

LAW OFFICES OF ANTHONY P. CAIVANO

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Denville, New Jersey 07834

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Attorney for Plaintiffs

GLENN A ACKERMAN AND ROBERT ACKERMAN, HER HUSBAND : SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS COUNTY
DOCKET NO: MRS-L- 2724-10

PLAINTIFFS,

CIVIL ACTION

V.

***COMPLAINT, JURY DEMAND AND
DESIGNATION OF TRIAL COUNSEL***

TOWN OF MORRISTOWN, WACHOVIA
BANK AND/OR ABC CORP., CUSHMAN &
WAKEFIELD AND/OR DEF CORP., JONES:
LANG LASALLE COMPANY, AND/OR
GHI CORP., GRAMERCY CAPITAL CORP.:
AND/OR GRAMERCY PARTNERS
AND/OR JKL CORP., AMERICAN
FINANCIAL REALTY TRUST AND/OR
AFRT AND/OR MNO CORP., FIORE
MARKETING AND/OR PQR CORP.,
HAMPSHIRE REAL ESTATE AND/OR STU
CORP., 10 DEHART STREET LLC T/A:
ATLAS TAX AND/OR XYZ CORP. 1-5
(FICITIOUS NAMES),

DEFENDANTS.

Plaintiffs Glenna Ackerman and Robert Ackerman, her husband, residing at 1 Pembroke Drive, Mendham, Morris County, New Jersey, by way of Complaint against the defendants, state:

FIRST COUNT

1. On or about August 27, 2008, Glenna M. Ackerman was walking on the public sidewalk and/or private sidewalk located at 10 Dehart Street, Morristown, Morris County, New

Jersey, at which time she was caused to trip and fall on a defective portion of the sidewalk, causing her serious bodily injuries.

2. At all times mentioned herein, defendant, Town of Morristown, with principal offices located at 200 South Street, Morristown, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

3. At all times mentioned herein, defendant, Wachovia Bank and/or ABC Corp. (a fictitious name), with a branch office located at 10 Dehart Street, Morristown, Morristown, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

4. At all times mentioned herein, defendant, Cushman & Wakefield, DEF Corp. (a fictitious name), with principal offices located at 1150 Headquarters Drive, Morristown, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

5. At all times mentioned herein, defendant, Jones Lang Lasalle Company and/or GHI Corp. (a fictitious name), with offices located at 400 Interpace Parkway, Building D, 1st Floor, Parsippany, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

6. At all times mentioned herein, defendant, Gramercy Capital Corp., and/or Gramercy Partners and/or JKL Corp. (a fictitious name), with offices located at 420 Lexington Avenue, New York, NY, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

7. At all times mentioned herein, defendant, American Financial Realty Trust, and/or AFRT and/or MNO Corp. (a fictitious name), with offices located at 1725 The Fairway,

Jenkintown, Pennsylvania, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

8. At all times mentioned herein, defendant, Hampshire Real Estate and/or Hampshire Companies, LLC, and/or Fiore Marketing, and/or PQR Corp. (a fictitious name) with offices located at 23 Dehart Street, Morristown, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

9. At all times mentioned herein, defendant, 10 Dehart Street LLC and/or Atlas Tax and/or XYZ Corp. (a fictitious name) with offices located at 10 Dehart Street, Morristown, Morris County, New Jersey, was the owner, lessor, operator, managers and/or maintainers of the sidewalk area describe herein.

10. At all times mentioned herein, defendants had a legal duty to properly construct, repair and/or maintain the aforementioned property. In particular, the defendants had a legal obligation to maintain their premises in a reasonable and prudent manner so that its residents and/or invitees and licensees were not exposed to an unreasonable risk of harm or a palpably unreasonable risk of harm.

11. On or about August 27, 2008, the plaintiff Glenna Ackerman, was lawfully on the aforementioned premises and was walking out of the defendant Wachovia Bank parking lot onto the red brick sidewalk in the vicinity of 10 Dehart Street. At that time, a dangerous condition existed, which was caused, in whole or in part, by the recklessness and/or negligence and/or palpably unreasonable conduct of the defendants.

12. Specifically, the defendants were palpably unreasonable, reckless and/or negligent in that they failed to exercise reasonable care to construct, repair, and/or maintain the premises in a safe condition and also failed to warn the plaintiff, and other invitees, of the dangerous condition

which existed on their premises.

13. The dangerous condition was created by the defendants, their agents, servants, employees, or subcontractors, and that fact gave the defendant Town of Morristown both actual and constructive notice of the dangerous condition in sufficient time prior to the injury to have protected the plaintiff against the condition.

14. The actions of the defendant in creating the dangerous condition and in failing to protect the plaintiff against the condition were palpably unreasonable.

15. As a direct and proximate result of the reckless, negligent and/or palpably unreasonable conduct of the defendants, the plaintiff, Glenna Ackerman sustained severe and 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, Glenna Ackerman demands judgment against defendants, Town of Morristown, Wachovia Bank and/or ABC Company, Cushman & Wakefield and/or DEF Corp., Jones Lang Lasalle Company and/or GHI Corp., Gramercy Capital Corp. and/or Gramercy Partners and/or JKL Corp., American Financial Realty Trust and/or AFRT and/or MNO Corp., Hampshire Real Estate and/or Hampshire Companies LLC and/or Fiore Marketing and/or PQR Corp., and 10 Dehart Street and/or Atlas Tax Co., and/or XYZ Corp., individually, jointly or in the alternative, together with interest and costs of suit.

SECOND COUNT

1. The allegations of the First Count are repeated herein as if fully set forth at length.
2. Defendants, ABC Corp., DEF Corp., GHI Corp., JKL Corp., MNO Corp., PQR Corp.,

STU Corp. and XYZ Corp., are fictitious names, or the nominal designation for a party or parties whose identities are presently unknown.

3. These defendants, as the agents, servants and/or employees of the Defendants, had a legal duty to maintain the subject premises, properly construct, repair and/or maintain the premises, and/or warn of the dangers located therein.

4. These defendants were negligent, reckless, and/or palpably unreasonable in that they failed to exercise reasonable care and failed to warn as aforesaid.

5. As a direct and proximate result of the conduct of these Defendants, plaintiff, Glenna Ackerman, suffered severe and 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, Glenna Ackerman demands judgment against defendants, Town of Morristown, Wachovia Bank and/or ABC Company, Cushman & Wakefield and/or DEF Corp., Jones Lang Lasalle Company and/or GHI Corp., Gramercy Capital Corp. and/or Gramercy Partners and/or JKL Corp., American Financial Realty Trust and/or AFRT and/or MNO Corp., Hampshire Real Estate and/or Hampshire Companies LLC and/or Fiore Marketing and/or PQR Corp., and 10 Dehart Street and/or Atlas Tax Co., and/or XYZ Corp., individually, jointly or in the alternative, together with interest and costs of suit.

THIRD COUNT

1. The allegations of the First and Second Counts are repeated herein as if fully set forth at length.

2. Plaintiff, Robert Ackerman is the spouse of plaintiff, Glenna Ackerman.

3. As a further result of the negligence of the defendants, plaintiff, George Nisbet, has and will suffer the loss of the companionship, consortium, and services of the plaintiff, Glenna Ackerman, during the period of her disability.

Wherefore, plaintiff, Glenna Ackerman demands judgment against defendants, Town of Morristown, Wachovia Bank and/or ABC Company, Cushman & Wakefield and/or DEF Corp., Jones Lang Lasalle Company and/or GHI Corp., Gramercy Capital Corp. and/or Gramercy Partners and/or JKL Corp., American Financial Realty Trust and/or AFRT and/or MNO Corp., Hampshire Real Estate and/or Hampshire Companies LLC and/or Fiore Marketing and/or PQR Corp., and 10 Dehart Street and/or Atlas Tax Co., and/or XYZ Corp., individually, jointly or in the alternative, together with interest and costs of suit.

DEMAND FOR JURY

Plaintiff, Ellen Helfand Kosmajac, hereby demand 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 plaintiffs.

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.

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.

LAW OFFICES OF ANTHONY P. CAIVANO
Attorney for Plaintiffs
Glenna Ackerman and Robert Ackerman

By: 
ANTHONY P. CAIVANO

Dated: August 23, 2010

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:
	1. ATTORNEY / PRO SE NAME Anthony P. Caivano, Esq.	2. TELEPHONE NUMBER (973) 784-4404	3. COUNTY OF VENUE Morris
	4. FIRM NAME (if applicable) Law Offices of Anthony P. Caivano		5. DOCKET NUMBER (when available) MRS- <u>L-2724-10</u>
	6. OFFICE ADDRESS 255 West Main Street, Suite 1 Denville, New Jersey 07834		7. DOCUMENT TYPE COMPLAINT
			8. JURY DEMAND ☒ YES ☐ NO
9. NAME OF PARTY (e.g., John Doe, Plaintiff) Glenna Ackerman and Robert Ackerman, her husband, Plaintiffs.		10. CAPTION vs. Town of Morristown, Wachovia Bank, Cushman & Wakefield, Jones Lang LaSalle Company, Gramercy Capital Corp., Gramercy Partners, American Financial Realty Trust, Fiore Marketing, et al., Defendants.	
11. CASE TYPE NUMBER (See reverse side for listing) 605		12. 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.	
13. RELATED CASES PENDING? ☐ YES ☒ NO		14. IF YES, LIST DOCKET NUMBERS	
15. DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO		16. 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			
17. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO		IF YES, IS THAT RELATIONSHIP: ☐ EMPLOYER/EMPLOYEE ☐ FRIEND/NEIGHBOR ☐ OTHER (explain) ☐ FAMILIAL ☐ BUSINESS	
18. DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ NO			
19. USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
20. DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
21. WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		IF YES, FOR WHAT LANGUAGE?	
22. 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> .			
23. 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
- 603 AUTO NEGLIGENCE - PERSONAL INJURY
- 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

Centrally Managed Litigation (Track IV)

- 280 Zelnorm
- 285 Stryker Trident Hip Implants
- 288 Prudential Tort Litigation

Mass Tort (Track IV)

- 248 CIBA GEIGY
- 266 HORMONE REPLACEMENT THERAPY (HRT)
- 271 ACCUTANE
- 272 BEXTRA/CELEBREX
- 274 RISPERDAL/SEROQUEL/ZYPREXA
- 275 ORTHO EVRA
- 277 MAHWAH TOXIC DUMP SITE
- 278 ZOMETHA/ARELIA
- 279 GADOLINIUM

- 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL
- 282 FOSAMAX
- 283 DIGITEK
- 284 NUVARING
- 286 LEVAQUIN
- 287 YAZ/YASMIN/OCELLA
- 601 ASBESTOS
- 619 VIOXX

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

☐ Verbal Threshold

☐ Putative Class Action

☒ Title 59

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN

NJ 07960

AUG 26 2010

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4100
COURT HOURS

DATE: AUGUST 24, 2010
RE: ACKERMAN VS TOWN OF MORRISTOWN
DOCKET: MRS L -002724 10

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 STEPHAN C. HANSBURY

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 001
AT: (973) 656-4100.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADINGS.
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 W MAIN ST STE 2
GENUYLE NJ 07934

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