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CUPO LAW FIRM, LLC
LEONARD V. CUPO – Atty. ID No. 011311991
578 Summit Avenue, 2nd Floor
Jersey City, New Jersey 07306
Tel: (201) 653-2876 Fax: (201) 653-8686
Attorney for Plaintiff

NOTICE
SHERIFF'S OFFICE

20 JAN 13 AM 2:07

VIRGINIA CALABRESE,

Plaintiff,

vs.

MASAGO SUSHI, MASAGO JAPANESE
CUISINE, SL 39 WASHINGTON STREET LLC,
THE SILVERMAN GROUP, TOWN OF
MORRISTOWN, JOHN DOES, 1 through 10,
fictitious names for persons whose exact identities
are unknown, ABC COMPANIES, 1 through 10,
fictitious names for business entities whose exact
identities are unknown, jointly, severally or in the
alternative.

Defendants.

RECEIVED SUPERIOR COURT OF NEW JERSEY

LAW DIVISION

COUNTY OF MORRIS

Docket No: MRS-L-2253-19

Civil Action

Received

JAN 29 2020

SUMMONS

Morristown Administration

From the State of New Jersey,
to the following Defendant(s) named above:

TOWN OF MORRISTOWN

The plaintiff(s), 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 an answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed within 35 days from the date you receive this summons, not counting the date you received it. (The address of each deputy clerk of Superior Court is provided.) 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, CN-971, Trenton, New Jersey 08625. A filing fee in the amount of \$175.00 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 and 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(s), 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 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 judgement by default against you for the relief plaintiff(s) demand(s), plus interest and costs of suits. 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 a Legal Service Office in the county where you live. A list of these offices is provided. 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 Service. A list of these numbers is also provided.

Dated: October 18, 2019

s/Michelle M. Smith, Esq.

Clerk of the Superior Court

Name of Defendant to be served:

TOWN OF MORRISTOWN
200 SOUTH STREET
MORRISTOWN, NJ 07963-0914

SUMMONS

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Administration Building
Third Floor
1 Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633

LAWYER REFERRAL
(732) 828-0053
LEGAL SERVICES
(732) 249-7600

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Case Processing Section, Room 119
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769

LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House, 71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1262

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First FL, Courts Facility
49 Rancocas Road
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., P.O. Box 910
Morristown, NJ 07960-0910

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 285-6911

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office
1st Floor, Hall of Records
101 S. Fifth Street
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

OCEAN COUNTY:

Deputy Clerk of the Superior Court
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
Cape May Court House, NJ 08210

LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton Street
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

CUMBERLAND COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:

Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
LEGAL SERVICES
(973) 624-4500

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Floor
P.O. Box 3000
Somerville, NJ 08876

LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First FL, Court House
1 North Broad Street, P.O. Box 129
Woodbury, NJ 08096

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5360

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 383-7400

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, NJ 07306

LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Floor, Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

HUNTERDOWN COUNTY:

Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08862

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
Court House, 413 Second Street
Belvidere, NJ 07823-1500

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 475-2010

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 South Broad Street, P.O. Box 8068
Trenton, NJ 08650

LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MOORE COUNTY
SHERIFF'S OFFICE

20 JAN 19 PM 2:07

RECEIVED

CUPO LAW FIRM, LLC

LEONARD V. CUPO – Atty. ID No. 011311991

578 Summit Avenue, 2nd Floor

Jersey City, New Jersey 07306

Tel: (201) 653-2876 Fax: (201) 653-8686

Attorney for Plaintiff

VIRGINIA CALABRESE,

Plaintiff,

vs.

MASAGO SUSHI, MASAGO JAPANESE
CUISINE, SL 39 WASHINGTON STREET LLC,
THE SILVERMAN GROUP, TOWN OF
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Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
COUNTY OF MORRIS

Docket No: MRS-L-002253-19

Civil Action

COMPLAINT,
DISCOVERY DEMAND
AND JURY DEMAND

Plaintiff, VIRGINIA CALABRESE, residing at [REDACTED]

[REDACTED] by way of Complaint against Defendants say:

FIRST COUNT

1. On or about October 27, 2017, at approximately 12:19 PM, Plaintiff, VIRGINIA CALABRESE, was lawfully on sidewalk adjacent to premises commonly known as Masago Sushi and/or Masago Japanese Cuisine, 39 Washington St, in the Town of Morristown, County of Morris, State of New Jersey.

2. On or about October 27, 2017, and at all times relevant to this Complaint, Defendants, MASAGO SUSHI, MASAGO JAPANESE CUISINE, SL 39 WASHINGTON STREET LLC, THE SILVERMAN GROUP, JOHN DOES, One through Ten, fictitious names for persons whose identities are unknown, and/or ABC COMPANIES, One through Ten, fictitious names for entities whose identities are unknown, owned, occupied, operated and/or maintained the premises known as 39 Washington Street, in the Town of Morristown, County of Morris, State of New Jersey.

3. At all times relevant to this Complaint, the aforesaid Defendant(s) owed a duty of care to repair, maintain and keep the aforesaid premises of said location reasonably safe for Plaintiff's use; and/or a duty to inspect sidewalk of the location above and/or a duty to warn Plaintiff of any defective, dangerous or unreasonably safe condition thereon which was not obvious to Plaintiff.

4. On or about October 27, 2017, and at all times relevant to this Complaint, the aforesaid Defendant(s) did so negligently and carelessly own, occupy, operate and/or maintain the aforesaid sidewalk so as to cause a dangerous condition to exist thereon.

5. As a direct and proximate result of the carelessness and negligence of aforesaid Defendant(s) and/or its agents, servants and/or employees, Plaintiff was caused to be injured due to the aforesaid dangerous condition and thus was caused to sustain and did sustain serious, severe, painful and permanent bodily injuries and/or loss of a bodily function, which necessitated her to obtain medical treatment, has caused, continues to cause, and will in the future cause, great pain and suffering, incapacitating her from pursuing her usual activities, and has left her with permanent disabilities which will in the future similarly incapacitate her, cause great pain and suffering, and require further

additional medical treatment and loss of earnings and other economic damages.

WHEREFORE, Plaintiff, VIRGINIA CALABRESE, demands judgment against Defendants, MASAGO SUSHI, MASAGO JAPANESE CUISINE, SL 39 WASHINGTON STREET LLC, THE SILVERMAN GROUP, JOHN DOES, One through Ten, fictitious names for persons whose identities are unknown, and/or ABC COMPANIES, One through Ten, fictitious names for entities whose identities are unknown, jointly, severally or in the alternative for damages, together with interest, cost of suit and for such other, further, or different relief as the Court deems just and proper.

SECOND COUNT

1. Plaintiff(s) repeat(s) and reallege(s) each and every allegation contained in the First Count of the Complaint herein with the same force and effect as if repeated at length.
2. Defendant TOWN OF MORRISTOWN is a corporation of the State of New Jersey with its address located at 200 South Street, Morristown, New Jersey.
3. On or about October 27, 2017, Defendant TOWN OF MORRISTOWN and/or agents, servants and/or employees had a duty or responsibility, by reason of law or contract or otherwise, to repair, inspect and maintain a sidewalk area located on 39 Washington St, Morristown near the intersection of Court Street, in the town of Morristown, County of Morris, in such a manner as to keep the same reasonably safe.
4. At the aforesaid time and place, due to the careless, reckless and negligent up keep of aforesaid Defendants to maintain and/or repair and/or clean and/or inspect and the failure of Defendants to keep the aforesaid crosswalk at said location in such a manner as to protect pedestrian

thereupon free of harm, Plaintiff was caused to fall, causing her severe personal injuries.

5. Defendant TOWN OF MORRISTOWN and/or its agents, servants and/or employees, had actual and/or constructive notice of the improper unsafe and dangerous condition, and knew or should have known that the dangerous condition created a reasonably foreseeable risk of injury to a pedestrian utilizing the aforesaid crosswalk area of said location.

6. As a direct and proximate result of the carelessness and negligence of aforesaid Defendant and/or its agents, servants and/or employees, Plaintiff, VIRGINIA CALABRESE, suffered severe, painful and permanent bodily injuries, including a permanent loss of a bodily function, which necessitated her to obtain medical treatment, has caused, continues to cause, and will in the future cause her great pain and suffering, incapacitating her from pursuing her usual activities, and has left her with permanent disabilities which will in the future similarly incapacitate her, cause great pain and suffering, and require further and additional medical treatment and sustained a loss of earnings and other economic damages.

7. At all times relevant to this Complaint, Plaintiff(s) properly served a Notice of Claim for his damages pursuant N.J.S.A. 59:8-4.

8. More than 6 months have passed since the service of Plaintiff's Notice of Claim and Plaintiff's claim remains unsatisfied.

WHEREFORE, Plaintiff, VIRGINIA CALABRESE, demands judgment against Defendant, TOWN OF MORRISTOWN, and/or its agents, servants and/or employees, jointly, severally or in the alternative for damages, together with interest, cost of suit and for such other, further, or different relief as the Court deems just and proper.

**DEMAND FOR NOTICE TO PRODUCE
TO RULE 4:18-1**

PLEASE TAKE NOTICE that Plaintiff hereby demands that Defendants produce at the Cupo Law Firm, LLC, 578 Summit Avenue, Second Floor, Jersey City, New Jersey 07306, the following documentary evidence within the time prescribed by Court Rule 4:18-1.

Failure to comply with this demand may subject you and the above named party or parties to this action to such sanctions as the Rules of the Court may allow and the Court shall direct.

DEFINITION OF DOCUMENT

As hereinafter used, all references to "document" shall include all materials in the possession or control of the said Defendant, that are or have been maintained in the name of the said Defendant, alone or jointly with others, or in the name of any person in trust or for the benefit of said Defendant.

As used in this demand, the term "persons" shall mean any individual, individual proprietorship, corporation, association, organization or other entity, including but not limited to any and all agents, representatives, employees, including any attorneys or investigators.

Unless otherwise stated, "document" shall mean any book, pamphlet, periodical, letter, report, record, notebook, interoffice communication, intra-company communication, account, memorandum, contract, agreement, draft, minute, analysis, work sheet, (including any accountant's work sheet) court paper, transcript, schedule, chart, list, graph, index, sketch, drawing, photograph, advertising and promotional material, printed publication, date sheet, financial statements, bank books (both savings and checking), books of account, vouchers, cancelled check, invoices, filers, forms, tabulations, and any other writings, regardless of the manner in which produced, whether handwritten, typed printed or produced by any process, including taped and video recordings.

1. Any and all statements made by any party to this lawsuit, whether, written or oral, including any co-plaintiff or co-defendant, their agents, representatives or employees.

2. Any and all statements made by any witnesses to the events described in any paragraphs of Plaintiff's complaint.

3. Any and all statements made by any person, other than said Defendant or any eye witnesses, which relate or refer in any way to the incident described in Plaintiff's complaint.

4. Copies of any and all written reports or summaries of oral reports, as well as a copy of the Curriculum Vitae, of any and all experts that have supplied reports, whether intended or not intended to be used at the time of trial. R. 4:10-2(d)(1).

5. Any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations or other published documents referred to and/or utilized by or relied upon by any expert witness intended to be called at trial. R. 4:18-1(a).

6. Any and all blueprints, charts, diagrams, drawings, graphs, maps, plats, plans, photographs, models or other visual reproductions of any object, place or thing prepared or utilized by, referred to or relied upon by any expert witness intended to be called at the time of trial. R. 4:18-1(a). McNeff v. Jos. Muscarelle, Inc., 88 N.J. Super. 124.

7. All photographs, charts, diagrams, maps and other pictorial or graphic depictions of any matter relevant to the action whether in the possession of or under the control of or available to the party or in the possession of any representative of that party's insurance carrier including but not limited to depictions of the condition of an/or damage to physical property. Freeman v. Lincoln Beach Motel, 182 N.J. Super. 483 (1981).

8. Copies of any and all statements from said Plaintiff's employees or the employees of Plaintiff's sub-contractors pursuant to Werkheiser v. T.E. Warren, Inc., 142 N.J. 405 (1976) and Branca v. Shore Medical Hospital, 182 N.J. Super. 315 (1981).

9. All transcripts of any depositions, Court Proceeding or testimony with respect to this

incident.

10. Copies of any hospital/medical records that the party to whom this demand is directed, or his/her/their/ representatives, employees, or attorneys have obtained pursuant to N.J.S.A. 2A: 82-41, et seq.

11. Any and all written reports rendered by proposed expert witnesses including, but not limited to, any medical expert witnesses whether intended or not intended to be used at the time of trial. R. 4:10-2(d)(1).

12. Any and all discovery received from any other party to this action. R. 4:17-4 (c).

**DEMAND FOR ANSWERS TO INTERROGATORIES
PURSUANT TO RULE 4:17-1**

PLEASE TAKE NOTICE that Plaintiff hereby demands that Defendants provide the undersigned certified answers to Form C and C(2) Interrogatories of Appendix II of the Court Rules pursuant to Rule 4:17-1(b)(i). Plaintiff further demands that Defendants provide the undersigned certified answers to the following supplemental interrogatories. Kindly provide certified answers within the time prescribed by Court Rule.

**PLAINTIFF'S SUPPLEMENTAL
INTERROGATORIES TO DEFENDANTS**

S1. State whether Defendant or anyone in Defendant's behalf has made or caused to be made any surveillance photographs, video tapes, movies or other recordings of the Plaintiff since the date of the accident, and if so, please state the date(s) upon which such surveillance photographs, video tapes, movies or other recordings were made, the name and address of the person taking or making such surveillance photographs, video tapes, movies or other recordings, what each surveillance

photographs, video tapes, movies or other recordings depict. Pursuant to the Rules of Court, this interrogatory is deemed to be continuing and Plaintiff shall rely upon your answer to this interrogatory at the time of trial.

S2. If you contend or will contend that the permanency of Plaintiff's injuries should not be evidential or be considered by the finder of fact, state with detail and with particularity and specificity each and every basis of fact or law upon which you will rely to support such contention.

S3. State whether this Defendant occupied the premises where Plaintiff's incident occurred as of the date of Plaintiff's accident.

S4. If this Defendant did not own or occupy the premises where Plaintiff's accident occurred as of the date of the Plaintiff's accident, please state the name and address of the person, firm and/or corporation who did own and/or occupy the premises where Plaintiff's accident occurred as of the date of Plaintiff's accident.

S5. State whether this Defendant conducted any business on the premises where Plaintiff's accident occurred as of the date of Plaintiff's accident, and if so, set forth in detail and with particularity and specificity the nature of the business conducted.

S6. State whether any inspections or tests made of the accident site by Defendant, or anyone in Defendant's behalf, subsequent to the accident alleged by Plaintiff, and if so, please state the date of said inspection or test, an exact description of such inspection or test, the name, address and job title of the person who performed such inspection or test and the results of said inspection or test.

S7. Identify by time, date, author and method of communication each notice or complaint concerning the property or premises at the location, date and time referred to in the complaint filed herein received by you within five (5) years of the subject incident.

S8. Identify by name, address and job address description, each person who had notice or

knowledge of any municipal, county, state and/or federal ordinance, statute and/or code violation received by you within five (5) years of the subject incident, including the date and method each was received.

S9. Identify the person or persons responsible for and the method of taking any reports or complaints of injury to any person or persons within five (5) years of the subject incident occurring at the location referred to in the complaint filed herein.

S10. Identify each person with relevant knowledge of any plan, design or contract to maintain, repair, redesign or renovate the property or premises at the location, date and time referred to in the complaint filed herein, received by you within five (5) years of the subject incident.

NOTICE OF DEPOSITION OF DEFENDANTS

PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, testimony will be taken by deposition upon oral examination before a person authorized by the laws of the State of New Jersey to administer oaths on **Tuesday, February 18, 2020 at 10:00 AM**, at the **Cupo Law Firm, LLC, 578 Summit Avenue, 2nd Floor, Jersey City, New Jersey** with respect to all matters relevant to the subject matter involved in this action, at which time and place the following persons testimony is to be taken:

Representative(s) of Defendants,

MASAGO SUSHI,

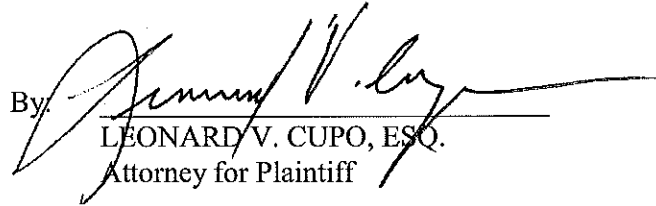
MASAGO JAPANESE CUISINE,

SL 39 WASHINGTON STREET LLC,

THE SILVERMAN GROUP, and

TOWN OF MORRISTOWN,

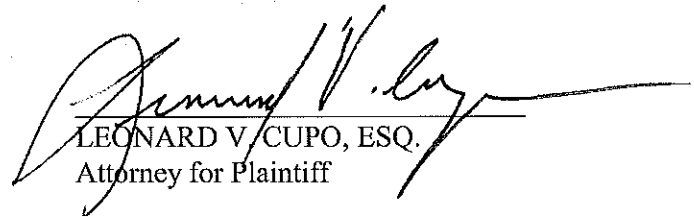
who have relevant information regarding the subject lawsuit.

By: 
LEONARD V. CUPO, ESQ.
Attorney for Plaintiff

Dated: October 18, 2019

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.


LEONARD V. CUPO, ESQ.
Attorney for Plaintiff

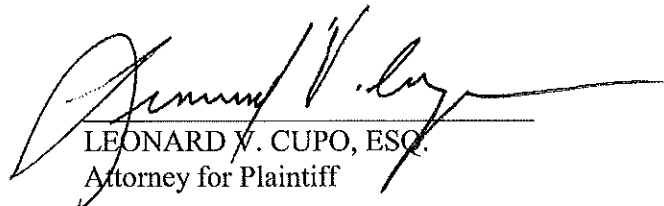
Dated: October 18, 2019

NOTICE OF TRIAL COUNSEL

Please take notice that Leonard V. Cupo, Esq. is hereby designated as Trial Counsel in the above-captioned matter for the Cupo Law Firm, LLC pursuant to Rule 4:25 et. seq.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that this matter is not the subject of any other action pending in other court or pending arbitration proceeding, nor is any action or arbitration contemplated. All parties known to Plaintiffs who should have been joined in this action have been joined.


LEONARD V. CUPO, ESQ.
Attorney for Plaintiff

Dated: October 18, 2019