOES 1-10,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRISCOUNTY
DOCKET NO. MRS-L-002193-20**

**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 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 \$175.00 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 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: October 28, 2020

/s/ Michelle M. Smith
Clerk of the Superior Court

Name of Defendant to Be Served: Town of Morristown - Public Works Department

Address of Defendant to Be Served: 200 South Street, Morristown, NJ 07960

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Attorney(s) for Plaintiff

JERRY TUCKER,

Plaintiff,

vs.

TOWN OF MORRISTOWN, TOWN OF
MORRISTOWN PUBLIC WORKS
DEPARTMENT, STATE OF NEW JERSEY-
DEPARTMENT OF ENVIRONMENTAL
PROTECTION, ABC CORPORATIONS 1-10
and JOHN/JANE DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MORRIS COUNTY
DOCKET NO.:

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, Jerry Tucker of [REDACTED] by way of Complaint
against the Defendants says:

FACTS

1. On November 2, 2018, Plaintiff while walking slipped and fell in a test in a test hole which was approximately ten (10) inches deep and was covered with leaves obstructing Plaintiff's view of the test hole located on Hillairy Avenue, Morristown, New Jersey. Plaintiff suffered an injury to his left lower leg including the left side of his body. Plaintiff also has tingling down the left side of the leg with radiculitis. Plaintiff has nerve damage in his left leg.

FIRST COUNT

2. Based upon information and belief, Defendant, TOWN OF MORRISTOWN, maintaining its principal place of business at 200 South Street, Morristown, NJ 07960 is responsible for the care, maintenance and inspection of this particular test hole located on Hillairy Avenue, Morristown, New Jersey.

3. On November 2, 2018, Plaintiff while walking slipped and fell in a test hole which was approximately ten (10) inches deep and was covered with leaves and obstructed Plaintiff's view.

4. Due to Defendant's negligence and as a result of said slip and fall, Plaintiff, Jerry Tucker suffered severe debilitating injuries, including an injury to his left lower leg including the left side of his body, tingling down the left side of the leg with radiculitis and nerve damage in his left leg, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, and have left him with permanent disabilities that will in the future similarly incapacitate him, cause him pain and suffering, and require medical treatment.

5. Notice had been provided to officials of the Town of Morristown by other individuals who lived on Hillairy Avenue, Morristown, NJ.

WHEREFORE, Plaintiff, Jerry Tucker, demands judgment against the Defendant, TOWN OF MORRISTOWN, together with interest and costs of suit.

SECOND COUNT

6. Plaintiff repeats each and every allegation of paragraphs one (1) through five (5) of the First Count as if the same were set forth at length herein.

7. Based upon information and belief, Defendant, TOWN OF MORRISTOWN - PUBLIC WORKS DEPARTMENT, maintaining its principal place of business at 200 South Street, Morristown, NJ 07960 is responsible for the care, maintenance and inspection of any and all test holes and roadways of Morristown.

8. On November 2, 2018, Plaintiff slipped and fell in a test in a test hole which was approximately ten (10) inches deep and was covered with leaves and obstructed Plaintiff's view.

9. Due to Defendant's negligence and as a result of said slip and fall, Plaintiff, Jerry Tucker suffered severe debilitating injuries, including an injury to his left lower leg including the left side of his body, tingling down the left side of the leg with radiculitis and nerve damage in his left leg, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, and have left him with permanent disabilities that will in the future similarly incapacitate him, cause him pain and suffering, and require medical treatment.

WHEREFORE, Plaintiff, Jerry Tucker, demands judgment against the Defendant, TOWN OF MORRISTOWN – PUBLIC WORKS DEPARTMENT, together with interest and costs of suit.

THIRD COUNT

10. Plaintiff repeats each and every allegation of paragraphs one (1) through nine (9) of the First and Second Count as if the same were set forth at length herein.

11. Based upon information and belief, Defendant, STATE OF NEW JERSEY- DEPARTMENT OF ENVIRONMENTAL PROTECTION, maintaining its principal place of business at 401 East State Street, Trenton, NJ 08625 is responsible for the care, maintenance and inspection of the test hole located at Hillairy Avenue, Morristown, NJ.

12. On November 2, 2018, Plaintiff while walking slipped and fell in a test hole which was approximately ten (10) inches deep and was covered with leaves and obstructed Plaintiff's view.

13. Due to Defendant's negligence and as a result of said slip and fall, Plaintiff, Jerry Tucker suffered severe debilitating injuries, including an injury to his left lower leg including the left side of his body; tingling down the left side of the leg with radiculitis and nerve damage in his left leg, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, and have left him with permanent disabilities that will in the future similarly incapacitate him, cause him pain and suffering, and require medical treatment.

WHEREFORE, Plaintiff, Jerry Tucker, demands judgment against the Defendant, STATE OF NEW JERSEY- DEPARTMENT OF ENVIRONMENTAL PROTECTION, together with interest and costs of suit.

FOURTH COUNT

14. Plaintiff repeats each and every allegation of paragraphs one (1) through nine (9) of the First, Second and Third Count as if the same were set forth at length herein.

15. Based upon information and belief, Defendant, ABC CORPORATIONS 1-10, a fictitious entity, is responsible for the care, maintenance and inspection of the test hole on Hillairy Avenue, Morristown, NJ.

16. On November 2, 2018, Plaintiff while walking slipped and fell in a test hole which was approximately ten (10) inches deep and was covered with leaves and obstructed Plaintiff's view.

17. Due to Defendant's negligence and as a result of said slip and fall, Plaintiff, Jerry Tucker suffered severe debilitating injuries, including an injury to his left lower leg including the left side of his body, tingling down the left side of the leg with radiculitis and nerve damage in his left leg, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, and have left him with permanent disabilities that will in the future similarly incapacitate him, cause him pain and suffering, and require medical treatment.

WHEREFORE, Plaintiff, Jerry Tucker, demands judgment against the Defendant, ABC CORPORATIONS 1-10, together with interest and costs of suit.

FIFTH COUNT

18. Plaintiff repeats each and every allegation of paragraphs one (1) through nine (9) of the First, Second, Third and Fourth Count as if the same were set forth at length herein.

19. Based upon information and belief, Defendant, JOHN/JANE DOES 1-10, a fictitious individual, is responsible for the care, maintenance and inspection of the test hole located at Hillairy Avenue, Morristown, NJ.

20. On November 2, 2018, Plaintiff while walking slipped and fell in a test in a test hole which was approximately ten (10) inches deep and was covered with leaves and obstructed the view.

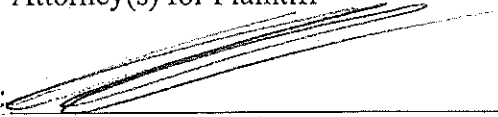
21. Due to Defendant's negligence and as a result of said slip and fall, Plaintiff, Jerry Tucker suffered severe debilitating injuries, including an injury to his left lower leg including the left side of his body, tingling down the left side of the leg with radiculitis and nerve damage in his left leg, which injuries necessitated him obtaining medical treatment, caused him great pain and suffering, incapacitated him from pursuing his usual employment and other activities, and have

left him with permanent disabilities that will in the future similarly incapacitate him, cause him pain and suffering, and require medical treatment.

WHEREFORE, Plaintiff, Jerry Tucker, demands judgment against the Defendant, JOHN/JANE DOES 1-10, together with interest and costs of suit.

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: 

RONALD S. HEYMANN, ESQ.

CERTIFICATION OF NO OTHER ACTIONS

I certify to the best of my knowledge and belief that the dispute is not the subject of any other action pending in any other court or a pending arbitration proceeding.

Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, I recognize my continuing obligation to file and serve on all parties and the court an amended certification if there is a change in the facts stated in this original certification.

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: _____

RONALD S. HEYMANN, ESQ.

CERTIFICATION PURSUANT TO R. 1:38-7

I certify that confidential personal identifiers have been redacted from the documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7.

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: _____

RONALD S. HEYMANN, ESQ.

JURY DEMAND

The Plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: _____

RONALD S. HEYMANN, ESQ.

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1 et seq., Plaintiffs hereby demand that Defendant(s) provide answers to Form C and C(2) interrogatories.

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: _____

RONALD S. HEYMANN, ESQ.

DESIGNATION OF TRIAL ATTORNEY

In accordance with Rule 4:25-4, you are hereby notified that Ronald S. Heymann, Esq., is assigned to try this case.

Dated: October 19, 2020

HEYMANN & FLETCHER, ESQS.
Attorney(s) for Plaintiff

By: _____

RONALD S. HEYMANN, ESQ.

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-002193-20

Case Caption: TUCKER JERRY VS TOWN OF MORRISTOWN

Case Initiation Date: 10/28/2020

Attorney Name: RONALD S HEYMANN

Firm Name: HEYMANN & FLETCHER

Address: 1201 SUSSEX TURNPIKE P.O. BOX 518
MOUNT FREEDOM NJ 07970

Phone: 9738954400

Name of Party: PLAINTIFF : TUCKER, JERRY

Name of Defendant's Primary Insurance Company
(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: JERRY TUCKER? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

10/28/2020
Dated

/s/ RONALD S HEYMANN
Signed