

27805

Salvatore Imbornone, Jr. - I.D. No.: 000801984
McHUGH & IMBORNONE, P.A.
29 Columbia Turnpike, Suite 101
Florham Park, New Jersey 07932
Telephone (973) 966-1520

FEB 08 2017

TOWN OF MORRISTOWN
CLERK OF SUPERIOR COURT

Attorneys for plaintiff, Alanna S. Murphy

ALANNA S. MURPHY,

Plaintiff,

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-0212-17

Civil Action

DEREK J. NEWMAN, TOWN OF
MORRISTOWN, ERIC J. MINGELGREEN,
NANCY S. MINGELGREEN, JOHN DOES
FIRST THROUGH FIFTEENTH (names being
fictitious) and ABC COMPANIES (1-10)
(names being fictitious).

SUMMONS

Defendants.

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

TOWN OF MORRISTOWN

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$175.00 and completed Case Information Statement) if you want the court to hear your defense.

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

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: February 6, 2017

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

Name of defendant to be served: Town of Morristown

Address for service: 200 South Street, Morristown, New Jersey 07960

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN NJ 07960

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS 8:30 AM - 4:30 PM

DATE: JANUARY 27, 2017
RE: MURPHY VS NEWMAN
DOCKET: MRS L -000212 17

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON W H. DUMONT

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4106.

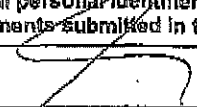
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: SALVATORE IMBORNONE
MC HUGH & IMBORNONE PA
29 COLUMBIA TURNPIKE
SUITE 101
FLORHAM PARK NJ 07932

JUXDUBO

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for Initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:5-6(c), If information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY PAYMENT TYPE: ☐ CK ☐ CC ☐ CA CHG/CK NO. AMOUNT: OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Salvatore Imbornone, Jr.		TELEPHONE NUMBER (973) 966-1520	
	COUNTY OF VENUE Morris		DOCKET NUMBER (when available) MRS-L-15-017	
	FIRM NAME (if applicable) McHugh & Imbornone, P.A.		DOCUMENT TYPE Complaint	
OFFICE ADDRESS 29 Columbia Turnpike, Suite 101 Florham Park, New Jersey 07932		JURY DEMAND ☒ Yes ☐ No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Alanna Murphy, Plaintiff		CAPTION Murphy v. Newman et al.		
CASE TYPE NUMBER (See reverse side for listing) 603Y	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? ☐ YES ☒ NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) ☐ NONE ☒ UNKNOWN		
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? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ 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? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ 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).				
ATTORNEY SIGNATURE: 				

RECEIVED
 SUPERIOR COURT
 MORRIS COUNTY
 JAN 26 9:00 AM



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 508 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 506 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59

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Florham Park, New Jersey 07932
Telephone (973) 966-1520

RECEIVED & FILED
SUPERIOR COURT

2017 JAN 26 P 3:00

MORRIS COUNTY
CIVIL DIVISION

Attorneys for plaintiff, Alanna S. Murphy
ALANNA S. MURPHY,

Plaintiff,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO. MRS-L-2017-00007

vs.

Civil Action

DEREK J. NEWMAN, TOWN OF
MORRISTOWN, ERIC J. MINGELGREEN,
NANCY S. MINGELGREEN, JOHN DOES
FIRST THROUGH FIFTEENTH (names being
fictitious) and ABC COMPANIES (1-10)
(names being fictitious).

COMPLAINT, DEMAND FOR JURY
TRIAL, DESIGNATION OF TRIAL
COUNSEL, DEMAND FOR ANSWERS TO
INTERROGATORIES, DEMAND FOR
PRODUCTION OF INSURANCE
AGREEMENTS

Defendants.

Plaintiff, ALANNA S. MURPHY, residing at 11 Kenz Terrace, in the Township of West
Orange, County of Essex, State of New Jersey, by way of Complaint, says:

FIRST COUNT

1. On or about August 4, 2016, plaintiff, ALANNA S. MURPHY, was the operator
of a motor vehicle traveling in an easterly direction on East Hanover Avenue, in the Township of
Morris Township, County of Morris, State of New Jersey.

2. At the same time and place, defendant, DEREK J. NEWMAN, was operator of a
motor vehicle as agent, servant, and/or employee of defendant, TOWN OF MORRISTOWN, at or
near 315 East Hanover Avenue, in the Township of Morris Township, County of Morris, State of
New Jersey.

3. At the same time and place, the aforesaid defendants so carelessly, negligently and recklessly owned, operated and/or maintained their motor vehicle; failed to make proper and effective observations; exited a driveway without signal or warning; and were otherwise careless and inattentive, so as to cause a collision to occur upon the roadway, causing plaintiff to sustain permanent injury.

4. As a direct and proximate result of the carelessness and negligence of the defendants aforesaid, the plaintiff suffered severe injury, was required and will in the future be required to seek medical attention for her injuries and will continue to suffer great pain and be incapacitated from pursuing her usual employment and other activities. Said injuries have caused the plaintiff pain and suffering, past, present and future, mental anguish and have left the plaintiff with permanent disabilities that will in the future diminish the quality of plaintiff's life.

5. In accordance with the Automobile Insurance Cost Reduction Act attached is Certification of plaintiff's treating physician, Robert D. Kramberg, M.D.

WHEREFORE, plaintiff, ALANNA S. MURPHY, demands judgment against the defendants, DEREK J. NEWMAN and TOWN OF MORRISTOWN, individually, jointly, and severally, for damages, lawful interest and costs of suit.

SECOND COUNT

1. On or about September 8, 2016 plaintiff, ALANNA S. MURPHY, was the operator of a motor vehicle traveling in an easterly direction on State Highway 10, in the Township of Livingston, County of Essex, State of New Jersey.

2. At the same time and place, defendant, ERIC J. MINGELGREEN, was the operator of a motor vehicle as agent, servant and/or employee of defendant, NANCY S.

MINGELGREEN, traveling in an easterly direction, on State Highway 10, in the Township of Livingston, County of Essex, State of New Jersey.

3. At the same time and place, the defendants aforesaid so carelessly, negligently and recklessly owned, operated and/or maintained their motor vehicle, failed to make proper and effective observations, failed to have control of their vehicle, failed to operate at proper speed for existing road and traffic conditions; and were otherwise careless and inattentive, so as to cause a collision to occur upon the roadway, causing plaintiff to sustain permanent injury.

4. As a direct and proximate result of the carelessness and negligence of the defendants aforesaid, the plaintiff suffered severe injury, was required and will in the future be required to seek medical attention for her injuries and will continue to suffer great pain and be incapacitated from pursuing her usual employment and other activities. Said injuries have caused the plaintiff pain and suffering, past, present and future, mental anguish and have left the plaintiff with permanent disabilities that will in the future diminish the quality of plaintiff's life.

5. In accordance with the Automobile Insurance Cost Reduction Act attached is Certification of plaintiff's treating physician, Robert D. Kramberg, M.D.

WHEREFORE, plaintiff, ALANNA S. MURPHY, demands judgment against the defendants, ERIC J. MINGELGREEN and NANCY S. MINGELGREEN, individually, jointly and severally, for damages, lawful interest and cost of suit.

THIRD COUNT

1. Plaintiff, ALANNA S. MURPHY, repeats each and every allegation of the First and Second Counts of the Complaint as though fully set forth at length herein.

2. Plaintiff alleges that one or more or all of the aforementioned defendants were jointly and severally negligent as alleged heretofore.

3. As a result of the negligence of the defendants, jointly severally or in the alternative, plaintiff, ALANNA S. MURPHY, was severely and permanently injured as heretofore described in this complaint.

WHEREFORE, plaintiff, ALANNA S. MURPHY, demands judgment against one or more or all of the defendants named in this Complaint, for damages, interest and costs of suit.

FOURTH COUNT

1. Plaintiff repeats each and every allegation of the First, Second, and Third Counts of the Complaint as though fully set forth at length herein.

2. JOHN DOES, FIRST THROUGH FIFTEENETH and ABC COMPANIES (1-10), inclusive, are pleaded pursuant to R. 4:26-4 to temporarily suffice for the presently undetermined identities of such other persons, corporations, partnerships, public entities and/or business entities of any nature and their agents, servants or employees or independent contractors, whose acts of negligence may have caused or contributed to the injuries and damages more particularly described hereinafter.

3. At such time as the identities of these fictitiously pleaded tortfeasors are ascertained, plaintiff shall seek leave to amend this Complaint so as to substitute the actual identities of said individuals or firms. Plaintiff attributes each and every act of negligence and damages alleged against the named defendants hereto to those who are fictitiously pleaded as if they were more specifically set forth in their entirety. Additionally, plaintiff attributes and hereby specifically pleads any act which in any way contributed to the happening of the accident as set forth herein, including but not limited to negligent acts involving the maintenance, construction, design, supervision and control of a roadway; the ownership, control, operation or entrustment of a motor vehicle; the serving, providing, offering or distributing of alcoholic beverages; the

maintenance, supervision, control, repair or alteration of a motor vehicle and/or any other negligent conduct undiscovered at this time.

WHEREFORE, plaintiff demands Judgment on this Count against defendants for damages together with interest, counsel fees and costs of suit.

DEMAND FOR JURY TRIAL

Pursuant to Rule 4:35-1, Plaintiff demands a trial by jury as to all issues of the within complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Salvatore Imbornone, Jr., is hereby designated as trial counsel in the above matter.

DEMAND FOR ANSWERS TO INTERROGATORIES

Demand is hereby made of each defendant for answers to Form C and C(1) Uniform Interrogatories, all within the time limits prescribed by the Rules of Court.

DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS

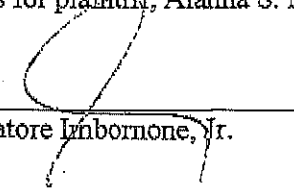
Pursuant to R 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment. If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

CERTIFICATION PURSUANT TO R.4:5-1

I hereby certify pursuant to Rule 4:5-1, to the best of my knowledge, information and belief, the matter in controversy is not the subject matter of any other action pending in any other Court or of a pending arbitration proceeding. I further certify that no other persons or entities should be joined in this action.

McHUGH & IMBORNONE, P.A.
Attorneys for plaintiff, Alanna S. Murphy

Dated: January 20, 2017

By: 
Salvatore Imbornone, Jr.

RECEIVED & FILED
SUPERIOR COURT
2017 JAN 26 P 3:00
MONMOUTH COUNTY
CIVIL DIVISION