

Albert C. Lisbona, Esq. (247951968)

Our File: 2-8750.043246A

Dwyer Connell & Lisbona

100 Passaic Avenue

Fairfield, New Jersey 07004

973-276-1800

Attorney for Plaintiffs, THE ESTATE OF FRANK JOSEPH COVELLO, JR.,
Deceased, by Administratrix and Administratrix Ad Prosequendum
GINA MARIE BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually

Plaintiff,
THE ESTATE OF FRANK JOSEPH
COVELLO, JR., Deceased, by
Administratrix and
Administratrix Ad
Prosequendum GINA MARIE
BRUZZICHESI, and GINA MARIE
BRUZZICHESI, Individually,

vs.

Defendants,
THE COUNTY OF MORRIS,
TOWNSHIP OF MORRIS PLAINS AND
THE TOWN OF MORRISTOWN, JOHN
DOES (1-10) and ABC CORP. (1-
10)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NUMBER: MRS-L-001831-17

CIVIL ACTION

SUMMONS

TO: Town of Morristown
Town Clerk
Town Hall-1st Floor
200 South Street
Morristown, New Jersey 07960

FROM THE STATE OF NEW JERSEY, TO THE DEFENDANT(S) NAMED ABOVE:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written answer or a general appearance in accordance with Rule 5:4-3(a) 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 the Deputy Clerk of the Superior Court is: Clerk, Morris County Superior Court, Courthouse, Washington & Court Streets, Morristown, New Jersey 07963-0910.

A \$175.00 filing fee payable to the Clerk of the Superior Court must accompany your answer or appearance when it is filed. You must also send a copy of your answer or appearance to plaintiffs' 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 appearance (with fee) if you want the Court to hear your defense.

If you do not file and serve a written answer or appearance 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 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.

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

Dated: August 22, 2017

Name and address of defendant to be served:

Town of Morristown
Town Clerk
Town Hall-1st Floor
200 South Street
Morristown, New Jersey 07960

Directory of Superior Court Deputy Clerk's Offices County Lawyer Referral and Legal Services Offices

ATLANTIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL - (609) 345-3444
LEGAL SERVICES - (609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Room 115
Justice Center, 10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL - (201) 488-0044
LEGAL SERVICES - (201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility, 49 Rancocas Road
Mt. Holly, NJ 08060
LAWYER REFERRAL - (609) 261-4862
LEGAL SERVICES - (609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the Superior Court
Civil Processing Office, Hall of Justice
1st Fl., Suite 150, 101 S. Fifth St.
Camden, NJ 08103
LAWYER REFERRAL - (856) 482-0618
LEGAL SERVICES - (856) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the Superior Court
9 N. Main Street
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
60 West Broad Street, P.O. Box 10
Bridgeton, NJ 08302
LAWYER REFERRAL - (856) 696-5550
LEGAL SERVICES - (856) 691-0494

ESSEX COUNTY:

Deputy Clerk of the Superior Court
Civil Customer Service
Hall of Records, Room 201
465 Dr. Martin Luther King, Jr. Blvd.
Newark, NJ 07102
LAWYER REFERRAL - (973) 622-6204
LEGAL SERVICES - (973) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of the Superior Court
Civil Case Management Office
Attn: Intake
First Fl., Court House, 1 North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL - (856) 848-4589
LEGAL SERVICES - (856) 848-5360

HUDSON COUNTY:

Deputy Clerk of the Superior Court
Superior Court, Civil Records Dept.
Brennan Court House - 1st Fl.
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL - (201) 798-2727
LEGAL SERVICES - (201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the Superior Court
Civil Division, 65 Park Avenue
Flemington, NJ 08862
LAWYER REFERRAL - (908) 236-6109
LEGAL SERVICES - (908) 782-7979

MERCER COUNTY:

Deputy Clerk of the Superior Court
Local Filing Office, Courthouse
175 S. Broad Street, P.O. Box 8068
Trenton, NJ 08650
LAWYER REFERRAL - (609) 585-6200
LEGAL SERVICES - (609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of the Superior Court
Middlesex Vicinage, 2nd Floor - Tower
56 Paterson Street, P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL - (732) 828-0053
LEGAL SERVICES - (732) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the Superior Court
Court House, P.O. Box 1269
Freehold, NJ 07728-1269
LAWYER REFERRAL - (732) 431-5544
LEGAL SERVICES - (732) 866-0020

MORRIS COUNTY:

Morris County Courthouse
Civil Division
Washington and Court Streets
P.O. Box 910
Morristown, NJ 07960-0910
LAWYER REFERRAL - (973) 267-5882
LEGAL SERVICES - (973) 285-6911

OCEAN COUNTY:

Deputy Clerk of the Superior Court
118 Washington Street, Room 121
P.O. Box 2191
Toms River, NJ 08754-2191
LAWYER REFERRAL - (732) 240-3666
LEGAL SERVICES - (732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division, Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL - (973) 278-9223
LEGAL SERVICES - (973) 523-2900

SALEM COUNTY:

Deputy Clerk of the Superior Court
Attn: Civil Case Management Office
92 Market St.
Salem, NJ 08079
LAWYER REFERRAL - (856) 935-5629
LEGAL SERVICES - (856) 691-0494

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
P.O. Box 3000
40 North Bridge Street
Somerville, NJ 08876
LAWYER REFERRAL - (908) 685-2323
LEGAL SERVICES - (908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the Superior Court
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL - (973) 267-5882
LEGAL SERVICES - (973) 383-7400

UNION COUNTY:

Deputy Clerk of the Superior Court
1st Fl., Court House
2 Broad Street
Elizabeth, NJ 07207-6073
LAWYER REFERRAL - (908) 353-4715
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) 859-4300
LEGAL SERVICES - (908) 475-2010

Albert C. Lisbona, Esq. (247951968)

Our File: 2-8750.043246A

DWYER CONNELL & LISBONA

100 Passaic Avenue

Fairfield, New Jersey 07004

(973) 276-1800

Attorneys for Plaintiffs, THE ESTATE OF FRANK JOSEPH COVELLO, JR.,
Deceased, by Administratrix and Administratrix Ad Prosequendum
GINA MARIE BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually

Plaintiff,	:	SUPERIOR COURT OF NEW JERSEY
THE ESTATE OF FRANK JOSEPH	:	LAW DIVISION: MORRIS COUNTY
COVELLO, JR., Deceased, by	:	
Administratrix and	:	
Administratrix Ad Prosequendum:	:	
GINA MARIE BRUZZICHESI, and	:	
GINA MARIE BRUZZICHESI,	:	
Individually,	:	
vs.	:	Docket Number: MRS-L-
	:	
Defendants,	:	CIVIL ACTION
THE COUNTY OF MORRIS,	:	
TOWNSHIP OF MORRIS PLAINS,	:	COMPLAINT, JURY DEMAND,
THE TOWN OF MORRISTOWN, and	:	DESIGNATION OF TRIAL
JOHN DOES (1-10) and ABC	:	COUNSEL AND DEMAND FOR
CORP. (1-10)	:	INSURANCE COVERAGE
	:	
	:	

Plaintiffs THE ESTATE OF FRANK JOSEPH COVELLO, JR., deceased,
by Administratrix and Administratrix Ad Prosequendum GINA MARIE
BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually, residing at
6 Dorchester Drive, Denville Township, Morris County, New Jersey,
by way of Complaint against the Defendants hereby say:

FACTS AS TO ALL COUNTS

1. FRANK JOSEPH COVELLO, JR. died Intestate on December
17, 2016.

2. Letters of Administration ad Prosequendum have been

granted by the Probate Division of the Superior Court of New Jersey to the Plaintiff GINA MARIE BRUZZICHESI, for the purpose of prosecuting a claim on behalf of FRANK JOSEPH COVELLO, JR., now deceased, against the Defendants.

3. Plaintiffs' decedent, FRANK JOSEPH COVELLO, JR., leaves surviving him Gina Marie Bruzzichesi (his domestic partner) and two minor children.

4. There is, and at the time of the subject accident herein set forth, there was in force and effect in the State of New Jersey, a wrongful death statute known and designed as N.J.S.A 2A:31-1, et seq. and plaintiffs bring this action pursuant to the provisions thereof for the benefit of the next of kin of FRANK JOSEPH COVELLO, JR., deceased.

5. Proper Notices of Claims have been forwarded to and acknowledged by the public entity defendants pursuant to N.J.S.A. 59:8-8. Six (6) months has transpired since the Notices were sent to the public entities.

6. This action has been commenced within two years of the date of FRANK JOSEPH COVELLO, JR.'S death which occurred on December 17, 2016.

FIRST COUNT

1. On or about December 17, 2016 Plaintiffs' decedent, FRANK JOSEPH COVELLO, JR., was in the vestibule of the Morris Plains Police Department as a result of a medical emergency.

2. At the same time and place, Defendants Township of Morris Plains, County of Morris, Town of Morristown, John Does (1-10) and ABC Corp. (1-10) were responsible to provide emergency response medical care.

3. The Defendants controlled, maintained and operated the police station at Morris Plains as well as the emergency response system contained in that facility.

4. As a direct and proximate result of the negligence, wanton and palpably unreasonable acts of the defendants, individually and jointly, their agents, servants and employees, Plaintiffs' decedent, FRANK JOSEPH COVELLO, JR., expired on that date.

WHEREFORE, Plaintiffs THE ESTATE OF FRANK JOSEPH COVELLO, JR., Deceased, by Administratrix and Administratrix Ad Prosequendum GINA MARIE BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually, demands Judgment against the Defendants as follows:

- A. Compensatory damages;
- B. Costs of the suit;
- C. Any other relief this Court deems equitable.

SECOND COUNT

1. Plaintiffs repeat each and every allegation of the prior Count though set forth herein at length and makes the same a part hereof.

2. FRANK JOSEPH COVELLO, JR., deceased is survived by his domestic partner GINA MARIE BRUZZICHESI and two children, ages four and three.

3. As a result of the negligence, wanton and/or palpably unreasonable acts of the Defendants, their agents, servants and employees individually and together as well as the fictitiously named parties FRANK JOSEPH COVELLO, JR., suffered an untimely death and his heirs have sustained various other significant loss including loss of his aid, support, comfort, care and society.

WHEREFORE, Plaintiffs, THE ESTATE OF FRANK JOSEPH COVELLO, JR., Deceased, by Administratrix and Administratrix Ad Prosequendum GINA MARIE BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually, demand judgment against Defendants Township of Morris Plains, County of Morris, Town of Morristown, John Does (1-10) and ABC CORP. (1-10) as follows:

- A. Compensatory damages;
- B. Costs of the suit;
- C. Any other relief this Court deems equitable.

THIRD COUNT

1. Plaintiffs repeat each and every allegation of the prior Counts as though set forth herein at length and makes the same a part hereof.

2. As a result of the activities of the Defendants individually and together as well as their agents and employees and the negligence, wanton and palpably unreasonable acts of the above-named Defendants, their agents and employees, Plaintiffs'

decedent FRANK JOSEPH COVELLO, JR. suffered an untimely death and his heirs have sustained various significant losses including loss of his aid and support, comfort and care.

WHEREFORE, Plaintiffs THE ESTATE OF FRANK JOSEPH COVELLO, JR., Deceased, by Administratrix and Administratrix Ad Prosequendum GINA MARIE BRUZZICHESI, and GINA MARIE BRUZZICHESI, Individually, demands Judgment against the Defendants individually and collectively as well as any agents or employees of the Defendants as follows:

- A. Compensatory damages;
- B. Costs of suit;
- C. Any other relief the Court deems equitable.

FOURTH COUNT

1. Plaintiffs repeat each and every allegation of the prior Counts as though set forth herein at length and makes the same a part hereof.

2. Pursuant to and in accordance with N.J.S.A. 2A:15-5.9 et seq., the conduct, acts and/or admissions of the Defendants named herein, both individually and collectively including acts of their agents and servants, constituted palpably unreasonable conduct and a wanton disregard of the rights, safety and well-being of the Plaintiffs' decedent FRANK JOSEPH COVELLO, JR.

WHEREFORE, Plaintiffs The Estate of Frank Joseph Covello, Jr., Deceased, by Administratrix and Administratrix Ad Prosequendum Gina Marie Bruzzichesi, and Gina Marie Bruzzichesi,

Individually demand Judgment against all the Defendants as follows:

- A. Compensatory Damages;
- B. Costs of Suit;
- C. Any other relief the Court deems equitable.

FIFTH COUNT

1. Plaintiffs repeat each and every allegation of the prior Counts as though set forth herein at length and makes the same a part hereof.

2. At all times hereinbefore and hereinafter mentioned, the plaintiff GINA MARIE BRUZZICHESI was the domestic partner of the deceased, FRANK JOSEPH COVELLO, JR., and as such was entitled to his services, support, society, companionship, love, solace and more.

3. By reason of the death of FRANK JOSEPH COVELLO, JR., deceased, because of the negligence, wanton and palpably unreasonable acts of the Defendants, individually and collectively including any employees and agents, Plaintiff GINA MARIE BRUZZICHESI, has and will in the future be deprived of FRANK JOSEPH COVELLO, JR.'S support, society, companionship, love, solace, consortium, services and more and has been compelled to and did expend various sums of money and sustained loss of various income as a result of the aforesaid activities of the Defendants.

SIXTH COUNT

1. Plaintiffs repeat each and every allegation of the prior

Counts as though set forth herein at length and makes the same a part hereof.

2. At the time of his death, FRANK JOSEPH COVELLO, JR., deceased, left as his surviving children EMERSYN LILY-VIOLET COVELLO (Age Four) and SERAFINA THEA-MARIE COVELLO (Age Three).

3. As a result of the death of FRANK JOSEPH COVELLO, JR., deceased his daughters EMERSYN LILY-VIOLET COVELLO and SERAFINA THEA-MARIE COVELLO have suffered significant losses including loss of his aid and support, comfort, care and guidance of society.

WHEREFORE, Plaintiffs THE ESTATE OF FRANK JOSEPH COVELLO, JR., Deceased, by Administratrix and Administratrix Ad Prosequendum GINA MARIE BRUZZICHESI and GINA MARIE BRUZZICHESI, Individually, demand damages as follows:

- A. Compensatory damages;
- B. Costs of suit;
- C. Any other relief the Court deems equitable.

DEMAND FOR TRIAL BY JURY

Plaintiffs demand trial by jury as to all counts.

DEMAND FOR INSURANCE COVERAGE INFORMATION

Pursuant to Rule 4:10-2, the Defendants are demanded to provide a complete copy of their applicable liability insurance policies including any excess or umbrella policies with Declaration Sheets within thirty (30) days of service of the Complaint.

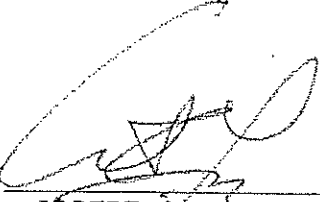
DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Plaintiffs hereby designate ALBERT C. LISBONA, ESQ., as trial counsel in the within matter.

CERTIFICATION

In accordance with Rule 4:5-1, we hereby certify that the matter in controversy is not the subject of any action or arbitration proceeding, now or contemplated, and that at this time no other parties should be joined in this action.

DWYER CONNELL & LISBONA
Attorneys for Plaintiffs
The Estate of Frank Joseph
Covello, Jr., deceased,
by Administratrix
and Administratrix Ad
Prosequendum GINA MARIE
BRUZZICHESI, and
GINA MARIE
BRUZZICHESI, Individually

By: 

ALBERT C. LISBONA

Dated: August 21, 2017

Civil Case Information Statement

Case Details: MORRIS Civil Part Docket# L-001831-17

Case Caption: COVELLO, JR. FRANK VS COUNTY OF MORRIS

Case Initiation Date: 08/21/2017

Attorney Name: ALBERT C LISBONA

Firm Name: DWYER CONNELL & LISBONA

Address: 100 PASSAIC AVENUE
FAIRFIELD NJ 07004

Phone:

Name of Party: PLAINTIFF : Covello, Jr., Frank, J

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

Case Type: TORT-OTHER

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)*

08/21/2017

Dated

/s/ ALBERT C LISBONA

Signed