

FRIER LEVITT
ATTORNEYS AT LAW

19 Microlab Road
Suite A
Livingston, NJ 07039
(973) 535-1660
Attorneys for Plaintiff Michael Foit

MICHAEL FOIT,

Plaintiff,

v.

TOWN OF MORRISTOWN,
BEGINNINGS, TOWN OF MORRISTOWN
DEPARTMENT OF HUMAN SERVICES,
MORRISTOWN TOWN COUNCIL AS
COMPRISED ON 12/31/04 AND 12/31/05,
DAVID MCCOY, DONALD CRESTELLO,
TERRENCE MICHAEL LYNCH, JUDITH
LYNCH, LUYHNICAH RESEARCH PLC
INT, STATE OF NEW JERSEY
JUDICIARY, and JOHN DOES 1-10,

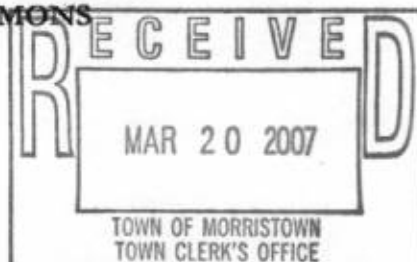
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION -
PASSAIC COUNTY

DOCKET NO.: PAS-L-107807

Civil Action

SUMMONS

**THE STATE OF NEW JERSEY TO:**

Town of Morristown
c/o Town Clerk- Matthew Stechauner
200 South Street, CN 914
Morristown, New Jersey 07963

The Plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Verified Complaint, Jury Demand and Designation of Trial Attorney 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 of the County listed above within thirty-five (35) days after the service of the Summons and Verified Complaint upon you, not counting the date you received it. (The address of each Deputy Clerk of

the Superior Court is provided.) A \$135.00 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 Plaintiff, if no attorney is named above. A telephone call does 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 thirty-five (35) days, the Court may enter a Judgment against you for the relief plaintiff's demand, 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.


DONALD F. PHELAN

DATED: March 6, 2007

Name of Defendant to be served:

Town of Morristown
c/o Town Clerk- Matthew Stechauner
200 South Street, CN 914
Morristown, New Jersey 07963

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
Case Processing Section, Room 119
Justice Center, 10 Main St.
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 Rd.
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
1st Fl., Hall of Records
101 S. Fifth St.
Camden, NJ 08103

LAWYER REFERRAL
(856) 964-4520
LEGAL SERVICES
(856) 964-2010

CAPE MAY COUNTY:
Deputy Clerk of the Superior Court
9 N. Main Street
Box DN-209
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
Broad & Fayette Sts., P.O. Box 615
Bridgeton, NJ 08302

LAWYER REFERRAL
(856) 692-6207
LEGAL SERVICES
(856) 451-0003

ESSEX COUNTY:
Deputy Clerk of the Superior Court
50 West Market Street
Room 131
Newark, NJ 07102

LAWYER REFERRAL
(973) 622-6207
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, P.O. Box 129
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 Floor
583 Newark Ave.
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 08822

LAWYER REFERRAL
(908) 735-2611
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
Administration Building
Third Floor
1 Kennedy Sq., 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
71 Monument Park
P.O. Box 1269
Freehold, NJ 07728-1269

LAWYER REFERRAL
(732) 431-5544
LEGAL SERVICES
(732) 866-0020

MORRIS COUNTY:

Deputy Clerk of the Superior Court
Civil Division
30 Schuyler Pl., 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
Court House, Room 119
118 Washington Street
Toms River, NJ 08754

LAWYER REFERRAL
(732) 240-3666
LEGAL SERVICES
(732) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the Superior Court
Civil Division
Court House
77 Hamilton St.
Paterson, NJ 07505

LAWYER REFERRAL
(973) 278-9223
LEGAL SERVICES
(973) 345-7171

SALEM COUNTY:

Deputy Clerk of the Superior Court
92 Market St., P.O. Box 18
Salem, NJ 08079

LAWYER REFERRAL
(856) 935-5628
LEGAL SERVICES
(856) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office
New Court House, 3rd Fl.
P.O. Box 3000
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) 267-5882
LEGAL SERVICES
(908) 475-2010

Note: Adopted July 13, 1994, effective September 1, 1994; amended June 28, 1996, effective September 1, 1996; address/phone information updated July 1, 1999, effective September 1, 1999; amended July 12, 2002 to be effective September 3, 2002; amended July 27, 2006 to be effective September 1, 2006.

PASSAIC SUPERIOR COURT
PASSAIC COUNTY COURTHOUSE
77 HAMILTON STREET
PATERSON NJ 07505

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 247-8183
COURT HOURS

DATE: MARCH 08, 2007
RE: FOIT VS TOWN OF MORRISTOWN
DOCKET: PAS L -001073 07

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 THOMAS J. LACONTE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 007
AT: (973) 247-8211.

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: JONATHAN E. LEVITT
FRIER & LEVITT
19 MICROLAB RD
SUITE A
LIVINGSTON NJ 07039

JUKIS

MAR 12 2007

FRIER LEVITT

ATTORNEYS AT LAW

19 Microlab Road
Suite A
Livingston, NJ 07039
(973) 535-1660
Attorneys for Plaintiff Michael Foit

MICHAEL FOIT,

Plaintiff,

v.

TOWN OF MORRISTOWN,
BEGINNINGS, TOWN OF MORRISTOWN
DEPARTMENT OF HUMAN SERVICES,
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COMPRISED ON 12/31/04 AND 12/31/05,
DAVID MCCOY, DONALD CRESITELLO,
TERRENCE MICHAEL LYNCH, JUDITH
LYNCH, LUYHNICAH RESEARCH PLC
INT, STATE OF NEW JERSEY
JUDICIARY, and JOHN DOES 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION –
PASSAIC COUNTY

DOCKET NO.: PAS-L- 1073-07

Civil Action

VERIFIED COMPLAINT

Plaintiff, Michael Foit, by and through his attorneys by way of Complaint against
Defendants, states as follows:

FACTS COMMON TO ALL COUNTS

1. Plaintiff, Michael Foit, is an individual with an address of 18 lee Avenue, Lake Hopatcong, New Jersey.
2. Defendant, Town of Morristown, is a municipal entity located in the County of Morris, State of New Jersey.
3. Defendant, Beginnings, is an unlicensed town-funded company located at 65 Spring Street, Morristown, New Jersey 07960.

4. Defendant, Town of Morristown, Department of Human Services, is a municipal agency located at 200 South Street, CN 914, Morristown, New Jersey 07963.

5. Defendant, Morristown Town Council as it was comprised prior to December 31, 2005, represents the individuals who were council members at the time the incident complained occurred.

6. At all time referenced in the Complaint, Defendant, David McCoy, was the Manager of Beginnings located at 65 Spring Street, Morristown, New Jersey.

7. At all times referenced in this Complaint Defendant, Donald Cresitello, was the Mayor of the Town of Morristown.

8. Defendant, Terrence Michael Lynch (hereinafter referred to as "Dr. Mike", as that is how he was referred to by defendants), is an individual residing at 53 Miller Road, Morristown, New Jersey.

9. Defendant, Judith Lynch, is an individual residing at 53 Miller Road, Morristown, New Jersey.

10. Defendant, Luyhnicah Research PLC Int., is an unlicensed medical practice with a principal place of business located at 53 Miller Road, Morristown, New Jersey.

11. Defendant, State of New Jersey, Judiciary is a government entity vested with control over the Probation Officers in the State of New Jersey.

12. Defendant, State of New Jersey, Judiciary is a government entity vested with hiring and retention of the Probation Officers in the State of New Jersey.

13. During the time period of January 2005 through the present, Plaintiff, Michael Foit, was on probation through the State of New Jersey Judiciary and more specifically Morris County Probation.

14. Plaintiff's probation officer was Mark Chedwiggan and his parole officer was Bill Smalls.

15. As a condition of his probation and parole, Plaintiff was required to attend drug and alcohol counseling.

16. Probation Officer mark Chedwiggan referred Plaintiff to Beginnings in Morristown as a condition of his probation for drug and alcohol counseling.

17. Upon information and belief, Beginnings is a town-funded program through the Town of Morristown.

18. Upon information and belief, Beginnings was not licensed to provide counseling services from early 2004 through early 2005.

19. Plaintiff went to Beginnings and met with the director, defendant, David McCoy.

20. Employees of Beginnings, including Defendant McCoy clearly represented to Plaintiff that "Dr. Mike" was a medical doctor and always referred to him as "Dr. Mike."

21. Plaintiff began treatment at Beginnings with "Dr. Mike" on or about June 2005.

22. During the course of his treatment with "Dr. Mike" plaintiff believed that "Dr. Mike" was a medical doctor licensed to practice medicine in the State of New Jersey.

23. As part of his treatment, "Dr. Mike" required Plaintiff to submit to physical examinations and urine testing. The physical examinations including requiring Plaintiff to lift up or take off his shirt, have his heart rate taken, feel his rib cage, touch Plaintiff's back and muscles, and give him a "hernia" exam by grabbing Plaintiff's testicles, inner thigh and pubic region.

24. During the course of his treatment, "Dr. Mike" would require Plaintiff to give urine samples for drug testing. "Dr. Mike" would watch and gawk at plaintiff while he gave urine for the test.

25. In order to comply with his probation, Plaintiff submitted urine samples.

26. In order to manipulate Plaintiff, "Dr. Mike" would tell Plaintiff he would not report the "dirty" urine to his probation officers as long as he accepted the consequences and submitted to Dr Mike's spanking.

27. In order to comply with his probation, Plaintiff followed the direction of "Dr. Mike." When Plaintiff's urine sample would come back positive, "Dr. Mike" would make Plaintiff pull his pants down and smack his buttocks repeatedly.

28. In addition, Plaintiff followed "Dr. Mike's" directions since defendants represented to Plaintiff that "Dr. Mike" was a doctor. Though he did not like the treatment provided, Plaintiff believed that "Dr. Mike's" actions were part of the course of his therapy and standard medical care and/or standard counseling.

29. In addition, "Dr. Mike" inquired into Plaintiffs' sexual history and relationships.

30. Upon information and belief, defendants knew or should have known that "Dr. Mike" was not a licensed and/or trained medical doctor.

31. Upon information and belief, defendants knew or should have known that "Dr. Mike" was not a licensed and/or trained therapist or counselor.

32. Upon information and belief, Defendants knew or should have known that "Dr. Mike" was a convicted sex offender.

33. Upon information and belief, Defendants knew or should have known that "Dr. Mike" had a propensity to commit a sexual offense.

34. Upon information and belief, defendants knew that Beginnings was not licensed.

35. Upon information and belief, the Division of Addiction Services (DAS), and its counselors needed to be certified, and later licensed.

36. Upon information and belief in early 2004 through early 2005, Defendant, David McCoy, was not licensed to practice medicine.

37. Defendant, David McCoy, held himself out to be eligible to counsel the public.

38. Defendant, David McCoy, engaged in the treatment of individuals at Beginnings despite the fact that he needed but did not have a license.

39. Defendants permitted David McCoy and "Dr. Mike" to provide treatment without the requisite license.

COUNT ONE

(Negligence and Negligent Hiring)

40. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in Facts Common to all Counts as though set forth at length herein.

41. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, hired and employed "Dr. Mike".

42. At all times mentioned, defendants had a duty to learn the background and qualifications of "Dr. Mike" before permitting him to treat individuals.

43. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was a convicted sex offender.

44. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was not a medical doctor or licensed therapist or counselor.

45. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was not trained to provide counseling.

46. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was unfit to provide counseling.

47. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, failed to perform a background check on "Dr. Mike" prior to permitting him to work at Beginnings.

48. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, negligently performed a background check on "Dr. Mike" prior to permitting him to work at Beginnings.

49. As a result of the Defendants' negligent hiring, Plaintiff has been and continues to be damaged.

WHEREFORE, Michael Foit demands judgment against defendants for compensatory damages and for such other relief as this Court deems appropriate.

COUNT TWO
(Negligent Supervision and Retention)

50. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in Facts Common to all Counts and Count One of the Complaint as though set forth at length herein.

51. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, had a duty to supervise "Dr. Mike."

52. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was a convicted sex offender and was not a medical doctor.

53. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, knew or should have known that "Dr. Mike" was not trained to provide counseling.

54. Despite having this information available to them, Defendants continued to employ "Dr. Mike" and continued to permit "Dr. Mike" to treat individuals, including Plaintiff, at Beginnings.

55. By virtue of Defendants' retention of "Dr. Mike", Plaintiff was caused to sustain damages.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory damages and such other and further relief this Court deems just and proper.

COUNT THREE
(Negligent Referral)

56. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in the Facts Common to All Counts, Counts One and Two of the Complaint as though set forth at length herein.

57. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, the Town of Morristown Council, and State of New Jersey Judiciary, referred "Dr. Mike" to treat individuals at Beginnings.

58. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, the Town of Morristown Council, and State of New Jersey Judiciary, knew or should have known that it was inappropriate to refer a convicted sex offender to provide treatment and counseling to individuals.

59. In addition, the foregoing defendants referred Plaintiff, Michael Foit, to undergo his mandatory treatment at Beginnings with Dr. Mike.

60. As a result of Defendants' actions, Plaintiff has been and continues to be damaged.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory damages and such other and further relief this Court deems just and proper.

COUNT FOUR
(Battery)

61. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in the Facts Common to All Counts, Counts One, Two and Three of the Complaint as though set forth at length herein.

62. During the course of treatment, Defendant, "Dr. Mike", touched Plaintiff's penis, testicles and buttocks, massaged his back and legs and otherwise touched Plaintiff in an inappropriate manner.

63. Defendant, "Dr. Mike" touched Plaintiff without his initial consent.

64. When Plaintiff objected to the touching, defendant, "Dr. Mike" told Plaintiff it was part of his treatment and that it would help him.

65. Based on the representation that defendant was a doctor or licensed counselor, Plaintiff permitted "Dr. Mike" to touch him.

66. Defendant, "Dr. Mike", obtained Plaintiff's consent to touch through misrepresentation and fraud.

67. As a result of the offensive and inappropriate touching, Plaintiff has been damaged.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory and punitive damages and such other and further relief this Court deems just and proper.

COUNT FIVE
(Unlicensed Operation of Medical Practice)

68. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in the Facts Common to All Counts, Counts One, Two, Three and Four of the Complaint as though set forth at length herein.

69. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council, operated an unlicensed facility which provided medical treatment to individuals.

70. Defendants, Town of Morristown, Beginnings, Town of Morristown Department of Human Services, David McCoy, Mayor Donald Cresitello, and the Town of Morristown Council,

knew or should have known that they were not legally permitted to operate Beginnings without the requisite certification and licensing.

71. Defendants failed to properly fulfill their duty to ensure that only a properly licensed and/or certified person would treat individuals.

72. As a result of Defendants' actions, Plaintiff has been and continues to be damaged.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory damages and such other and further relief this Court deems just and proper.

**COUNT SIX
(Unlicensed Operation of Medical Practice)**

73. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in the Facts Common to All Counts, Counts One, Two, Three, Four and Five of the Complaint as though set forth at length herein.

74. Defendant, Judith Lynch, owns the home located at 53 Miller Road, Morristown, New Jersey.

75. Defendant, Terence Michael Lynch, operated a medical practice under the name Luyhnicah Research PLC Int. at 53 Miller Road, Morristown, New Jersey.

76. Defendant, Judith Lynch, permitted Defendant, Terence Michael Lynch, and Luyhnicah Research PLC Int., to operate its practice at 53 Miller Road, Morristown, New Jersey.

77. Defendant, Judith Lynch, knew or should have known that Defendants were not licensed to operate a medical facility.

78. Defendant, Judith Lynch, knew or should have known that Defendants were not legally permitted to operate Luyhnicah Research PLC, Int. without the requisite certification and licensing.

79. As a result of Defendants' actions, Plaintiff has been and continued to be damaged.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory damages and such other and further relief this Court deems just and proper.

COUNT SEVEN
(Spoliation of Evidence)

80. Plaintiff, Michael Foit, repeats and incorporates herein by reference each and every allegation set forth in the Facts Common to All Counts, Counts One, Two, Three, Four, Five and Six of the Complaint as though set forth at length herein.

81. During the counseling sessions, Terence Michael Lynch took copious notes about the information discussed and statements disclosed by Plaintiff.

82. Terence Michael Lynch maintained these notes at his office in Beginnings.

83. Upon information and belief, Terence Michael Lynch and/or the Town defendants negligently or willfully destroyed these notes.

84. Defendants knew that these documents were relevant to the probable or pending litigation and should be preserved.

85. Despite this knowledge, defendants destroyed these documents with the intention of prejudicing Plaintiff's lawsuit.

86. As a direct result, Plaintiff has been damaged.

WHEREFORE, Michael Foit, demands judgment against Defendants for compensatory damages and such other and further relief this Court deems just and proper.

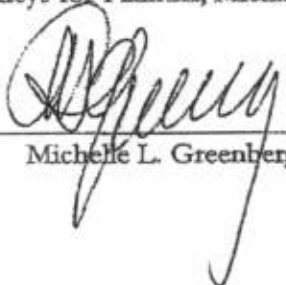
JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Jonathan E. Levitt, Esq. is hereby designated trial counsel in the within matter.

Frier & Levitt, LLC
Attorneys for Plaintiff, Michael Foit

By: 

Michelle L. Greenberg

Dated: March 5, 2007

CERTIFICATION PURSUANT TO RULE 4:5-1

MICHELLE L. GREENBERG, of full age, does hereby certify as follows:

The following public entities have not been named but may be relevant for purposes of R. 4:5-1(b)(2): The State of New Jersey, New Jersey State Parole Board, New Jersey State Department of Corrections, Attorney General: Department of Law and Public Safety, Division of Youth and Family Services and Morris County Sheriff's Department. We have served Tort Claims Notices on these entities.

There are other matters pending in this Court with the same defendants named in this Complaint but different plaintiffs: Docket Nos.: PAS-L-2120-06, PAS-L-2121-06, PAS-L-5370-06.


Michelle L. Greenberg

Dated: March 5, 2007



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 if 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

Michelle L. Greenberg, Esq.

TELEPHONE NUMBER

(973) 535-1660

COUNTY OF VENUE

Passaic

FIRM NAME (if applicable)

Frier & Levitt

DOCKET NUMBER (When available)

PAS-L 1078-07

OFFICE ADDRESS

19 Microlab Road, Suite A
Livingston, NJ 07039DOCUMENT TYPE
Complaint

JURY DEMAND

☒ YES ☐ NO

NAME OF PARTY (e.g. John Doe, Plaintiff)

Michael Foit

RECEIVED
 Office of the Superior Court Clerk
 by **PASSAIC COUNTY**
 MAR 8 2007

Michael Foit v. Town of Morristown, Beginnings, Town of Morristown Department of Human, Morristown Town Council as comprised on 12/31/04 and 12/31/05, David McCoy, Donald Cresitello, Terrence Michael Lynch, Judith Lynch, Luyhnicah Research PLC INT, State of New Jersey Judiciary and John Does 1-10

CASE TYPE NUMBER

(See reverse side for listing)

699

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,
BUT
SEE
IF YES, LIST DOCKET
NUMBERS

Docket No: PAS-L-2120-06/PAS-L-2121-06

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, Joint Insurance Fund

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.

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

A. DO PARTIES HAVE A CURRENT,
PAST OR RECURRENT
RELATIONSHIP?☐ YES ☒ NOIF YES, IS THAT
RELATIONSHIP☐ EMPLOYER - EMPLOYEE☐ FRIEND / NEIGHBOR☐ OTHER (explain) _____☐ FAMILIAL☐ BUSINESSB. DOES THE STATUTE GOVERNING THIS
CASE PROVIDE FOR PAYMENT OF FEES BY
THE LOSING PARTY?☐ YES ☒ NOUSE 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 ☒ NOIF YES, PLEASE IDENTIFY
THE REQUESTED ACCOMMODATION: _____

WILL AN INTERPRETER BE NEEDED?

☐ YES ☒ NO

IF YES, FOR WHAT LANGUAGE: _____

ATTORNEY SIGNATURE

Revised effective 10/0/02

SIDE 2



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
- 502 BOOK ACCOUNT
- 503 COMMERCIAL TRANSACTION
- 505 OTHER INSURANCE CLAIM (INCLUDING DECLARATORY JUDGMENT ACTIONS)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 599 CONTRACT
- 801 SUMMARY ACTION

Track II – 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 602 ASSAULT AND BATTERY
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 699 TORT - OTHER

Track III – 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 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 COVERAGE LITIGATION
- 234 FRT PLYWOOD LITIGATION
- 245 ACTIONS UNDER FEDERAL Y2K ACT
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 613 REPETITIVE STRESS SYNDROME
- 701 ACTIONS IN LIEU OF PREROGATIVE WRIT

Mass Tort (Track IV)

- 240 DIET DRUG
- 241 TOBACCO
- 243 LATEX
- 246 REZULIN
- 601 ASBESTOS
- 611 BREAST IMPLANT CASES
- 612 BLOOD-CLOTTING SERUM

999 OTHER (Briefly describe nature of action) _____

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."