

RECEIVED
4-8-19

Douglas E. Schwartz (002351984)
Foster & Mazzie, LLC
10 Furler Street
Totowa, NJ 07512
Phone 973-785-4000 Fax 973-785-9220
Attorney for Plaintiff

ANNIE RUSSELL,

Plaintiff,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.: MRS-L- 628-19

: Civil Action

FIRST ROC JERSEY ASSOCIATES, : **SUMMONS**

2nd ROC JERSEY ASSOCIATES;

3rd ROC JERSEY ASSOCIATES; :

4th ROC JERSEY ASSOCIATES;

5th ROC JERSEY ASSOCIATES; :

6th ROC JERSEY ASSOCIATES;

HEADQUARTERS PLAZA COMPLEX :

CITY OF MORRISTOWN, JOHN

DOE (1-10) (fictitious names pursuant :

to R. 4:26-4) and/or ABC-XYZ CORP.

1-10), (fictitious name pursuant to :

R.4:26-4)

:

Defendants :

From The State of New Jersey, To The Defendant(s) Named Above:

CITY OF MORRISTOWN

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (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 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 \$110.00 for Law Division and \$105.00 for Chancery Division and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: 4/1/2019


Michelle M. Smith
Clerk of the Superior Court

Name of Defendant to be Served:

CITY OF MORRISTOWN

Address of the Defendant to be Served:

200 SOUTH STREET
MORRISTOWN, NJ 07960

ATLANTIC COUNTY:

Lori Mooney, Clerk
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

CUMBERLAND COUNTY:

Theresa L. Van Sant, Clerk
Court House, Direct Filing
Broad & Fayette Sts.
Bridgeton, NJ 08302
(609) 692-6207
LEGAL SERVICES
(609) 825-6090

MERCER COUNTY:

Albert E. Driver, Jr., Clerk
P.O. Box 8068
209 South Broad St.
Trenton, NJ 08650
(609) 890-6200
LEGAL SERVICES
(609) 695-6249

SALEM COUNTY:

John W. Cawman, Clerk
92 Market St., P.O. Box
18
Salem, NJ 08079
LEGAL SERVICES
(609) 451-0003

BERGEN COUNTY:

Kathleen A. Donovan, Clerk
119 Justice Center
10 Main St.
Hackensack, NJ 07601-7698
LAWYER REFERRAL
LEGAL SERVICES
(201) 487-2166

ESSEX COUNTY:

Patricia McGarry Drake, Clerk
247 Hall of Records
465 Dr. Martin Luther King, Jr.
Blvd.
Newark, NJ 07102
LEGAL SERVICES
(201) 624-4500

MIDDLESEX COUNTY:

Herbert P. Lashomb, Clerk
Court House, East Wing
Lobby Floor
I Kennedy Sq., P.O. Box 2633
New Brunswick, NJ 08903-2633
(908) 828-0053
LEGAL SERVICES
(908) 249-7600

SOMERSET COUNTY:

R. Peter Widin, Clerk
Civil/General Equity
New Court House, 3rd Fl.
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL
LEGAL SERVICES
(908) 231-0840

BURLINGTON COUNTY:

Edward A. Kelly, Jr., Clerk
First Fl. Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060
LAWYER REFERRAL
LEGAL SERVICES
(609) 261-1088

GLOUCESTER COUNTY:

Joseph H. Hoffman, Clerk
First Fl., Court House
1 North Broad Street., P.O. Box
129
Woodbury, NJ 08096
LEGAL SERVICES
(609) 848-5360

MONMOUTH COUNTY:

Jane Clayton, Clerk
P.O. Box 1252
Court House, West Wing
Freehold, NJ 07728-1252
(908) 431-5544
LEGAL SERVICES
(908) 747-7400

SUSSEX COUNTY:

Helen C. Ackerman,
Clerk
Superior Court, Law
Division
49 High Street
LEGAL SERVICES
(201) 383-7400

CAMDEN COUNTY:

Michael S. Keating, Clerk
1st Fl., Hall of Justice
101 S. Fifth Street
Camden, NJ 08103
LAWYER REFERRAL
LEGAL SERVICES
(609) 964-2010

HUDSON COUNTY:

Frank E. Rodgers, Clerk
Superior Court, Civil Records
Dept.
Brennan Court House
583 Newark Ave.,
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

MORRIS COUNTY:

Alfonse W. Scerbo, Clerk
P. O. Box 900
30 Schuyler Pl.
Morristown, NJ 07960
(201) 267-5882
LEGAL SERVICES
(201) 285-6911

UNION COUNTY:

Walter G. Halpin, Clerk
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207
LAWYER REFERRAL
LEGAL SERVICES
(908) 354-4340

CAPE MAY COUNTY:

Angela F. Pulvino, Clerk
(Law Division Filings)
7 N. Main St. -Box 203
Cape May Court House, NJ
08210-3096
or
(General Equity Filings)
Box DN-209A
Cape May Court House, NJ
08210-3096
LAWYER REFERRAL
(609) 463-0313 LEGAL SERVICES (609) 465-3001

HUNTERDON COUNTY:

Dorothy K. Tirpok, Clerk
Hall of Records
71 Main Street
Remington, NJ 08822
LAWYER REFERRAL
(609) 788-6112
LEGAL SERVICES
(609) 782-7979

OCEAN COUNTY:

M. Dean Haines, Clerk
119 Court House
CN-2191
Toms River, NJ 08754
LAWYER REFERRAL
(908) 240-3666
LEGAL SERVICES
(908) 341-2727

WARREN COUNTY:

Terrance D. Lee, Clerk
Court House, Room 118
2nd and Hardwick
Belvidere, NJ 07823
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(908) 475-2010

PASSAIC COUNTY:

William L. Kattak, Clerk Court House
77 Hamilton St
Paterson, NJ 07505
LAWYER REFERRAL
(201) 278-9223
LEGAL SERVICES (201) 345-7171

Douglas E. Schwartz (002351984)
Foster & Mazzie, LLC
10 Furler Street
Totowa, NJ 07512
Phone 973-785-4000 Fax 973-785-9220
Attorney for Plaintiff

ANNIE RUSSELL,

Plaintiff,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY

DOCKET NO.: *MRS-L-628-19.*
: Civil Action

FIRST ROC JERSEY ASSOCIATES,	:	COMPLAINT, JURY DEMAND,
2 nd ROC JERSEY ASSOCIATES;	:	DEMAND FOR FORM C, C2 AND
3 rd ROC JERSEY ASSOCIATES;	:	DESIGNATION OF TRIAL COUNSEL,
4 th ROC JERSEY ASSOCIATES;	:	REQUEST FOR FORM C & C2
5 th ROC JERSEY ASSOCIATES;	:	INTERROGATORY ANSWERS; NOTICE
6 th ROC JERSEY ASSOICATES;	:	TO PRODUCE; DEMAND FOR
HEADQUARTERS PLAZA COMPLEX	:	INSURANCE INFORMATION
CITY OF MORRISTOWN, JOHN	:	
DOE (1-10) (fictitious names pursuant	:	
to R. 4:26-4) and/or ABC-XYZ CORP.	:	
1-10), (fictitious name pursuant to	:	
R.4:26-4)	:	
	:	
Defendants	:	

Plaintiff, Annie Russell, residing at 35 Flagler Street, City of Morristown,
County of Morris, State of New Jersey, by way of Complaint against the defendants
herein, says that:

COUNT ONE

1. On or about the 18th day of April, 2017, the defendants, First ROC Jersey
Associates, 2nd ROC Jersey Associates, 3rd ROC Jersey Associates, 4th ROC Jersey
Associates, 5th ROC Jersey Associates, 6th ROC Jersey Associates, Headquarters Plaza

Complex, and/or City of Morristown, owned, maintained, managed, supervised, and/or controlled the premises commonly known as the Headquarters Plaza Complex including public sidewalk located adjacent to said premises, but more specifically the public sidewalk at or near 37 Headquarters Plaza and/or at or near the Spring Street sidewalk in the vicinity of the North Garage Entrance to the Headquarters Plaza Complex, in the City of Morristown, County of Morris, State of New Jersey.

2. On or about the aforesaid date, the plaintiff Annie Russell was lawfully upon said premises.

3. On or about the aforesaid date, the defendants knowingly, negligently and carelessly maintained, controlled and/or supervised the aforesaid premises in a dangerous and defective condition and did create a hazard and a trap for the plaintiff.

4. As a direct and proximate result of the careless and negligent actions and/or negligence of the defendants as aforesaid, the plaintiff was caused to sustain severe and permanent bodily injuries; she suffered great pain, mental anguish and shock to her nervous system; she was forced to seek the services of physicians and hospitals in an effort to effect a cure of her injuries; she was caused to expend large sums of money for medical care and attention; she was deprived of pursuing her usual occupation and activities; she lost wages and income, and in other ways, she suffered damage and will, in the future, so suffer.

WHEREFORE, plaintiff demands judgment for damages against the defendants, jointly, severally and in the alternative, on this Count together with lawful interest, costs of suit and attorneys fees.

COUNT TWO

1. Plaintiff repeats each and every allegation set forth in Count One of the complaint and incorporates same by reference as if set forth verbatim herein.

2. On or about the aforesaid date, the plaintiff Annie Russell was lawfully upon the premises commonly known as the Headquarters Plaza Complex, including the public sidewalk located adjacent to said premises but more specifically the public sidewalk at or near 37 Headquarters Plaza and/or at or near the Spring Street sidewalk in the vicinity of the North Garage Entrance to the Headquarters Plaza Complex, in the City of Morristown, County of Morris, State of New Jersey.

3. On about the aforesaid date, defendants John Does (1-10) and/or ABC-XYZ Corps. (1-10) (fictitious names pursuant to R. 4:26-4) owned, maintained, managed, supervised, and/or controlled premises including public sidewalk located at the premises commonly known as the Headquarters Plaza Complex, but more specifically at or near the public sidewalk at or near 37 Headquarters Plaza and/or at or near the Spring Street sidewalk in the vicinity the North Garage Entrance to the Headquarters Plaza Complex, in the City of Morristown, County of Morris, State of New Jersey.

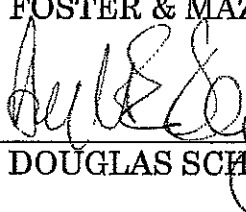
4. On or about the aforesaid date, the defendants knowingly, negligently and carelessly maintained, controlled and/or supervised the aforesaid premises in a dangerous and defective condition and did create a hazard and a trap for the plaintiff.

5. As a direct and proximate result of the intentional actions and/or negligence of the defendants as aforesaid, the plaintiff was caused to sustain severe and permanent bodily injuries; she suffered great pain, mental anguish and shock to herthe nervous

system; she was forced to seek the services of physicians and hospitals in an effort to effect a cure of her injuries; she was caused to expend large sums of money for medical care and attention; she was deprived of pursuing her usual occupation and activities; she lost wages and income, and in other ways, she suffered damage and will, in the future, so suffer.

WHEREFORE, plaintiff demands judgment for damages against the defendants, jointly, severally and in the alternative, on this Count together with lawful interest, costs of suit and attorneys fees.

FOSTER & MAZZIE, LLC

By: 

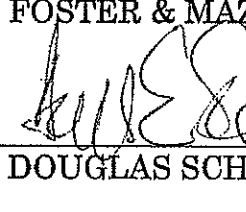
DOUGLAS SCHWARTZ

JURY DEMAND

The plaintiff hereby demands a trial by jury as to all issue so triable.

Dated: March 18, 2019

FOSTER & MAZZIE, LLC

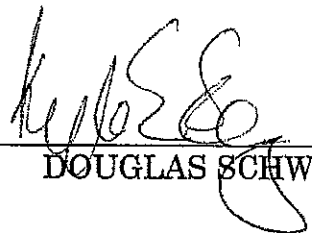
By: 

DOUGLAS SCHWARTZ

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Douglas E. Schwartz, Esq., is hereby designated as Trial counsel in the within matter.

Dated: March 18, 2019

By: 

DOUGLAS SCHWARTZ

DEMAND FOR INTERROGATORIES PURSUANT TO 4:17-1B

PLEASE TAKE NOTICE that pursuant to Rule 4:17, the undersigned demands certified answers to Uniform Form C and C(2) and following Supplemental Interrogatories within the time required by New Jersey Court Rules.

SUPPLEMENTAL INTERROGATORIES

1. State the name and address of the person and/or entity presently responsible for maintenance of the defendant's premises, commonly known Headquarters Plaza Complex at or near 37 Headquarters Plaza and/or at or near the Spring Street sidewalk in the vicinity of the North Garage Entrance [hereinafter "the sidewalk"].
2. Is the person named in supplemental question #1 above the same person and/or entity responsible for maintenance of the sidewalks on defendant's premises as aforesaid on or about April 18, 2017?
3. If not, please set forth the name and address of the person and/or entity responsible for maintenance on April 18, 2017.
4. State whether maintenance included repair of bricks which composed the sidewalks located on the aforesaid property.
5. If not, set forth the name and address of the person and/or entity responsible for the maintenance of said bricks on April 18, 2017.
6. State whether defendant had written policies and/or procedures for maintenance of its premises, including removal or repair of bricks from the sidewalks on the premises. If so, provide a copy of same.
7. State whether defendant kept written records and/or logs for maintenance of its premises, including removal or repair of bricks from the sidewalk on the premises on or about April 18, 2017. If so, provide a copy of same.

8. State whether defendant performed any removal or repair of bricks from the sidewalk in the 5 year period prior to April 18, 2017.

- a. If so, describe what was done;
- b. Please describe who performed the brick removal or repair.
- c. If there is a written record of same, please attach a copy of same.

NOTICE TO PRODUCE

Pursuant to Rule 4:18-1, the plaintiff hereby demands that the defendant produce the following documentation within thirty (30) days as prescribed by the Rules of Court. Additionally, please be advised that the following requests are ongoing and continuing in nature and the defendant are therefore required to continuously update its responses thereto as new information or documentation comes into existence.

1. A certified copy of the face sheet of the defendant's policy along with the face sheet showing the liability limits applicable to that policy along with a certified copy of the sheet of any and all umbrella policies providing excess liability coverage to the defendant.

2. Copies of any and all documentation which relate to any other accident in which the plaintiff was involved.

3. Copies of any and all documentation which relate to other personal injury claims made by the plaintiff.

4. Copies of any and all documentation which relate to other litigation in which the plaintiff was a party.

5. Copies of any and all documentation which relate to any medical condition, illness, disease, or injury of the plaintiff during his or her life.

6. Copies of any and all motion pictures, videotapes, photographs, reenactments, diagrams, charts or exhibits of any kind that are relevant to this action or may lead to relevant evidence.

7. Copies of any and all reports rendered by any public or private agency or department.

8. Copies of any and all statements by the plaintiff.

9. Copies of any and all statements of any other party or any employee, agent or representative of any party.

10. Copies of any document concerning the past or present physical, mental, or emotional condition of any plaintiff in this case from a healthcare provider not previously identified by the plaintiff.

11. Copies of any document (for example, an insurance bureau index report) concerning claims for personal injuries made before or after the incident by a plaintiff in this case.

12. Copies of any documents to be utilized at the time of trial to impeach plaintiff's credibility.

**DEMAND FOR INSURANCE INFORMATION PRIMARY AND
EXCESS, RULE 4:10-2(b)**

Plaintiff hereby require that the defendant disclose the policy limits of his liability insurance, and the Plaintiff stipulates that, pursuant to said Rule, the answers to the following questions shall not be offered into evidence:

1. State the limits of liability insurance and the name of the carrier covering this Defendant.

2. State the limits of all excess or other liability coverage not mentioned above and the name of the carrier, covering the accident in question. If none, state "none."

3. State the limits of medical payments coverage, if any.

4. Set forth the name, address, policy number and policy limits of each and every excess or secondary policy of liability insurance maintained by Defendant at the time of this accident.

5. Attach certified copies of all liability and excess policies

R.4:5-1 CERTIFICATION

The matter in controversy is not the subject of any other action pending in any Court or of a pending Arbitration proceeding and no other action or Arbitration proceeding is contemplated.

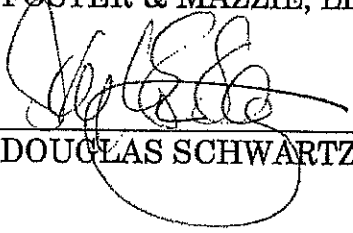
There are no other parties who should be joined in this action.

I certify that confidential personal identifiers have or will be redacted from this filing and all future filings in accordance with R. 1:38-7(b).

Dated: March 18, 2019

FOSTER & MAZZIE, LLC

By:



DOUGLAS SCHWARTZ

Civil Case Information Statement

Case Details: MORRIS | Civil Part Docket# L-000628-19

Case Caption: RUSSELL ANNIE VS FIRST ROC JERSEY

ASSOCIATES

Case Initiation Date: 03/21/2019

Attorney Name: DOUGLAS E SCHWARTZ

Firm Name: FOSTER & MAZZIE, LLC

Address: 10 FURLER ST PO BOX 209

TOTOWA NJ 07512

Phone:

Name of Party: PLAINTIFF : Russell, Annie

Name of Defendant's Primary Insurance Company

(if known): GNY Insurance Companies

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Hurricane Sandy related? NO

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

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

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

If yes, is that relationship:

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

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

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

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

03/21/2019

Dated

/s/ DOUGLAS E SCHWARTZ

Signed