

HANLON, DUNN & ROBERTSON
ATTORNEYS AT LAW
50 SOUTH STREET
MORRISTOWN, NJ 07960
(973) 267-8895
Attorneys for Plaintiff
Kathleen Miele



KATHLEEN MIELE,

Plaintiff,

vs.

VAIL MANSION, LLC, ROSELAND
PROPERTIES & COMPANY, TOWN
OF MORRISTOWN, JOHN DOES 1-10:
(names being fictitious and presently
unknown) and ABC COMPANIES 1-10 :
(names being fictitious and presently
unknown),

Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - MORRIS COUNTY
: DOCKET NO. MRS-L-000697-08

Civil Action

SUMMONS



**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. (The address of each deputy clerk of the Superior Court is provided.) 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 \$135.00 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. 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
Clerk of the Superior Court

A handwritten signature in cursive script that reads "Donald Phelan" followed by a stylized flourish.

Dated: March 22 2008

Name and Address of Defendant(s) to be Served:

Town of Morristown
200 South Street
P.O. Box 914
Morristown, NJ 07963-0914

MORRIS COUNTY
SUPERIOR COURT
COURT STREET
MORRISTOWN

NJ 07960

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (973) 656-4103
COURT HOURS

DATE: MARCH 05, 2008
RE: MIELE VS VAIL MANSION LLC
DOCKET: MRS L -000697 08

MAR 10 2008

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 DAVID B. RAND

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: GERALD E. HANLON
HANLON DUNN & ROBERTSON
50 SOUTH ST
MORRISTOWN NJ 07960-4114

JUAMV4

Copy Ref'd to Atty.

HANLON, DUNN & ROBERTSON
ATTORNEYS AT LAW
50 SOUTH STREET
MORRISTOWN, NJ 07960
(973) 267-8895
Attorneys for Plaintiff
Kathleen Miele

RECEIVED & FILED
SUPERIOR COURT
2008 MAR -3 PM 12:20
CIVIL DIVISION

KATHLEEN MIELE,

Plaintiff,

vs.

VAIL MANSION, LLC, ROSELAND
PROPERTIES & COMPANY, TOWN
OF MORRISTOWN, JOHN DOES 1-10:
(names being fictitious and presently
unknown) and ABC COMPANIES 1-10:
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Defendants.

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION - MORRIS COUNTY
: DOCKET NO. L-697-08

Civil Action

: COMPLAINT, JURY DEMAND AND
: DESIGNATION TRIAL COUNSEL

Plaintiff Kathleen Miele, residing at 74 Britten Road, Green Village, New Jersey,

County of Morris, State of New Jersey, by way of Complaint against the defendants,

hereby says:

FIRST COUNT

1. At all relevant times the premises were and are located at or about the area of
110 South Street, in Morristown, New Jersey.
2. On or about January 15, 2007, the plaintiff, Kathleen Miele, was lawfully
upon the premises.

3. At the aforesaid time and place, the plaintiff was lawfully walking on the sidewalk at, on, near or adjacent to the premises alongside 110 South Street in Morristown, New Jersey.
4. At the aforesaid time and place, all or part of the building located on the premises was a commercial or business property.
5. At the aforesaid time and place, the premises were owned, operated, controlled and/or maintained by the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and representing those individuals, whose true names are presently unknown, who owned, operated, controlled and/or maintained the premises, including any individuals who are or were the agents, servants and/or employees of the individuals and/or entities who owned, operated, controlled and/or maintained the premises) and/or ABC Companies 1-10 (names being fictitious and representing those entities, whose true names are presently unknown, who owned, operated, controlled and/or maintained the premises, including any parent, predecessor, successor or subsidiary entities and/or any other entities that are related in any legally relevant way to the entities who owned, operated, controlled and/or maintained the premises).
6. At the aforesaid time and place, the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or ABC Companies 1-10 (names being fictitious and unknown) owed a duty to the plaintiff and all other individuals lawfully on the premises to use reasonable care to own, operate, control, supervise,

maintain, repair and otherwise keep the premises in a safe condition, free from any defects or dangerous conditions.

7. At the aforesaid time and place, the condition of the sidewalk on the premises constituted a dangerous condition, for which the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or ABC Companies 1-10 (names being fictitious and unknown) had actual and/or constructive notice.
8. At the aforesaid time and place, the plaintiff fell on the premises owned, operated, controlled and/or maintained by the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or ABC Companies 1-10 (names being fictitious and unknown).
9. At the aforesaid time and place, and at all times relevant to the Complaint, the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or ABC Companies 1-10 (names being fictitious and unknown) did recklessly, carelessly and/or negligently own, operate, control, maintain, supervise, construct, design and/or repair the premises so as to create or allow the existence of a dangerous condition so that the plaintiff, Kathleen Miele, was caused to fall to the ground, where she was injured.
10. At the aforesaid time and place, and at all times relevant to the Complaint, the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or

ABC Companies 1-10 (names being fictitious and unknown) committed one or more of the following acts or omissions: (a) the defendants recklessly, carelessly and/or negligently owned, operated, controlled, maintained, kept, inspected and/or repaired the premises so that as a direct and proximately result the plaintiff fell on the premises and was injured; (b) the defendants recklessly, carelessly and/or negligently allowed this area of the premises to become unsafe and to remain in an unsafe condition, which the defendants knew was in unsafe condition, or should have known through the exercise or reasonable and ordinary care, so that as a direct and proximately result the plaintiff fell on the premises and was injured; (c) the defendants recklessly, carelessly and/or negligently failed to repair or otherwise remedy or place this area of the premises in good condition even though the defendants knew, or through the exercise of reasonable and ordinary care should have known, that this failure was likely to result in injury to individuals using this area of the premises, including plaintiff; or (d) defendants recklessly, carelessly and/or negligently failed to warn individuals using this area of the premises, including plaintiff, about the dangerous and defective condition of the sidewalk so that as a direct and proximately result the plaintiff fell on the premises and was injured.

11. As a direct and proximate result of the recklessness, carelessness and/or negligence of the defendants Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and/or ABC Companies 1-10 (names being fictitious and

unknown), the plaintiff, Kathleen Miele, fell to the ground and thereby sustained severe and permanent injuries and disabilities; has incurred and in the future will incur expenses for the treatment of her injuries; has been disabled and will continue to be disabled and not able to attend to and perform her usual activities and functions; has been caused and will continue to be caused great physical and emotion pain and suffering; and has been deprived and the future will be deprived of her right to the enjoyment of her life; all to her loss and damage.

WHEREFORE, the plaintiff, Kathleen Miele, demands judgment against the defendants, Vail Mansion, LLC, Roseland Properties & Company, Town of Morristown, John Does 1-10 (names being fictitious and unknown) and ABC Companies 1-10 (names being fictitious and unknown), jointly, severally and/or individually for damages, together with interest, costs of suit, attorneys' fees, and such other and further relief as the Court deems just, equitable and appropriate.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands trial by jury as to all issues in the above matter.

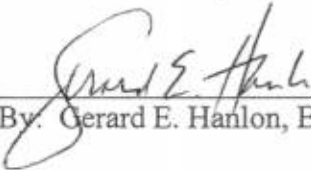
DESIGNATION OF TRIAL COUNSEL

Pursuant to R.4:5-1(c), Gerard E. Hanlon, Esq., is hereby designated as trial
counsel for the within matter.

HANLON, DUNN & ROBERTSON
Attorneys for Plaintiff
Kathleen Miele

Dated:

2/29/08


By: Gerard E. Hanlon, Esq.

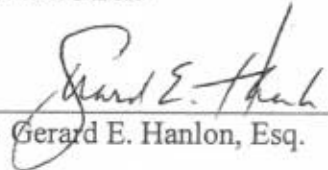
CERTIFICATION

Pursuant to R. 4:5-1, I hereby certify that, based upon the information currently in my possession, the matter in controversy is not the subject of any related action; there is no other action known of pending in any court or any other pending arbitration proceeding at this time, and no such action or arbitration proceeding is contemplated. Moreover, I am currently aware of no other parties who should be joined in the action.

HANLON, DUNN & ROBERTSON
Attorneys for Plaintiff
Kathleen Miele

Dated:

Feb. 29, 2008


By: Gerard E. Hanlon, Esq.



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.

PAYMENT TYPE: CK CG CA
CHG / CK NO.
AMOUNT: \$
OVERPAYMENT:
BATCH NUMBER:

ATTORNEY / PRO SE NAME Gerard E. Hanlon, Esq.	TELEPHONE NUMBER (973) 267-8895	COUNTY OF VENUE Morris
FIRM NAME (if applicable) Hanlon, Dunn & Robertson	DOCKET NUMBER (When available)	
OFFICE ADDRESS 50 South Street, Morristown NJ 07960	DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g. John Doe, Plaintiff) Kathleen Miele		JURY DEMAND ☒ YES ☐ NO
CAPTION Kathleen Miele v. Vail Mansion LLC, Roseland Properties & Co., Town of Morristown, John Does 1-10 and ABC Companies 1-10		
CASE TYPE NUMBER (See reverse side for listing) 605, 699	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:33A-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

A. DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? ☐ YES ☒ NO	IF YES, IS THAT RELATIONSHIP ☐ EMPLOYER-EMPLOYEE ☐ FRIEND / NEIGHBOR ☐ OTHER (explain) _____ ☐ FAMILIAL ☐ BUSINESS
B. 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:

RECEIVED & FILED
SUPERIOR COURT
CIVIL DIVISION
2000 MAR -3 PM 12:20

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: _____

ATTORNEY SIGNATURE
Gerard E. Hanlon

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."

ATLANTIC COUNTY

Deputy Clerk of the Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd. First Floor
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 REFFERRAL

(201) 488-0444
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 REFFERRAL

(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 Street
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

LAWYER REFERRAL

(856) 848-4589

LEGAL SERVICES**HUDSON COUNTY**

Deputy Clerk of the Superior Court
Brennan Courthouse, 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 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 St., 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

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 Place
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 1119
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 Street, 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., Floor 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