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No. 8467 P. 2/28

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OCT 27 2020

THE VESPI LAW FIRM, LLC
Domen A. Vespi - 025931993
547 Union Boulevard, Second Floor
Totowa, New Jersey 07512
TEL: 973-633-1000
Attorneys for Plaintiff
JOSEPH CICCARELLI,

Plaintiff(s),

vs.

7-ELEVEN, INC.;
7-ELEVEN at 50 MORRIS STREET,
MORRISTOWN, NEW JERSEY; MORRISTOWN
SHOPPING CENTER, LLC; ABC CORPS. I-10,
FRANCHISE OWNER I-10, SECURITY
COMPANY I-10 and JOHNDANE DOBS I-10
(last four names being fictitious and presently
unknown),

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO.: MRS-L-2134-20

Civil Action.

SUMMONS

From THE STATE OF NEW JERSEY to the following defendant:

MORRISTOWN, NEW JERSEY

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 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 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 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 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 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 any attorney, you may call the Legal Services office in the county where you live. 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 list of these numbers is also provided.

Date: October 22, 2020

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

Name of Defendant to be Served:
Address of Defendant to be Served:

MORRISTOWN, NEW JERSEY
200 South Street
Morristown, NJ 07960

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

LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 343-4300

BIRMINGHAM COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601-0719

LAWYER REFERRAL
(201) 438-0044
LEGAL SERVICES
(201) 437-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Riverside Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4852
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

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

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
5 N. Main Street
Box DH-200
Cape May Court House, NJ 08210

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

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08312

LAWYER REFERRAL
(856) 692-6200
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) 612-6200
LEGAL SERVICES
(973) 634-4500

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) 848-5366

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Bremen Court House - 1st Floor
583 Newark Ave. Jersey City, NJ 07310

LAWYER REFERRAL
(201) 758-3727
LEGAL SERVICES
(201) 752-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Raritan, NJ 08822

LAWYER REFERRAL
(908) 735-3661
LEGAL SERVICES
(908) 742-7973

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8066
Trenton, NJ 08650

LAWYER REFERRAL
(609) 545-6200
LEGAL SERVICES
(609) 695-6242

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MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Administration Building Third Floor
1 Kennedy Sq., P.O. Box 2533
New Brunswick, NJ 08903-2533

LAWYER REFERRAL
(732) 828-0753
LEGAL SERVICES
(732) 249-7300

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
711 Monument Park, P.O. Box 1263
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 411-3544
LEGAL SERVICES
(732) 866-0021

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

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 265-6911

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

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07655

LAWYER REFERRAL
(973) 238-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:
Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08078

LAWYER REFERRAL
(856) 515-4688
LEGAL SERVICES
(856) 451-0093

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

LAWYER REFERRAL
(908) 645-2323
LEGAL SERVICES
(908) 231-0843

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07850

LAWYER REFERRAL
(973) 267-5832
LEGAL SERVICES
(973) 381-7430

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 355-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:
Deputy Clerk of the Superior Court
Civil Division Office
Court House
413 Second Street
Bridgewater, NJ 07823-1500

LAWYER REFERRAL
(888) 267-5832
LEGAL SERVICES
(888) 473-2010

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THE VESPI LAW FIRM, LLC
Darnon A. Vespi - 025991998
547 Union Boulevard, Second Floor
Totowa, New Jersey 07512
TEL: 973-633-1000
Attorneys for Plaintiff

JOSEPH CICCARELLI,

Plaintiff(s),

vs.

7-ELEVEN, INC.,
7-ELEVEN at 50 MORRIS STREET,
MORRISTOWN, NEW JERSEY;
MORRISTOWN SHOPPING CENTER,
LLC; ABC CORPS. 1-10, FRANCHISE
OWNER 1-10, SECURITY COMPANY
1-10 and JOHN/JANE DOES 1-10 (last
four names being fictitious and presently
unknown),

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.:

Civil Action

**COMPLAINT, JURY DEMAND, DEMAND
FOR ANSWERS TO UNIFORM AND
SUPPLEMENTAL INTERROGATORIES,
DEMAND FOR PRODUCTION OF
DOCUMENTS, AND DEMAND FOR
DISCOVERY OF INSURANCE
COVERAGE**

Plaintiff, JOSEPH CICCARELLI, by way of Complaint and jury demand, say as follows:

JURISDICTION

1. Defendant, 7-ELEVEN, INC, was and is a corporation, business organization or other business entity authorized to do business and/or was doing business in the County of Essex, State of New Jersey, and who marketed and sold its product in the County of Essex and State of New Jersey.

FACTS APPLICABLE TO ALL COUNTS

2. Plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as defendant, 7-ELEVEN, INC.,

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and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC, on the date of the subject attack.

3. Glenroy D. Lewis and Teresa A. Towns, were patrons on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as defendant, 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC., on the date of the subject attack.

4. Defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., ABC CORPS. 1-10, FRANCHISE OWNER 1-10, and JOHN/JANE DOES 1-10, owned, managed, operated, maintained, and/or otherwise controlled, as owner, franchisee, landlord, lessee and/or lessor, a commercial business establishment located at 50 Morris Street, Morristown, New Jersey, commonly known as 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC.

5. Defendants, SECURITY COMPANY 1-10 and/or JOHN/JANE DOES 1-10 and/or ABC CORPS. 1-10, were doing business in the State of New Jersey and/or were the individuals or entities hired, retained, and/or obligated to provide and maintain safety and security services at the commercial property commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC.

6. Upon information and belief, these entities were contracted by defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., ABC CORPS. 1-10, FRANCHISE OWNER 1-10 and/or JOHN/JANE DOES 1-10.

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7. Defendants, ABC CORPS. 1-10, (names being fictitious and presently unknown), are named as Defendant(s) herein and intended to represent any company(ies), partnership(s), corporation(s), or other business entity(ies), whose identity is presently unknown, who may have caused or contributed to the negligence causing these attacks, or that may be otherwise liable for payment of damages for the negligence and/or recklessness of others.

8. Defendants, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (names being fictitious and presently unknown), are named as Defendant(s) herein and intended to represent any individual(s), whose identity is presently unknown who may have caused or contributed to the negligence causing these attacks, or that may be otherwise liable for payment of damages for the negligence and/or recklessness of others.

FIRST COUNT

9. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction and Facts Applicable To All Counts Sections of this Complaint as if set forth at length herein.

10. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at or near 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC. and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by Glenroy D. Lewis and Teresa A. Towns.

11. At the above time and place, Defendants were the owners, operators, maintainers, managers, superintendents, as well as the agents, servants and employees of the commercial establishment located at or near 50 Morris Street, Morristown, New Jersey, more commonly

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known as 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC.

12. The premises in question was negligently owned, operated, maintained, managed and secured by the Defendants.

13. As a result of Defendants' negligence, recklessness, and/or intentional conduct, plaintiff, JOSEPH CICCARELLI, was struck and physically assaulted by Glenroy D. Lewis and Teresa A. Towns, causing Plaintiff permanent injury as well as permanent pain, suffering and disability.

14. Defendants were negligent, reckless, and palpably unreasonable in failing to maintain a safe premises for its patrons, failing to prevent an assault, failing to exercise reasonable care, failing to provide sufficient and adequate security, in allowing or creating a potentially dangerous or dangerous condition on the property, in failing to monitor or supervise the premises, in failing to prevent its invitees from harming other invitees, and in failing to take preventative action.

15. At the aforesaid time and place, the Defendants owed a duty to Plaintiff and persons such as Plaintiff to keep its premises in a safe and proper condition, and free and clear of hazardous and dangerous conditions which would endanger the safety of Plaintiff or persons such as Plaintiff.

16. The existence of the above-mentioned conditions, actions and inactions on the premises, created a substantial risk of injury when the property was used with due care and in a manner in which it is foreseeable that it will be used.

17. The dangerous condition of the subject property created a foreseeable risk of the kind of injury that the Plaintiff suffered.

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18. The Defendants above disregarded and breached their duty aforesaid and negligently, carelessly and with palpably unreasonable disregard allowed the premises to be improperly and dangerously maintained, secured, operated, and/or managed, and to remain in an unsafe, dangerous and unreasonable condition by allowing said hazardous and unreasonable conditions to exist on said premises for months, all of which the Defendants had due notice of or by reasonable inspection would have discovered or because the dangerous condition existed for such a long period of time and was of so obvious a nature that the Defendants, exercising due care, should have discovered the dangerous condition and its dangerous character.

19. Due to the length of time the dangerous condition was there and the obviousness of the condition, an employee, agent or servant, performing his job with reasonable care should have discovered the dangerous condition and its dangerous character, the Defendants had constructive notice of such dangerous condition that caused the Plaintiff's injuries.

20. The Defendants' failure to respond to the dangerous condition by either correcting, repairing, remedying, safeguarding or warning of it, was palpably unreasonable, plainly and obviously without reason or a reasonable basis, capricious arbitrary and outrageous.

21. As a direct and proximate cause of the aforesaid dangerous condition and carelessness, negligence and palpably unreasonable conduct of the Defendants, the Plaintiff suffered severe and permanent injuries; was disabled and disfigured, has suffered and will continue to suffer great pain and torment, both mental and physical.

22. As a direct and proximate cause of the aforesaid dangerous and unsafe condition and carelessness, negligence and palpably unreasonable conduct of the Defendants and the injuries caused thereby to the Plaintiff, the Plaintiff has been and will be in the future compelled to spend great and diverse sums of money for medical aid and treatment, and has been and will be prevented from attending to his usual occupation, duties, activities and business.

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23. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS AND TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

SECOND COUNT

24. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts and the First Count of this Complaint as if set forth at length herein.

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25. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendants, GLENROY D. LEWIS and TERESA A. TOWNS.

26. At all times mentioned, defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC, ABC CORPS. 1-10 and/or FRANCHISE OWNER 1-10, did own, lease, maintain, manage, operate and have charge and control of property known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC., located at 50 Morris Street, Morristown, New Jersey.

27. At all times mentioned, Defendants and each of them, had a duty of care to hire, train, control and oversee employees and contractors of Defendants.

28. At all times mentioned, Defendants had a duty of care to provide professional and competent employees and contractors for its property, including defendants, ABC CORPS. 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOBS 11-20.

29. On October 27, 2019, Defendants were negligent and careless in retaining, hiring and providing professional and competent employees at its property, breaching its duties to Plaintiff.

30. Defendants permitted, encouraged, tolerated and ratified practices of such unjustified, unreasonable, unwarranted and illegal use of force by its patrons, namely defendant, GLENROY D. LEWIS and TERESA A. TOWNS, in that it failed to properly screen, hire, train and supervise its employees, managers and security personnel.

31. Defendants failed to promulgate and/or enforce and regulations for proper procedures.

32. Defendants' duties, obligations and responsibilities to Plaintiff were non-delegable.

33. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

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THIRD COUNT

34. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First and Second Counts of this Complaint as if set forth at length herein.

35. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendants, GLENROY D. LEWIS and THERESA A. TOWNS.

36. Defendants had the care and duty to provide management and security duties at the premises.

37. On October 27, 2019, Defendants were negligent and careless in retaining, hiring, and providing professional and competent employees and, management and security personnel at its property.

38. Defendants, permitted, encouraged, tolerated and ratified practices of such unjustified, unreasonable and illegal use of force by its patrons in that it failed to properly screen, hire, train and supervise its employees and, management and security personnel.

39. Defendants failed to promulgate and/or enforce rules and regulations for proper screening procedures.

40. Defendants were otherwise negligent, resulting in serious personal injuries to the Plaintiff.

41. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET,

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MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

FOURTH COUNT

42. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First, Second and Third Counts of this Complaint as if set forth at length herein.

43. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY,

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MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendant, GLENROY D. LEWIS and TERESA A. TOWNS.

44. Defendants engaged the services of co-defendants to provide security and safety at the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., including to provide security and safety to plaintiff, JOSEPH CICCARELLI.

45. The aforementioned conduct that was committed by Defendants was committed in the scope of their employment and engagement and is of the kind that Defendants and all other employees were engaged and employed to perform.

46. Defendants had a duty to provide competent and adequate security and failed to exercise such care by training and hiring individuals and entities that were not competent or adequate.

47. Defendants caused injuries, damages and losses to the Plaintiff by virtue of their negligent training, hiring and security; and Plaintiff is entitled to recover against DEFENDANTS for the injuries, damages and losses caused by the conduct as set forth herein.

48. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was

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rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

FIFTH COUNT

49. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First, Second, Third and Fourth Counts of this Complaint as if set forth at length herein.

50. As a direct and proximate result of the negligence of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10, the plaintiff, JOSEPH CICCARELLI, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization, medication and surgical intervention and has been and will in the future continue to be hampered in his daily routine due to the permanent nature of his injuries.

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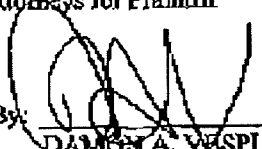
No. 8467 P. 17/28

51. As a direct and proximate result of the negligence of the Defendants, the plaintiff, JOSEPH CICCARELLI, has been forced to incur medical expenses, including but not limited to liens, deductibles and out-of-pocket expenses, which were usual, reasonable, customary, necessary, and casually related to the subject attack.

52. As a result of these actions, the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMIEN A. VESPI

Dated: October 20, 2020

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25, please be advised that Damon A. Vespi is hereby designated trial counsel with respect to the within matter.

NOTICE OF INTENT TO USE TIME UNIT MEASURE OF DAMAGES AT TRIAL

Plaintiff hereby places all parties on notice of its intention to use the Time Unit Measure of Damages at Trial.

JURY DEMAND

Pursuant to R. 4:35-1, Plaintiff(s) demand a trial by jury as to all issues so triable.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMON A. VESPI

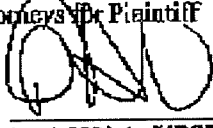
Dated: October 20, 2020

CERTIFICATION

In accordance with R. 4:5-1(b)(2), I hereby certify that the matter in controversy is not the subject of another action either pending in any Court or in an arbitration proceeding. Nor are any other actions or arbitration proceedings is contemplated. To the best of my knowledge, there are no other parties who should be joined as parties in this action.

Further, in accordance with R. 4:5-1(b)(3), I hereby 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 R. 1:38-7(b).

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMON A. VESPI

Dated: October 20, 2020

Received:
Oct. 22. 2020 12:16PM

Oct 22 2020 01:43pm

No. 8467 P. 19/28

**DEMAND FOR ANSWERS TO UNIFORM AND SUPPLEMENTAL
INTERROGATORIES**

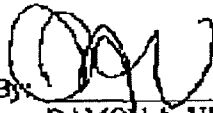
PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff, JOSEPH CICCARELLI, hereby demands answers to Uniform Interrogatories Form C and Form C(2) within sixty (60) days of the filing of Defendants' Answer to this Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 4:17-1(b)(i)(1) and Rule 4:17-2, Plaintiff(s) hereby demands answers to the attached Supplemental Interrogatories within sixty (60) days of the filing of Defendants' Answer to this Complaint. Exhibit 1.

REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff hereby demands that the Defendant produce the documents requesting in Exhibit 2 within the time period allowed by the Rules of Court.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 
DAMON A. VESPI

Dated: October 20, 2020

Received:
Oct. 22. 2020 12:26PM

Oct 22 2020 01:52pm

No. 8467 P. 19/28

**DEMAND FOR ANSWERS TO UNIFORM AND SUPPLEMENTAL
INTERROGATORIES**

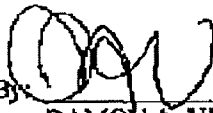
PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff, JOSEPH CICCARELLI, hereby demands answers to Uniform Interrogatories Form C and Form C(2) within sixty (60) days of the filing of Defendants' Answer to this Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 4:17-1(b)(i)(1) and Rule 4:17-2, Plaintiff(s) hereby demands answers to the attached Supplemental Interrogatories within sixty (60) days of the filing of Defendants' Answer to this Complaint. Exhibit 1.

REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff hereby demands that the Defendant produce the documents requesting in Exhibit 2 within the time period allowed by the Rules of Court.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 
DAMON A. VESPI

Dated: October 20, 2020

Received:
Oct. 22. 2020 12:26PM

Oct 22 2020 01:52pm

No. 8467 P. 20/28

MRS-L-002134-20 10/21/2020 11:14:51 AM Pg 16 of 23 Trans ID: LCV20201881987

EXHIBIT 1

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Oct. 22. 2020 12:26PM

Oct 22 2020 01:52pm

No. 8467 P. 21/28

**SUPPLEMENTAL INTERROGATORIES TO DEFENDANTS PERMITTED
PURSUANT TO RULE 4:17-1(b)(1)**

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

S3. If this Defendant did not own or occupy the premises where Plaintiff's attack occurred as of the date of the Plaintiff's attack, please state the name and address of the person, firm and/or corporation who did own and/or occupy the premises where Plaintiff's attack occurred as of the date of Plaintiff's attack.

S4. State whether this Defendant conducted any business on the premises where Plaintiff's attack occurred as of the date of Plaintiff's attack, and if so, set forth in detail and with particularity and specificity the nature of the business conducted.

S5. State the date you first owned or occupied the premises.

S6. Enumerate specifically all of the things you contend the party serving these interrogatories did which should not have been done.

S7. Enumerate specifically all of the things you contend the party serving these interrogatories did not which should have been done.

S8. If Defendants contend that Plaintiffs sustained physical injuries at any time prior or subsequent to the subject attack, please state: a) the date of any and all said injuries; b) the nature of any said injuries.

S9. State whether there were any other complaints about the safety and/or security on the premises in the last five years.

Yes () or No ().

If the answer is "yes", state as to each incident:

- a. the full name, present or last known address and telephone number of the person making it;
- b. the date made;
- c. location of the condition complained of;
- d. the nature of the condition alleged;

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No. 8467 P. 22/28

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- e. whether the condition was repaired/rectified;
- f. who repaired/rectified the condition;
- g. attach copies of all repair estimates, invoices and receipts;
- h. whether the condition was investigated;
- i. if so, the full name, present and last known address and telephone number of said person(s);
- j. whether a report was prepared with regard to said investigation;
- k. the purpose of each report, including, but not limited to, investigation or attack reports;
- l. the field of expertise and relationship to you of the person making it;
- m. whether or not it was made in a regular course of business;
- n. the findings;
- o. whether it was written or oral, and
- p. if written, attach a copy hereto, and if oral, set forth the substance thereof.

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No. 8467 P. 23/28

DEMAND FOR DISCOVERY OF INSURANCE INFORMATION

Pursuant to New Jersey Court Rule 4:10-2(h), Demand is made that Defendant disclose to Plaintiff whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff with true copies of those insurance agreements or policies, including but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage but also any and all EPLI, excess, and umbrella policies.

If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception and expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) property damage limits (g) medical payment limits (h) name and address of person who has custody and possession thereof (i) where and when each policy or agreement can be inspected and copied.

Are any of the named Defendants self-insured? YES () NO ()

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiffs

By: 
DAMON A. VESPI

Dated: September 11, 2020

DEMAND FOR PRODUCTION OF DOCUMENTS TO BROKERS NETWORK, INC.

PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, you are hereby required to provide originals or certified copies of the following documents, records and data, as set forth herein, pursuant to R. 4:18-1, and to permit the undersigned attorneys, or their representatives, to inspect and copy same at The Vespi Law Firm, LLC located at 547 Union Boulevard, Second Floor, Totowa, New Jersey.

PLEASE TAKE FURTHER NOTICE that the term "document" as used herein shall include any written, recorded or graphic matter, or any tangible thing pertaining to the subject matter of the request, including photographs, regardless of the manner in which it was produced or recorded, whether originated or received by any and all parties (including documents originated from any party to the subject litigation). If any document was, but is no longer, in your possession, set forth a summary of its contents and state what disposition was made of it, the date of disposition, and whether a copy thereof reposes in the possession or custody of any other person, firm or corporation and if so, please indicate the name and present address of same.

PLEASE TAKE FURTHER NOTICE that each request for a document shall be deemed to call for the production of the original document to the extent that it is in or subject, directly or indirectly, to your control. In addition, each request should be considered as including all copies and all preliminary drafts of documents, including negatives of photographs, which, as to content, differ in any respect from the original or final draft, or from each other (e.g.) by reason of hand written notes or comments having been added to one copy of the document but not to the original or the copies thereof.

PLEASE TAKE FURTHER NOTICE that you are required to make your written response to the foregoing request in accordance with R. 4:18-1(b) and to serve same upon the

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No. 8467 P. 25/28

undersigned not later than thirty (30) days after the service of this request.

Please produce on the date, time and place set forth above, the following:

1. Copies of any photographs, videotapes or other reproduction which you have in your possession, custody, or control which relate, in any manner, to the incident, or to the injuries which plaintiff(s) claim to have been sustained as a result of this incident/attack.
2. Any written statements which you, or your counsel, have in your possession, custody, or control in regard to this incident/attack.
3. A copy of all medical records regarding any treatment or consultation sought, or received, by plaintiff(s) as a result of this incident/attack.
4. Any documents which you claim (a) supports the separate defenses set forth in your responsive pleading to plaintiff's complaint and your answers to interrogatories or (b) rebuts the allegations set forth in plaintiff(s) complaint or his/her answers to interrogatories.
5. Any and all documentation regarding any compensation or reimbursement which you claim plaintiff received, or requested, as a result of this attack/incident.
6. A copy of, or a description by category or location of, all documents, dates of compilations, and tangible things in the possession, custody or control of defendants that relate to the disputed facts alleged with particularity in the pleadings.
7. A copy of all written reports prepared and signed by any person who may be used at trial under Evidence Rules 702, 703 or 705.
8. Copies of all notes, records, and reports of all doctors, psychiatrists, nurses, psychologists, neuropsychologist, neurologist, or any other healthcare professional retained by defendants for purposes of performing an examination and evaluation on the plaintiffs.
9. Any written statement which you or your counsel have in your possession regarding any of the facts set forth in any party's answer to interrogatories, initial pleading, or responsive pleading, or with respect to any damages.
10. Any and all insurance agreements or policies under which any person or firm carrying an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy judgment pursuant to R 4:10-2(b). Terms of the policy are also requested.

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11. Copies of any and all documents, not otherwise set forth, which were sent to or received from the plaintiff(s).

12. Copies of any and all statements and other documents obtained by any person or entity which concern or relate to plaintiff(s) complaint or any defendant(s) answers, separate defense(s), or counterclaim.

13. Any and all documents which were filled out by or on behalf of plaintiff at the request of defendant's expert, or his/her agents or employees.

14. Any and all documents considered by defendant's expert in preparing his/her report or conducting an examination or evaluation.

15. Any and all police reports concerning any assault or attack involving any defendant that occurred within two year (before and after) of the date of the incident(s) complained of in plaintiff's complaint.

16. Any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations, standards or other documents referred to and utilized by or relied upon by any expert witness whom the party responding to this document demand intends to call at trial.

17. Any and all treatises, textbooks, articles, papers, writings, commentaries, and documents which you, your counsel, and/or your experts intend to rely upon, utilize and/or offer into substantive evidence or to substantiate any opinions, testimony or conclusions asserted by your experts.

18. Any and all treatises, textbooks, articles, papers, writings, commentaries, and documents which you, your counsel, and/or your experts intend to rely upon to rebut, examine and/or cross-examine any witness, including expert witnesses, in this matter, including but not limited to the exact page upon which you, your attorney and/or your expert intend to rely, as well as the exact title, name, author, publisher, date of publication, and edition.

19. Any and all transcripts of sworn testimony (including but not limited to depositions and testimony before any tribunal and/or court) given by an expert who may testify in this matter.

20. Any and all documents concerning any and all claims for bodily injury to plaintiff that are in the possession, custody, or control of defendant or defendant's attorney.

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21. Any and all documents you have concerning any claim for bodily injuries made by plaintiff(s) other than the incident concerning this lawsuit.

22. Copies of any and all statements that will be used at trial, or will be used to cross-examine or impeach any witness.

23. Any and all surveillance videos, reports, notes, memoranda, or other documents respecting plaintiff.

24. Any and all hospital records and reports of doctors and medical records of any doctors who treated defendant for injuries sustained in the incident which forms the basis of this suit. Any and all records, memoranda, forms, documents, and notices relating to claims, notices, or suits that have alleged the same or similar condition(s) as alleged by plaintiff to have caused plaintiff's injury. Your response to this request should include names and addresses of all claimants, their attorneys, insurance companies, claim numbers, defense attorneys, plaintiff and defendant liability expert reports, photographs portraying the site of attack/incident, interrogatories by all parties, demands for admission by all parties, and depositions of all deponents. (If your response to this request would entail voluminous copying, you are requested to contact this office so that reasonable copying and postage expenses may be agreed upon.)

25. If plaintiff's incident relates to premises owned, leased or managed by any of the parties to this litigation, then please supply a copy of the deed indicating ownership on the date of the incident and any leases in effect on the date of plaintiff's incident.

26. Provide a copy of any and all contracts between defendant and any security company or other independent contractor whose negligent performance of his/her duties may have been the cause of plaintiff's incident.

27. If defendant received any violation notices pertaining to the premises from any governmental entity within a two-year period prior to and six month period after the subject incident, then kindly provide copies of all such notices.

28. If the condition of which plaintiff complained was repaired, removed and/or corrected subsequent to plaintiff's incident, then provide copies of all bills, contracts and other writings related to such repair, removal or correction.

29. Any and all security and safety protocols in place at the subject location for the years 2015 through the present.

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No. 8467 P. 28/28

Civil Case Information Statement

Case Details: MORRIS | CIVI Part Docket# L-002134-20

Case Caption: GIGGARELLI JOSEPH VS 7-ELEVEN, INC.

Case Initiation Date: 10/21/2020

Attorney Name: DAMON ANTHONY VESPI

Firm Name: THE VESPI LAW FIRM

Address: 147 UNION BLVD

TOTOWA, NJ 07012

Phone: 9733331000

Name of Party: PLAINTIFF: GIGGARELLI, JOSEPH

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: JOSEPH GIGGARELLI? NO

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

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 19? 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 1:33-7(b)

10/21/2020

Dated

/s/ DAMON ANTHONY VESPI

Signed

Received

OCT - 27 2020

Morristown Administration

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No. 8467 P. 2/28

THE VESPI LAW FIRM, LLC
Domen A. Vespi - 025931993
547 Union Boulevard, Second Floor
Totowa, New Jersey 07512
TEL: 973-633-1000
Attorneys for Plaintiff
JOSEPH CICCARELLI,

Plaintiff(s),

vs.

7-ELBVEN, INC.;
7-ELBVEN at 50 MORRIS STREET,
MORRISTOWN, NEW JERSEY; MORRISTOWN
SHOPPING CENTER, LLC; ABC CORPS. I-10,
FRANCHISE OWNER I-10, SECURITY
COMPANY I-10 and JOHNDANE DOBS I-10
(last four names being fictitious and presently
unknown),
Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO.: MRS-L-2134-20

Civil Action.

SUMMONS

From THE STATE OF NEW JERSEY to the following defendant:

MORRISTOWN, NEW JERSEY

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 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 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 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 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 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 any attorney, you may call the Legal Services office in the county where you live. 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 list of these numbers is also provided.

Date: October 22, 2020

Michelle M. Smith
MICHELLE M. SMITH
Clerk of the Superior Court

Name of Defendant to be Served:
Address of Defendant to be Served:

MORRISTOWN, NEW JERSEY
200 South Street
Morristown, NJ 07960

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No. 8467 P. 3/28

ATLANTIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division, Civil Filing
1201 Boardwalk Blvd., First Fl.
Atlantic City, NJ 08401

LAWYER REFERRAL
(609) 343-3444
LEGAL SERVICES
(609) 342-4200

BIRMGHAM COUNTY:
Deputy Clerk of the Superior Court
Case Processing Section, Room 115
Justice Center, 10 Main St.
Hackensack, NJ 07601-4719

LAWYER REFERRAL
(201) 438-0044
LEGAL SERVICES
(201) 437-2166

BURLINGTON COUNTY:
Deputy Clerk of the Superior Court
Central Processing Office
Attor. Judicial Intake
First Fl., Court Facility
45 Hudson Rd.
Mt. Holly, NJ 08060

LAWYER REFERRAL
(609) 261-4952
LEGAL SERVICES
(609) 261-1026

CAMDEN COUNTY:
Deputy Clerk of the Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

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

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
5 N. Main Street
Box DN209
Cape May Court House, NJ 08210

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

CUMBERLAND COUNTY:
Deputy Clerk of the Superior Court
Civil Case Management Office
Broad & Fayette St., P.O. Box 615
Bridgeport, NJ 08302

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

ESSEX COUNTY:
Deputy Clerk of the Superior Court
90 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 632-6207
LEGAL SERVICES
(973) 634-4500

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

LAWYER REFERRAL
(856) 848-4589
LEGAL SERVICES
(856) 848-5385

HUDSON COUNTY:
Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brimm Court House - 1st Floor
583 Newark Ave. Jersey City, NJ 07310

LAWYER REFERRAL
(201) 752-2727
LEGAL SERVICES
(201) 752-6363

HUNTERDON COUNTY:
Deputy Clerk of the Superior Court
Civil Division
65 Park Avenue
Basking Ridge, NJ 08822

LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 742-7973

MERCER COUNTY:
Deputy Clerk of the Superior Court
Local Filing Office, Court House
175 S. Broad Street, P.O. Box 8061
Trenton, NJ 08650

LAWYER REFERRAL
(609) 545-6227
LEGAL SERVICES
(609) 695-6247

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No. 8467 P. 4/28

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Oct. 22. 2020 12:14PM

MIDDLESEX COUNTY:
Deputy Clerk of the Superior Court
Administration Building Third Floor
1 Kennedy St., P.O. Box 2533
New Brunswick, NJ 08903-2533

LAWYER REFERRAL
(732) 838-9353
LEGAL SERVICES
(732) 249-7300

MONMOUTH COUNTY:
Deputy Clerk of the Superior Court
Court House
711 Monument Park, P.O. Box 1264
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 411-5504
LEGAL SERVICES
(732) 866-0020

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

LAWYER REFERRAL
(973) 267-5882
LEGAL SERVICES
(973) 245-6911

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

PASSAIC COUNTY:
Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07655

LAWYER REFERRAL
(973) 218-9223
LEGAL SERVICES
(973) 345-7171

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

LAWYER REFERRAL
(856) 595-3622
LEGAL SERVICES
(856) 451-0003

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

LAWYER REFERRAL
(908) 445-2313
LEGAL SERVICES
(908) 231-0843

SUSSEX COUNTY:
Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07850

LAWYER REFERRAL
(973) 267-5832
LEGAL SERVICES
(973) 381-7400

UNION COUNTY:
Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073

LAWYER REFERRAL
(908) 351-4715
LEGAL SERVICES
(908) 354-4340

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

LAWYER REFERRAL
(908) 267-5832
LEGAL SERVICES
(908) 475-2010

Oct 22 2020 01:41pm No. 8467 P. 5/28

Received: Oct. 22. 2020 12:15PM

THE VESPI LAW FIRM, LLC
Damon A. Vespi - 025991998
547 Union Boulevard, Second Floor
Totowa, New Jersey 07512
TEL: 973-633-1000
Attorneys for Plaintiff
JOSEPH CICCARELLI,

Plaintiff(s),

vs.

7-ELEVEN, INC.;
7-ELEVEN at 50 MORRIS STREET,
MORRISTOWN, NEW JERSEY;
MORRISTOWN SHOPPING CENTER,
LLC; ABC CORPS. 1-10, FRANCHISE
OWNER 1-10, SECURITY COMPANY
1-10 and JOHN/JANE DOES 1-10 (last
four names being fictitious and presently
unknown),

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.:

Civil Action

**COMPLAINT, JURY DEMAND, DEMAND
FOR ANSWERS TO UNIFORM AND
SUPPLEMENTAL INTERROGATORIES,
DEMAND FOR PRODUCTION OF
DOCUMENTS, AND DEMAND FOR
DISCOVERY OF INSURANCE
COVERAGE**

Plaintiff, JOSEPH CICCARELLI, by way of Complaint and jury demand, say as follows:

JURISDICTION

1. Defendant, 7-ELEVEN, INC, was and is a corporation, business organization or other business entity authorized to do business and/or was doing business in the County of Essex, State of New Jersey, and who marketed and sold its product in the County of Essex and State of New Jersey.

FACTS APPLICABLE TO ALL COUNTS

2. Plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as defendant, 7-ELEVEN, INC.,

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and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC., on the date of the subject attack.

3. Glenroy D. Lewis and Teresa A. Towns, were patrons on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as defendant, 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC., on the date of the subject attack.

4. Defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., ABC CORPS. 1-10, FRANCHISE OWNER 1-10, and JOHN/JANE DOES 1-10, owned, managed, operated, maintained, and/or otherwise controlled, as owner, franchisee, landlord, lessee and/or lessor, a commercial business establishment located at 50 Morris Street, Morristown, New Jersey, commonly known as 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC.

5. Defendants, SECURITY COMPANY 1-10 and/or JOHN/JANE DOES 1-10 and/or ABC CORPS. 1-10, were doing business in the State of New Jersey and/or were the individuals or entities hired, retained, and/or obligated to provide and maintain safety and security services at the commercial property commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC.

6. Upon information and belief, these entities were contracted by defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., ABC CORPS. 1-10, FRANCHISE OWNER 1-10 and/or JOHN/JANE DOES 1-10.

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7. Defendants, ABC CORPS. 1-10, (names being fictitious and presently unknown), are named as Defendant(s) herein and intended to represent any company(ies), partnership(s), corporation(s), or other business entity(ies), whose identity is presently unknown, who may have caused or contributed to the negligence causing these attacks, or that may be otherwise liable for payment of damages for the negligence and/or recklessness of others.

8. Defendants, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (names being fictitious and presently unknown), are named as Defendant(s) herein and intended to represent any individual(s), whose identity is presently unknown who may have caused or contributed to the negligence causing these attacks, or that may be otherwise liable for payment of damages for the negligence and/or recklessness of others.

FIRST COUNT

9. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction and Facts Applicable To All Counts Sections of this Complaint as if set forth at length herein.

10. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at or near 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC. and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by Glenroy D. Lewis and Teresa A. Towns.

11. At the above time and place, Defendants were the owners, operators, maintainers, managers, superintendents, as well as the agents, servants and employees of the commercial establishment located at or near 50 Morris Street, Morristown, New Jersey, more commonly

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known as 7-ELEVEN, INC., and/or 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, and/or MORRISTOWN SHOPPING CENTER, LLC.

12. The premises in question was negligently owned, operated, maintained, managed and secured by the Defendants.

13. As a result of Defendants' negligence, recklessness, and/or intentional conduct, plaintiff, JOSEPH CICCARELLI, was struck and physically assaulted by Glenroy D. Lewis and Teresa A. Towns, causing Plaintiff permanent injury as well as permanent pain, suffering and disability.

14. Defendants were negligent, reckless, and palpably unreasonable in failing to maintain a safe premises for its patrons, failing to prevent an assault, failing to exercise reasonable care, failing to provide sufficient and adequate security, in allowing or creating a potentially dangerous or dangerous condition on the property, in failing to monitor or supervise the premises, in failing to prevent its invitees from harming other invitees, and in failing to take preventative action.

15. At the aforesaid time and place, the Defendants owed a duty to Plaintiff and persons such as Plaintiff to keep its premises in a safe and proper condition, and free and clear of hazardous and dangerous conditions which would endanger the safety of Plaintiff or persons such as Plaintiff.

16. The existence of the above-mentioned conditions, actions and inactions on the premises, created a substantial risk of injury when the property was used with due care and in a manner in which it is foreseeable that it will be used.

17. The dangerous condition of the subject property created a foreseeable risk of the kind of injury that the Plaintiff suffered.

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18. The Defendants above disregarded and breached their duty aforesaid and negligently, carelessly and with palpably unreasonable disregard allowed the premises to be improperly and dangerously maintained, secured, operated, and/or managed, and to remain in an unsafe, dangerous and unreasonable condition by allowing said hazardous and unreasonable conditions to exist on said premises for months, all of which the Defendants had due notice of or by reasonable inspection would have discovered or because the dangerous condition existed for such a long period of time and was of so obvious a nature that the Defendants, exercising due care, should have discovered the dangerous condition and its dangerous character.

19. Due to the length of time the dangerous condition was there and the obviousness of the condition, an employee, agent or servant, performing his job with reasonable care should have discovered the dangerous condition and its dangerous character, the Defendants had constructive notice of such dangerous condition that caused the Plaintiff's injuries.

20. The Defendants' failure to respond to the dangerous condition by either correcting, repairing, remedying, safeguarding or warning of it, was palpably unreasonable, plainly and obviously without reason or a reasonable basis, capricious arbitrary and outrageous.

21. As a direct and proximate cause of the aforesaid dangerous condition and carelessness, negligence and palpably unreasonable conduct of the Defendants, the Plaintiff suffered severe and permanent injuries; was disabled and disfigured, has suffered and will continue to suffer great pain and torment, both mental and physical.

22. As a direct and proximate cause of the aforesaid dangerous and unsafe condition and carelessness, negligence and palpably unreasonable conduct of the Defendants and the injuries caused thereby to the Plaintiff, the Plaintiff has been and will be in the future compelled to spend great and diverse sums of money for medical aid and treatment, and has been and will be prevented from attending to his usual occupation, duties, activities and business.

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23. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS AND TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

SECOND COUNT

24. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts and the First Count of this Complaint as if set forth at length herein.

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25. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendants, GLENROY D. LEWIS and TERESA A. TOWNS.

26. At all times mentioned, defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC, ABC CORPS. 1-10 and/or FRANCHISE OWNER 1-10, did own, lease, maintain, manage, operate and have charge and control of property known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY and/or MORRISTOWN SHOPPING CENTER, LLC., located at 50 Morris Street, Morristown, New Jersey.

27. At all times mentioned, Defendants and each of them, had a duty of care to hire, train, control and oversee employees and contractors of Defendants.

28. At all times mentioned, Defendants had a duty of care to provide professional and competent employees and contractors for its property, including defendants, ABC CORPS. 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 11-20.

29. On October 27, 2019, Defendants were negligent and careless in retaining, hiring and providing professional and competent employees at its property, breaching its duties to Plaintiff.

30. Defendants permitted, encouraged, tolerated and ratified practices of such unjustified, unreasonable, unwarranted and illegal use of force by its patrons, namely defendant, GLENROY D. LEWIS and TERESA A. TOWNS, in that it failed to properly screen, hire, train and supervise its employees, managers and security personnel.

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31. Defendants failed to promulgate and/or enforce and regulations for proper procedures.

32. Defendants' duties, obligations and responsibilities to Plaintiff were non-delegable.

33. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

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THIRD COUNT

34. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First and Second Counts of this Complaint as if set forth at length herein.

35. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendants, GLENROY D. LEWIS and TERESA A. TOWNS.

36. Defendants had the care and duty to provide management and security duties at the premises.

37. On October 27, 2019, Defendants were negligent and careless in retaining, hiring, and providing professional and competent employees and, management and security personnel at its property.

38. Defendants, permitted, encouraged, tolerated and ratified practices of such unjustified, unreasonable and illegal use of force by its patrons in that it failed to properly screen, hire, train and supervise its employees and, management and security personnel.

39. Defendants failed to promulgate and/or enforce rules and regulations for proper screening procedures.

40. Defendants were otherwise negligent, resulting in serious personal injuries to the Plaintiff.

41. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET,

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MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

FOURTH COUNT

42. Plaintiff JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First, Second and Third Counts of this Complaint as if set forth at length herein.

43. On October 27, 2019, plaintiff, JOSEPH CICCARELLI, was lawfully on the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY,

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MORRISTOWN SHOPPING CENTER, LLC., when suddenly and unexpectedly, he was physically attacked and assaulted by defendant, GLENROY D. LEWIS and TERESA A. TOWNS.

44. Defendants engaged the services of co-defendants to provide security and safety at the premises located at 50 Morris Street, Morristown, New Jersey, more commonly known as 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., including to provide security and safety to plaintiff, JOSEPH CICCARELLI.

45. The aforementioned conduct that was committed by Defendants was committed in the scope of their employment and engagement and is of the kind that Defendants and all other employees were engaged and employed to perform.

46. Defendants had a duty to provide competent and adequate security and failed to exercise such care by training and hiring individuals and entities that were not competent or adequate.

47. Defendants caused injuries, damages and losses to the Plaintiff by virtue of their negligent training, hiring and security; and Plaintiff is entitled to recover against DEFENDANTS for the injuries, damages and losses caused by the conduct as set forth herein.

48. As a direct and proximate result of the aforementioned negligence, carelessness and recklessness of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was

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rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

FIFTH COUNT

49. Plaintiff, JOSEPH CICCARELLI, repeats, reiterates and realleges the allegations contained in the Jurisdiction, Facts Applicable To All Counts, the First, Second, Third and Fourth Counts of this Complaint as if set forth at length herein.

50. As a direct and proximate result of the negligence of the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOES 1-10, the plaintiff, JOSEPH CICCARELLI, was caused to sustain and did sustain serious and permanent personal injuries requiring the care and treatment of physicians, hospitalization, medication and surgical intervention and has been and will in the future continue to be hampered in his daily routine due to the permanent nature of his injuries.

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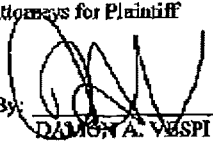
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51. As a direct and proximate result of the negligence of the Defendants, the plaintiff, JOSEPH CICCARELLI, has been forced to incur medical expenses, including but not limited to liens, deductibles and out-of-pocket expenses, which were usual, reasonable, customary, necessary, and causally related to the subject attack.

52. As a result of these actions, the plaintiff, JOSEPH CICCARELLI, sustained severe and painful injuries and was wounded about his body and limbs, both externally and internally, and was rendered disabled and disordered, and was compelled to endure great pain, suffering mental anguish, and was otherwise grievously, painfully and severely injured, some of which injuries he is informed and believes to be permanent in nature and was unable and will be unable to attend his regular duties and functions, thereby suffering loss and has expended considerable sums of money for medical, hospital and psychological care and attention.

WHEREFORE, the plaintiff, JOSEPH CICCARELLI, demands judgment against the defendants, 7-ELEVEN, INC., 7-ELEVEN AT 50 MORRIS STREET, MORRISTOWN, NEW JERSEY, MORRISTOWN SHOPPING CENTER, LLC., GLENROY D. LEWIS, TERESA A. TOWNS, ABC CORPS. 1-10, FRANCHISE OWNER 1-10, SECURITY COMPANY 1-10 and JOHN/JANE DOBS 1-10 (last four names being fictitious and presently unknown), individually, jointly and severally or in the alternative, for damages, interest, costs of suit and other such relief the Court may deem just and equitable.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMON A. VESPI

Dated: October 20, 2020

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No. 8467 P. 18/28

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:23, please be advised that Damon A. Vespi is hereby designated trial counsel with respect to the within matter.

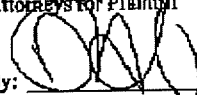
NOTICE OF INTENT TO USE TIME UNIT MEASURE OF DAMAGES AT TRIAL

Plaintiff hereby places all parties on notice of its intention to use the Time Unit Measure of Damages at Trial.

JURY DEMAND

Pursuant to R. 4:35-1, Plaintiff(s) demand a trial by jury as to all issues so triable.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMON A. VESPI

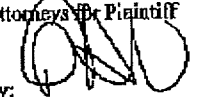
Dated: October 20, 2020

CERTIFICATION

In accordance with R. 4:5-1(b)(2), I hereby certify that the matter in controversy is not the subject of another action either pending in any Court or in an arbitration proceeding. Nor are any other actions or arbitration proceedings is contemplated. To the best of my knowledge, there are no other parties who should be joined as parties in this action.

Further, in accordance with R. 4:5-1(b)(3), I hereby 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 R. 1:38-7(b).

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 

DAMON A. VESPI

Dated: October 20, 2020

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No. 8467 P. 19/28

**DEMAND FOR ANSWERS TO UNIFORM AND SUPPLEMENTAL
INTERROGATORIES**

PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(1)(2), Plaintiff JOSEPH CICCARELLI, hereby demands answers to Uniform Interrogatories Form C and Form C(2) within sixty (60) days of the filing of Defendants' Answer to this Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 4:17-1(b)(1)(1) and Rule 4:17-2, Plaintiff(s) hereby demands answers to the attached Supplemental Interrogatories within sixty (60) days of the filing of Defendants' Answer to this Complaint. Exhibit 1.

REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff hereby demands that the Defendant produce the documents requesting in Exhibit 2 within the time period allowed by the Rules of Court.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 
DAMON A. VESPI

Dated: October 20, 2020

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Oct. 22. 2020 12:26PM

**DEMAND FOR ANSWERS TO UNIFORM AND SUPPLEMENTAL
INTERROGATORIES**

PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff, JOSEPH CICCARELLI, hereby demands answers to Uniform Interrogatories Form C and Form C(2) within sixty (60) days of the filing of Defendants' Answer to this Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 4:17-1(b)(i)(1) and Rule 4:17-2, Plaintiff(s) hereby demands answers to the attached Supplemental Interrogatories within sixty (60) days of the filing of Defendants' Answer to this Complaint. Exhibit 1.

REQUEST FOR PRODUCTION OF DOCUMENTS

Plaintiff hereby demands that the Defendant produce the documents requesting in Exhibit 2 within the time period allowed by the Rules of Court.

THE VESPI LAW FIRM, LLC
Attorneys for Plaintiff

By: 
DAMON A. VESPI

Dated: October 20, 2020

Oct 22 2020 01:52pm
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EXHIBIT 1

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**SUPPLEMENTAL INTERROGATORIES TO DEFENDANTS PERMITTED
PURSUANT TO RULE 4:17-1(b)(1)**

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

S3. If this Defendant did not own or occupy the premises where Plaintiff's attack occurred as of the date of the Plaintiff's attack, please state the name and address of the person, firm and/or corporation who did own and/or occupy the premises where Plaintiff's attack occurred as of the date of Plaintiff's attack.

S4. State whether this Defendant conducted any business on the premises where Plaintiff's attack occurred as of the date of Plaintiff's attack, and if so, set forth in detail and with particularity and specificity the nature of the business conducted.

S5. State the date you first owned or occupied the premises.

S6. Enumerate specifically all of the things you contend the party serving these interrogatories did which should not have been done.

S7. Enumerate specifically all of the things you contend the party serving these interrogatories did not which should have been done.

S8. If Defendants contend that Plaintiffs sustained physical injuries at any time prior or subsequent to the subject attack, please state: a) the date of any and all said injuries; b) the nature of any said injuries.

S9. State whether there were any other complaints about the safety and/or security on the premises in the last five years.

Yes () or No ().

If the answer is "yes", state as to each incident:

- a. the full name, present or last known address and telephone number of the person making it;
- b. the date made;
- c. location of the condition complained of;
- d. the nature of the condition alleged;

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- e. whether the condition was repaired/rectified;
- f. who repaired/rectified the condition;
- g. attach copies of all repair estimates, invoices and receipts;
- h. whether the condition was investigated;
- i. if so, the full name, present and last known address and telephone number of said person(s);
- j. whether a report was prepared with regard to said investigation;
- k. the purpose of each report, including, but not limited to, investigation or attack reports;
- l. the field of expertise and relationship to you of the person making it;
- m. whether or not it was made in a regular course of business;
- n. the findings;
- o. whether it was written or oral, and
- p. if written, attach a copy hereto, and if oral, set forth the substance thereof.

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DEMAND FOR DISCOVERY OF INSURANCE INFORMATION

Pursuant to New Jersey Court Rule 4:10-2(b), Demand is made that Defendant disclose to Plaintiff whether or not there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or indemnify or reimburse for payments made to satisfy the judgment and provide Plaintiff with true copies of those insurance agreements or policies, including but not limited to, any and all declaration sheets. This demand shall include and cover not only primary coverage but also any and all EPLI, excess, and umbrella policies.

If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception and expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) property damage limits (g) medical payment limits (h) name and address of person who has custody and possession thereof (i) where and when each policy or agreement can be inspected and copied.

Are any of the named Defendants self-insured? YES () NO ()

THE VESPILAW FIRM, LLC
Attorneys for Plaintiffs

By: 
DAMON A. VESPI

Dated: September 11, 2020

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DEMAND FOR PRODUCTION OF DOCUMENTS TO BROKERS NETWORK, INC.

PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, you are hereby required to provide originals or certified copies of the following documents, records and data, as set forth herein, pursuant to R. 4:18-1, and to permit the undersigned attorneys, or their representatives, to inspect and copy same at The Vespi Law Firm, LLC located at 547 Union Boulevard, Second Floor, Totowa, New Jersey.

PLEASE TAKE FURTHER NOTICE that the term "document" as used herein shall include any written, recorded or graphic matter, or any tangible thing pertaining to the subject matter of the request, including photographs, regardless of the manner in which it was produced or recorded, whether originated or received by any and all parties (including documents originated from any party to the subject litigation). If any document was, but is no longer, in your possession, set forth a summary of its contents and state what disposition was made of it, the date of disposition, and whether a copy thereof reposes in the possession or custody of any other person, firm or corporation and if so, please indicate the name and present address of same.

PLEASE TAKE FURTHER NOTICE that each request for a document shall be deemed to call for the production of the original document to the extent that it is in or subject, directly or indirectly, to your control. In addition, each request should be construed as including all copies and all preliminary drafts of documents, including negatives of photographs, which, as to content, differ in any respect from the original or final draft, or from each other (e.g.) by reason of hand written notes or comments having been added to one copy of the document but not to the original of the copies thereof.

PLEASE TAKE FURTHER NOTICE that you are required to make your written response to the foregoing request in accordance with R. 4:18-1(b) and to serve same upon the

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undersigned not later than thirty (30) days after the service of this request.

Please produce on the date, time and place set forth above, the following:

1. Copies of any photographs, videotapes or other reproduction which you have in your possession, custody, or control which relate, in any manner, to the incident, or to the injuries which plaintiff(s) claim to have been sustained as a result of this incident/attack.
2. Any written statements which you, or your counsel, have in your possession, custody, or control in regard to this incident/attack.
3. A copy of all medical records regarding any treatment or consultation sought, or received, by plaintiff(s) as a result of this incident/attack.
4. Any documents which you claim (a) supports the separate defenses set forth in your responsive pleading to plaintiff's complaint and your answers to interrogatories or (b) rebuts the allegations set forth in plaintiff(s) complaint or his/her answers to interrogatories.
5. Any and all documentation regarding any compensation or reimbursement which you claim plaintiff received, or requested, as a result of this attack/incident.
6. A copy of, or a description by category or location of, all documents, dates of compilations, and tangible things in the possession, custody or control of defendants that relate to the disputed facts alleged with particularity in the pleadings.
7. A copy of all written reports prepared and signed by any person who may be used at trial under Evidence Rules 702, 703 or 705.
8. Copies of all notes, records, and reports of all doctors, psychiatrists, nurses, psychiatrists, psychologists, neuropsychologist, neurologist, or any other healthcare professional retained by defendants for purposes of performing an examination and evaluation on the plaintiffs.
9. Any written statement which you or your counsel have in your possession regarding any of the facts set forth in any party's answer to interrogatories, initial pleading, or responsive pleading, or with respect to any damages.
10. Any and all insurance agreements or policies under which any person or firm carrying an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy judgment pursuant to R 4:10-2(b). Terms of the policy are also requested.

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11. Copies of any and all documents, not otherwise set forth, which were sent to or received from the plaintiff(s).

12. Copies of any and all statements and other documents obtained by any person or entity which concern or relate to plaintiff(s) complaint or any defendant(s) answers, separate defense(s), or counterclaim.

13. Any and all documents which were filled out by or on behalf of plaintiff at the request of defendant's expert, or his/her agents or employees.

14. Any and all documents considered by defendant's expert in preparing his/her report or conducting an examination or evaluation.

15. Any and all police reports concerning any assault or attack involving any defendant that occurred within two year (before and after) of the date of the incident(s) complained of in plaintiff's complaint.

16. Any and all books, treatises, commentaries, reports, statutes, codes, ordinances, rules, regulations, standards or other documents referred to and utilized by or relied upon by any expert witness whom the party responding to this document demand intends to call at trial.

17. Any and all treatises, textbooks, articles, papers, writings, commentaries, and documents which you, your counsel, and/or your experts intend to rely upon, utilize and/or offer into substantive evidence or to substantiate any opinions, testimony or conclusions asserted by your experts.

18. Any and all treatises, textbooks, articles, papers, writings, commentaries, and documents which you, your counsel, and/or your experts intend to rely upon to rebut, examine and/or cross-examine any witness, including expert witnesses, in this matter, including but not limited to the exact page upon which you, your attorney and/or your expert intend to rely, as well as the exact title, name, author, publisher, date of publication, and edition.

19. Any and all transcripts of sworn testimony (including but not limited to depositions and testimony before any tribunal and/or court) given by an expert who may testify in this matter.

20. Any and all documents concerning any and all claims for bodily injury to plaintiff that are in the possession, custody, or control of defendant or defendant's attorney.

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21. Any and all documents you have concerning any claim for bodily injuries made by plaintiff(s) other than the incident concerning this lawsuit.

22. Copies of any and all statements that will be used at trial, or will be used to cross-examine or impeach any witness.

23. Any and all surveillance videos, reports, notes, memoranda, or other documents respecting plaintiff.

24. Any and all hospital records and reports of doctors and medical records of any doctors who treated defendant for injuries sustained in the incident which forms the basis of this suit. Any and all records, memoranda, forms, documents, and notices relating to claims, notices, or suits that have alleged the same or similar condition(s) as alleged by plaintiff to have caused plaintiff's injury. Your response to this request should include names and addresses of all claimants, their attorneys, insurance companies, claim numbers, defense attorneys, plaintiff and defendant liability expert reports, photographs portraying the site of attack/incident, interrogatories by all parties, demands for admission by all parties, and depositions of all deponents. (If your response to this request would entail voluminous copying, you are requested to contact this office so that reasonable copying and postage expenses may be agreed upon.)

25. If plaintiff's incident relates to premises owned, leased or managed by any of the parties to this litigation, then please supply a copy of the deed indicating ownership on the date of the incident and any leases in effect on the date of plaintiff's incident.

26. Provide a copy of any and all contracts between defendant and any security company or other independent contractor whose negligent performance of his/her duties may have been the cause of plaintiff's incident.

27. If defendant received any violation notices pertaining to the premises from any governmental entity within a two-year period prior to and six month period after the subject incident, then kindly provide copies of all such notices.

28. If the condition of which plaintiff complained was repaired, removed and/or corrected subsequent to plaintiff's incident, then provide copies of all bills, contracts and other writings related to such repair, removal or correction.

29. Any and all security and safety protocols in place at the subject location for the years 2015 through the present.

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Civil Case Information Statement

Case Details: MORRIS | CIVIL Part Docket# L-002134-20

Case Caption: GISCARELLI JOSEPH VS 7-ELEVEN, INC.

Case Initiation Date: 10/21/2020

Attorney Name: DAYMON ANTHONY VESPI

Firm Name: THE VESPI LAW FIRM

Address: 547 UNION BLVD

TOTOWA NJ 07612

Phone: 9733331030

Name of Party: PLAINTIFF: GISCARELLI, JOSEPH

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: JOSEPH GISCARELLI? NO

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

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 1:33-7(p)

10/21/2020

Dated

/s/ DAYMON ANTHONY VESPI

Signed

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