

#18

ANTHONY P. CAIVANO, ESQ., P.C.

255 West Main Street, Suite 1
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Denville, New Jersey 07834
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CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY

Please send all mail to:
255 West Main Street, Suite 1
Denville, New Jersey 07834

June 22, 2016

Via Certified and Regular Mail

Mr. Kevin Harris
Clerk of Morristown
200 South Street
P.O. Box 914
Morristown, New Jersey 07963-0914

RECEIVED

JUN 27 2016

**TOWN OF MORRISTOWN
TOWN CLERK'S OFFICE**

Re: Angeli Daftari v. Derrick Flitercroft, et al.
Docket No.: MRS-L-1308-16

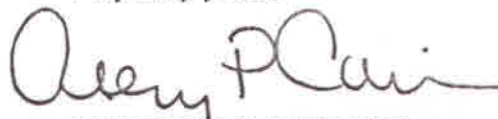
Dear Mr. Harris:

Enclosed are a Summons, Complaint and Track Assignment Notice which we hereby serve upon you in accordance with New Jersey Law.

Please forward the enclosed documents to your insurance company or attorney for the purpose of filing an Answer.

Thank you.

Very truly yours,


ANTHONY P. CAIVANO

APC:dr
Enclosure

Anthony P. Caivano, Esq. - ID No. 016231989

ANTHONY P. CAIVANO, ESQ., P.C.

255 West Main Street, Suite 1

Denville, New Jersey 07834

(973) 784-4404

Attorneys for Plaintiff(s)

ANGELI S. DAFTARI,

Plaintiff,

: SUPERIOR COURT OF NEW JERSEY

: LAW DIVISION: MORRIS COUNTY

: DOCKET NO: MRS-L-1308-16

vs.

:

CIVIL ACTION

DERRICK FLITCROFT and/or JOHN

:

SUMMONS

DOES 1-5 (fictitious names) JANE DOES

1-5 (fictitious names), RICHARD ROE 1-

5 (fictitious names), COUNTY OF

MORRIS, TOWNSHIP OF

:

MORRISTOWN, STATE OF NEW

JERSEY, and/or ABC CORP. 1-5

:

(fictitious names),

Defendant.

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 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 at: http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

Dated: June 22, 2016

/s/ Michelle Smith

Clerk of Superior Court

Name of defendant to be served:

Mr. Kevin D. Harris
Clerk of Morristown
200 South Street
P.O. Box 914
Morristown, New Jersey 07963-0914

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: JUNE 13, 2016
RE: DAFTARI VS FLITCROFT ET AL
DOCKET: MRS L -001308 16

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 ROBERT J. BRENNAN

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.

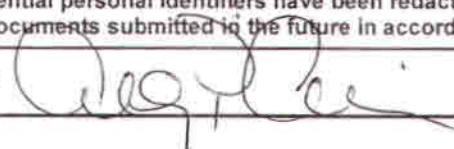
ATTENTION:

ATT: ANTHONY P. CAIVANO
ANTHONY P. CAIVANO
255 WEST MAIN STREET
SUITE 1
DENVERVILLE NJ 07834

JUXKURO

JUN 20 2016

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, 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 ☐ CG ☐ CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:
	ATTORNEY / PRO SE NAME Anthony P. Caivano, Esq.	TELEPHONE NUMBER (973) 784-4404	COUNTY OF VENUE Morris
	FIRM NAME (if applicable) Anthony P. Caivano, Esq., P.C.		DOCKET NUMBER (when available) MRS-L-1308-16
	OFFICE ADDRESS 255 West Main Street, Suite 1 Denville, New Jersey 07834		DOCUMENT TYPE COMPLAINT JURY DEMAND ☒ Yes ☐ No
NAME OF PARTY (e.g., John Doe, Plaintiff) Angeli S. Daftari, Plaintiff		CAPTION v. DERRICK FLITCROFT and/or John Does 1-5 (fictitious names), COUNTY OF MORRIS, TOWNSHIP OF MORRISTOWN, STATE OF NEW JERSEY, et al., Defendants.	
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) USAA ☐ 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 ☐ 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 <i>Rule 1:38-7(b)</i> .			
ATTORNEY SIGNATURE: 			



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

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 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 | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETHA/AREXIA | 292 PELVIC MESH/BARD |
| 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

RECEIVED & FILED
 SUPERIOR COURT
 MORRIS COUNTY
 CIVIL DIVISION
 2016 JUN 10 A 11:23

ANTHONY P. CAIVANO, ESQ.-ID No. 01623989

255 West Main Street, Suite 1

Denville, New Jersey 07834

(T) 973-784-4404

(F) 973-784-4406

Attorneys for Plaintiff

ANGELI S. DAFTARI,

Plaintiff,

vs.

DERRICK FLITCROFT and/or JOHN DOES
1-5 (fictitious names) JANE DOES 1-5
(fictitious names), RICHARD ROE 1-5
(fictitious names), COUNTY OF MORRIS,
TOWNSHIP OF MORRISTOWN, STATE OF
NEW JERSEY, and/or ABC CORP. 1-5
(fictitious names),

Defendant.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION : MORRIS COUNTY
: DOCKET NO. MRS L-1305-16

CIVIL ACTION

: COMPLAINT, DEMAND FOR JURY
: DEMAND FOR INSURANCE
: INFORMATION, DESIGNATION OF
: TRIAL COUNSEL AND CERTIFICATION

MORRIS COUNTY
CIVIL DIVISION

RECEIVED & FILED
SUPERIOR COURT
2016 JUN 11 A 11:23

Plaintiff, Angeli Daftari, residing in East Brunswick, Middlesex County, New Jersey, by
way of Complaint against the Defendant, says:

FIRST COUNT

1. On or about January 23, 2015, Plaintiff, Angeli Daftari, was a pedestrian and was
lawfully walking in the pedestrian cross-walk on Ann Street in the Township of Morristown,
County of Morris and State of New Jersey.

2. At the time and place aforesaid, Defendant, Derrick H. Flitcroft, residing at 23 Tingley Road, Township of Morristown, County of Morris, State of New Jersey, was operating his motor vehicle at which time he struck the Plaintiff, Angeli Daftari.

3. Defendant, Derrick H. Flitcroft, operated his motor vehicle in such a negligent and careless manner and to cause his vehicle to strike the Plaintiff while she was traversing the Ann Street Crosswalk.

4. As a direct and proximate result of the negligent and careless conduct of the Defendant, Derrick H. Flitcroft, the Plaintiff, Angeli Daftari, has sustained severe, permanent, personal injuries; she has required and will require in the future medical care and attention; she was disabled from pursuing her usual activities and she has sustained other losses thereby.

WHEREFORE, the Plaintiff, Angeli Daftari, hereby demands judgment for damages against the Defendant, Derrick H. Flitcroft, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and incorporates herein by reference the allegations of the First Count of the Complaint.

2. At the time and place aforesaid, the Township of Morristown, with administrative offices located at 200 South Street, Morristown, New Jersey; and/or the County of Morris, with offices located at the Administration and Records Building, Morristown, New Jersey, and the State of New Jersey with offices located at Department of Law and Public Safety, 25 West Market Street, Trenton, New Jersey, with knowledge of malfunctioning traffic control device at Ann Street, failed to properly alert, and/or place warnings of any type to alert the plaintiff of a malfunctioning traffic control device, and failed to warn and/or failed to take precautions for the safety of pedestrians at

the Ann Street crosswalk. These failures were palpably unreasonable, and which proximately caused plaintiff's injuries.

3. Defendants, the Township of Hanover and/or the County of Morris and/or State of New Jersey failure to failed to properly alert, and/or place warnings of any type to alert the plaintiff of a non-functioning traffic control device, and failed to warn and/or failed to take precautions for the safety of motor vehicle operators at the intersection in a timely manner, allowed an unsafe condition to exist at the Ann Street Crosswalk and failed to prevent the unsafe, hazardous condition that existed.

4. As a direct and proximate result of the negligent and careless conduct of the defendants, Township of Hanover, County of Morris and State of New Jersey, the plaintiff Angeli Daftari sustained severe, permanent personal injuries, she has lost time from her usual activities; she has incurred and will incur in the future substantial medical care and expenses; she has endured great pain and suffering; she has suffered a loss in the quality of her life and suffered other losses thereby.

WHEREFORE, the Plaintiff, Angeli Daftari hereby demands judgment for damages against the Defendants, the Township of Hanover, County of Morris and State of New Jersey, John Does 1-5, Jane Does 1-5, Richard Roe 1-5, ABC Corp. 1-5 together with attorney fees, interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats and incorporates herein by reference the allegations of the First and Second Counts of the Complaint.

2. Richard Roe 1-5 is the nominal designations for a party or parties whose identity or identities are presently unknown, and whose responsibility it was to construct, maintain and/or operate the signal device located at the Ann Street, Morristown, Morris County, New Jersey.

3. Defendant, John Does 1-5 and Jane Does 1-5, fictitious names, were the agents or employees of the Township of Hanover, the County of Morris or the State of New Jersey who failed to properly alert, and/or place warnings of any type to alert the plaintiff of a non-functioning traffic control device, and failed to warn and/or failed to take precautions for the safety of pedestrians and they failed to prevent the unsafe, hazardous condition.

4. As a direct result of the negligence, carelessness and unreasonableness of the Defendants, the plaintiff Angeli Daftari sustained severe, permanent personal injuries, she has lost time from her employment and/or usual activities; she has incurred and will incur in the future substantial medical care and expenses; she has endured great pain and suffering; she has suffered a loss in the quality of her life and suffered other losses thereby.

WHEREFORE, plaintiff, Angeli Daftari, demands judgment against defendants Derrick Flitcroft, Township of Hanover, County of Morris, State of New Jersey, Richard Roes 1-5, John Does 1-5, Jane Does 1-5, individually, jointly or in the alternative, for damages, attorney fees, costs of suit and such other relief as the Court deems equitable and just.

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10-2(b), Plaintiff hereby demands that the Defendant provide to the Plaintiff a copy of any and all insurance policies, or in the alternative, a statement as to the insurance coverages of the Defendants, relative to Plaintiff's claim.

DEMAND FOR JURY

Plaintiff, Angeli Daftari, hereby demands a Trial by Jury on all issues of fact.

DESIGNATION OF TRIAL COUNSEL

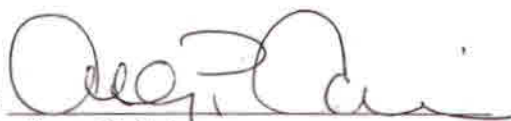
Pursuant to the provisions of Rule 4:25-4, the Court is advised that ANTHONY P. CAIVANO, ESQ. is hereby designated as trial counsel on behalf of the Plaintiff, Angeli Daftari.

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that this matter in controversy is not the subject of any other action pending in any Court, is not the subject of a pending arbitration proceeding and none is contemplated.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

ANTHONY P. CAIVANO, ESQ., P.C.
Attorney for Plaintiff

BY: 
Anthony P. Caivano

Dated: June 8, 2016