

Yolanda Navarrete, LLC
144 Speedwell Avenue 2nd Floor
Morristown, NJ 07960
(973) 984-0800
Attorney for Plaintiff

ELMER AMADOR

Plaintiff(s),

-v-

DARIUS C. HARRISON, TOWN OF
MORRISTOWN, MARIA D.
CARVAJAL-CARDONA, COUNTY OF
MORRIS, STATE OF NEW JERSEY,
AMERIPRISE INS. CO., JOHN DOES (1-
10), a fictitious name and ABC CORP. (1-
10) a fictitious name

Defendant(s).

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
MORRIS COUNTY
DOCKET NO.: MRS-L-2077-16**

CIVIL ACTION

SUMMONS

**THE STATE OF NEW JERSEY
TO THE ABOVE DEFENDANT (S)**

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 dated you received it. (The address of each deputy clerk of the Superior Court is provided.) An \$80.00 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 the plaintiff's attorney whose name and address appear above, or to the 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 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 the 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.


Michelle M. Smith, Clerk of the Superior Court

Name of the defendant(s) to be served:
Address to be served:

**Town of Morristown
200 South Street
Morristown, NJ 07960-8202**

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SUPERIOR COURT
2016 SEP 15 A 11:43
CIVIL DIVISION

Yolanda Navarrete, Esq.
IDENTIFICATION NO.: 030381991
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Morristown, NJ 07960
(973) 984-0800
Attorney for Plaintiff(s)

ELMER AMADOR

Plaintiff(s),

-v-

DARIUS C. HARRISON, TOWN OF
MORRISTOWN, MARIA D. CARVAJAL-
CARDONA, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMERIPRISE
INS. CO., JOHN DOES (1-10) fictitious
names, and ABC CORP. (1-10), fictitious
names.

Defendant(s).

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY**

DOCKET NO.: MRS-L-2077-16

CIVIL ACTION

**COMPLAINT AND
JURY DEMAND**

Plaintiff, ELMER AMADOR, residing at 22 Phoenix Avenue, in the Municipality of
Morristown, County of Morris and State of New Jersey, says:

FIRST COUNT

1. On or about October 13, 2014 at approximately 9:20 p.m. the Plaintiff ELMER
AMADOR, was a passenger in a motor vehicle operated by the Defendant, MARIA D.

CARVAJAL-CARDON, which was traveling northbound on Franklin Street, in the Municipality of Morristown, County of Morris and State of New Jersey.

2. At same time and place aforesaid, Defendant DARIUS C. HARRISON, was operating a motor vehicle owned and/or maintained by the defendant(s) TOWN OF MORRISTOWN, COUNTY OF MORRIS and/or STATE OF NEW JERSEY, which vehicle was traveling southbound on Franklin Street, in the Municipality of Morristown, County of Morris and State of New Jersey.

3. The Defendants MARIA D. CARVAJAL-CARDONA and DARIUS C. HARRISON, so carelessly, recklessly, and negligently operated their motor vehicles, that they collided head on.

4. As a proximate result of the negligent acts of the Defendants MARIA D. CARVAJAL-CARDONA and DARIUS C. HARRISON, Plaintiff, ELMER AMADOR was caused to sustain serious and permanent bodily injuries, has suffered and will suffer great pain, shock and mental anguish, was and still is incapacitated and will permanently be disabled, has been and in the future will be obliged to expend and incur large sums of money for medical services, care, medication and treatment, and was and is unable to attend to his usual duties.

WHEREFORE, Plaintiff ELMER AMADOR demands judgment against Defendants MARIA D. CARVAJAL-CARDONA and DARIUS C. HARRISON, for damages plus interest and costs of suit.

SECOND COUNT

1. Plaintiff, ELMER AMADOR, repeats and re-alleges all the allegations of the First Count of the Complaint as set forth herein at length.

2. At the time and place aforementioned, defendant(s), TOWN OF MORRISTOWN, COUNTY OF MORRIS and/or STATE OF NEW JERSEY, were the

owner of the motor vehicle driven by Defendant DARIUS C. HARRISON, who was driving said motor vehicle as an agent or employee, for their benefit, with their knowledge and within the scope of agency, employment and consent.

WHEREFORE, Plaintiff, ELMER AMADOR, demands judgment against the defendant(s) TOWN OF MORRISTOWN, COUNTY OF MORRIS and/or STATE OF NEW JERSEY for damages plus interest and cost of suit.

THIRD COUNT

1. Plaintiff, ELMER AMADOR repeats and re-alleges all the allegations of the First and Second Counts of the Complaint as set forth herein at length.

2. At the time of the aforementioned accident, Plaintiff ELMER AMADOR was not insured under any automobile or private health insurance policy.

3. At the time of the aforementioned accident, Defendant MARIA D. CARAVAJAL-CARDONA was insured by Defendant AMERIPRISE INS. CO. under policy number A102333392, which said policy has a Personal Injury Protection Endorsement, Plaintiff ELMER AMADOR is eligible to receive those benefits under said policy.

3. Plaintiff, ELMER AMADOR sustained injuries which required extensive medical treatment and has incurred extensive medical bills.

4. Defendant AMERIPRISE INS. CO. has refused to pay all medical and hospital bills.

WHEREFORE, Plaintiff ELMER AMADOR demands judgment against the defendant AMERIPRISE INS. CO. as follows:

- (a) Directing the insurance company to pay all outstanding medical bills and any future bills that might be incurred.

FOURTH COUNT

1. Plaintiff ELMER AMADOR repeats and re-alleges all the allegations of the First, Second and Third Counts of the Complaint.

2. The fictitiously named defendant JOHN DOE (1-10), a fictitious name, is impleaded herein to represent any other entity not actually named in this Complaint who is also responsible for the causation of the injuries sustained herein.

WHEREFORE, Plaintiff ELMER AMADOR, demands judgment against all the defendants for damages plus interest and cost of suit.

FIFTH COUNT

1. Plaintiff ELMER AMADOR repeats and re-alleges all the allegations of the First, Second, Third and Fourth Counts of the Complaint.

2. The fictitiously named defendant ABC CORP (1-10), a fictitious name, is impleaded herein to represent any other entity not actually named in this Complaint who is also responsible for the causation of the injuries sustained herein.

WHEREFORE, Plaintiff ELMER AMADOR, demands judgment against all the defendants for damages plus interest and cost of suit.

CERTIFICATION PURSUANT TO R. 4:5-1

I hereby certify that the matter in controversy is not the subject of any other action pending in any court and is likewise not the subject of any pending arbitration proceeding. I further certify that I have no knowledge of any contemplated action or arbitration proceeding which is contemplated regarding the subject matter of this action and that I am not aware of any other parties who should be joined in this action.

JURY DEMAND

Plaintiff demands a trial by a jury on all Counts of the Complaint.

DESIGNATION OF TRIAL ATTORNEY

In accordance with R. 4:24-4, Yolanda Navarrete, Esq., is hereby designated as trial counsel for the Plaintiff(s) in the above matter.


YOLANDA NAVARRETE, ESQ.

Dated: September 12, 2016

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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.		PAYMENT TYPE: ☒ CK ☐ CC ☐ CA CHG/CK NO. <u>2794</u> AMOUNT: <u>\$250.00</u> OVERPAYMENT: BATCH NUMBER: <u>237</u>
	ATTORNEY/PROSE NAME <u>Yolanda Navarrete, Esq.</u>	TELEPHONE NUMBER <u>(973) 984-0800</u>	COUNTY OF VENUE <u>Morris</u>
	FIRM NAME (if applicable) <u>Law Office of Yolanda Navarrete, Esq. LLC</u>		DOCKET NUMBER (when available) <u>NRS-L-2077-16</u>
	OFFICE ADDRESS <u>144 Speedwell Avenue 2nd Floor</u> <u>Morristown, NJ 07960</u>		DOCUMENT TYPE <u>Complaint</u> JURY DEMAND ☒ Yes ☐ No
NAME OF PARTY (e.g., John Doe, Plaintiff) <u>Elmer Amador, Plaintiff</u>		CAPTION <u>Amador v. Town of Morristown</u>	
CASE TYPE NUMBER (See reverse side for listing) <u>603N</u>	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53A-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) <u>Garden State Ins. Co.</u> ☐ None ☐ UNKNOWN	
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 (Specify) _____ ☐ 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? <u>Spanish</u>	
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: <u>Yolanda Navarrete</u>			

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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
- 509 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

- 169 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 | 280 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYN/CARE |
| 278 ZOMETHA/AREXIA | 292 PELVIC MESH/HARD |
| 279 GADOLINIUM | 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 |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 623 PROPECIA |

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