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DEC 15 2014

TOWN OF MORRISTOWN
TOWN CLERK'S OFFICE

LITVAK & TRIFOLIS, P.C.
45 Horsehill Road
Cedar Knolls, New Jersey 07927
Phone: (973) 359-0090
Fax: (973) 359-0096
Our File No.: 48390.SIL
State Bar No. 029351987

Attorneys for plaintiff(s), Sandra Atkins and Terry Atkins

SANDRA ATKINS and TERRY ATKINS, her husband	:	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: MORRIS DOCKET NO.: MRS-L-2939-14
Plaintiff(s)	:	
vs.	:	
THE TOWN OF MORRISTOWN, JOHN DOES 1-10, JANE ROES 1-10, XYZ COMPANIES 1-10, ABC CORPORATIONS 1-10,	:	
Defendant(s)	:	
	:	
	:	
	:	
	:	
	:	

CIVIL ACTION – SUMMONS

The State of New Jersey, to the above named defendant(s):

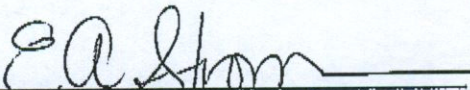
TOWN OF MORRISTOWN

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 a general appearance in accordance with R.5:4-3(a) 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. The address of the deputy clerk of the Superior Court is:

An \$135.00 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 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 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 35 days, the court may enter a judgment against you for 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.


Elisabeth Ann Strom, Clerk of Superior Court

Dated: December 5, 2014

Defendant to be served: Town of Morristown

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

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 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
First 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
Central Processing Office
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 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) 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, 3rd 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
71 Monument Park
P.O. Box 1269
Court House, East Wing
Freehold, NJ 07728-1262
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 Street
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

12/05/2014 12:25

(FAX)

P.006/013

WARREN COUNTY:

Deputy Clerk of the Superior Court
Civil Division Office, Court House
413 Second Street, Belvidere, NJ 07823-
1500

LAWYER REFERRAL

(973) 267-5882

LEGAL SERVICES

(973) 475-2010

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 Our File No.: 48390.SIL
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Attorneys for plaintiff(s), Sandra Atkins and Terry Atkins

RECEIVED & FILED
 SUPERIOR COURT

2014 DEC -2 A 11: 16

MORRIS COUNTY
 CIVIL DIVISION

SANDRA ATKINS and TERRY ATKINS, her husband	:	SUPERIOR COURT OF NEW JERSEY LAW
Plaintiff(s)	:	DIVISION: MORRIS
vs.	:	DOCKET NO.: MRS-L-
THE TOWN OF MORRISTOWN, JOHN DOES 1-10, JANE ROES 1-10, XYZ COMPANIES 1-10, ABC CORPORATIONS 1-10,	:	
Defendant(s)	:	
	:	

COMPLAINT AND JURY DEMAND

The plaintiffs, Sandra Atkins and Terry Atkins, residing at 54 Fairchild Avenue, Township of Morris Plains, County of Morris and State of New Jerseys, say:

FIRST COUNT

1. On or about May 29, 2013, plaintiff, Sandra Atkins, was a pedestrian walking on the sidewalk near or about the Morristown Public Library in the Town of Morristown, County of Morris, State of New Jersey.
2. At the aforesaid time and place, the defendants, Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10 owned, operated and controlled said sidewalk.
3. As a direct and proximate result of the aforesaid negligence of the defendants Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10 failing to own, operate, maintain and control said sidewalk, plaintiff, Sandra Atkins, was caused to trip and fall and sustained bodily injuries of both a temporary and permanent nature which required and continues to require medical care and treatment, suffered and continues to suffer great pain and anguish, was obliged and continues to be obliged to expend large sums of money for medical and other needed care of the aforesaid injuries, was prevented and continues to be prevented from pursuing her usual course of conduct and

activities for a substantial period of time and is still unable to engage in her regular activities and usual pursuits, has lost and continues to lose wages and work related benefits, has otherwise suffered damages and loss, and will suffer great pain and other damages and loss in the future.

WHEREFORE, plaintiff, Sandra Atkins, demands judgment against the Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10, jointly and severally, for damages which would reasonably and properly compensate her, together with interest, reasonable attorney's fees, costs of suit, and such other relief and restitution as may be awarded by the Court.

SECOND COUNT

1. The plaintiff, Sandra Atkins, repeats the allegations set forth in the First Count of this Complaint as if set forth herein at length.

2. On or about May 29, 2013, plaintiff, Sandra Atkins, was legally and lawfully upon the sidewalk abutting the Morristown Public Library which was owned, operated, maintained, controlled, ddesigned, constructed, repaired, inspected, by the defendants, Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10.

3. Defendants Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10 were negligently performing construction on said sidewalk causing an obvious hazard to plaintiff Sandra Atkins and as a result of same, plaintiff Sandra Atkins was caused to trip and fall and sustained severe and permanent injuries as a result of the negligent construction work performed by defendants Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10.

WHEREFORE, the plaintiff, Sandra Atkins, demands judgment against the defendants, jointly and severally, for such damages which would reasonably and properly compensate her, together with interest, reasonable attorney's fees, costs of suit, and other relief and restitution as may be awarded by the Court.

THIRD COUNT

1. The plaintiff, Sandra Atkins, repeats and reiterates the allegations set forth in the First and Second Count of said Complaint as if set forth herein at length.

2. The plaintiff herein alleges that there was a breach of regulations that constitute a statutory tort.

3. As a direct and proximate result of the negligence, carelessness and recklessness of defendants

Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10, Sandra Atkins sustained bodily injuries of both a temporary and permanent nature which required and continues to require medical care and treatment, suffered and continues to suffer great pain and anguish was obliged and continues to be obliged to expend large sums of money for medical and other needed care of the aforesaid injuries, was prevented and continues to be prevented from pursuing her usual course of conduct and activities for a substantial period of time and is still unable to engage in her regular activities and usual pursuits, has lost and continues to lose wages and work related benefits, has otherwise suffered damages and loss, and will suffer great pain and other damages and loss in the future.

WHEREFORE, the plaintiff, Sandra Atkins, demands judgment against the defendants, Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10 jointly and severally, for such damages which would reasonably and properly compensate her, together with interest, reasonable attorneys' fees, costs of suit, and such other relief and restitution as may be awarded by the Court.

FOURTH COUNT

1. The plaintiff, Sandra Atkins, repeats the allegations contained in the First, Second and Third Count of said Complaint as if set forth herein at length.
2. Plaintiff, Terry Atkins, is and was at all relevant times, the husband of plaintiff, Sandra Atkins.
3. As a direct and proximate result of the negligence, carelessness, and/or recklessness of the defendants Town of Morristown, John Does 1-10, Jane Roes 1-10, XYZ Companies 1-10, ABC Corporations 1-10, Plaintiff, Terry Atkins, has lost and will continue to lose, the services, society and consortium of his wife, plaintiff Sandra Atkins, all to his damage and thus brings this Per Quod claim.

WHEREFORE, the plaintiff, Terry Atkins, demands judgment against the defendants, jointly and severally, for such damages which would reasonably and properly compensate him, together with interest, reasonable attorney's fees, costs of suit, and such other relief and restitution as may be awarded by the Court.

DEMAND FOR TRIAL BY JURY

Pursuant to Rule 4:35-1, plaintiffs hereby demand a trial by jury on all issues.

NOTICE OF DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, notice is hereby given that Steven I. Litvak Esq. is designated as trial counsel in this matter.

CERTIFICATION

Pursuant to Rule 4:5-1, I hereby certify that to the best of my knowledge, information, and belief:

1. The matter in controversy is not the subject matter of any other action pending in any other court or arbitration proceeding and that no such other action or arbitration proceeding is contemplated.
2. There are no other known parties which should be joined in this lawsuit.
3. 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.

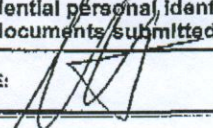
LITVAK & TRIFOLIS, P.C.
Attorneys for plaintiffs Atkins

By: _____

STEVEN I. LITVAK

Dated: November 17, 2014

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS) Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule</i> 4:5-1 Pleading will be rejected for filing, under <i>Rule</i> 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: SUPERIOR COURT CHG/CK NO.: 2014 DEC -2 A 11-16 AMOUNT: MORRIS COUNTY OVERPAYMENT: CIVIL DIVISION BATCH NUMBER:	
	ATTORNEY / PRO SE NAME Steven I. Litvak, Esq.		TELEPHONE NUMBER (973) 359-0090	
	FIRM NAME (if applicable) Litvak & Trifolitis, PC		COUNTY OF VENUE Morris	
	OFFICE ADDRESS P.O. Box 503 Cedar Knolls, NJ 07927		DOCKET NUMBER (when available)	
NAME OF PARTY (e.g., John Doe, Plaintiff) Sandra Atkins and Terry Atkins, her husband, plaintiffs		CAPTION Atkins v. The Town of Morristown, et al.		
CASE TYPE NUMBER (See reverse side for listing) 605	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 <i>Rule</i> 1:38-7(b).				
ATTORNEY SIGNATURE: 				

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 (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
- 808 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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREIDIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 801 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 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

12/05/2014 12:27

(FAX)

P.013/013

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: DECEMBER 03, 2014
RE: ATKINS VS TOWNSHIP OF MORRISTOWN ET AL
DOCKET: MRS L. -002939 14

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 ROSEMARY E. RAMSAY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4103.

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: STEVEN I. LITVAK
LITVAK & TRIFIOLIS
45 HORSEHILL ROAD
PO BOX 503
CEDAR KNOLL NJ 07927

JUXP081