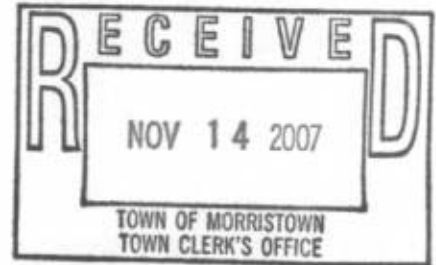


4758

10/24/07

D'ALESSANDRO, JACOVINO & GERSON, ESQS.

Counselors at Law
147 Columbia Turnpike
P.O. Box 340
Florham Park, NJ 07932
(973) 966-1910
Attorneys for Plaintiffs
File No.: 60.19433



JOHN WARCHOL and ROSEMARIE
RODOLA, His Wife,

Plaintiff,

- vs -

TOWN OF MORRISTOWN and JOHN
DOES (1-5) (fictitious persons whose
identities are currently unknown),

Defendant.

**SUPERIOR COURT OF
NEW JERSEY**
Law Division : Morris County
Docket No.: L-9067-07

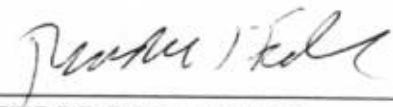
CIVIL ACTION

SUMMONS

**The State Of New Jersey, to the Above Named Defendant(s):
TOWN OF MORRISTOWN**

YOU ARE HEREBY SUMMONED in a Civil Action in the Superior Court of New Jersey, instituted by the above named plaintiff(s), and required to serve upon the attorney(s) for the plaintiff(s), whose name and office address appears above, an answer to the annexed complaint within 35 days after the service of the summons and complaint upon you, exclusive of the day of service. If you fail to answer, judgment by default may be rendered against you for the relief demanded in the complaint. You shall promptly file your answer and proof of service thereof in duplicate* with the Clerk of the Superior Court, at Morris County Venue, Administration Building, Washington and Court Streets, Morristown, New Jersey 07960, with a filing fee in the amount of \$135.00, in accordance with the rules of civil practice and procedure. If you cannot afford to pay an attorney, call a Legal Services Office. An individual not eligible for free legal assistance may obtain a referral to an attorney by calling a county lawyer referral service. These numbers may be listed in the yellow pages of your phone book or may be obtained by calling the New Jersey State Bar Association Lawyer Referral Service toll-free 800-852-0127 (within New Jersey) or (201)249-5000 (from out of state) The phone numbers for the county in which this action is pending are: Lawyer Referral Service (see attached list), Legal Services Office (see attached list).

Dated: November 7, 2007


THEODORE J. FETTER
Acting Clerk of the Superior Court

Name of defendant to be served: Town of Morristown
Address for service: c/o Matthew Stechauner, Town Clerk
200 South Street
Morristown, NJ 07963

25.00
J
C
TA

LEGAL AID AND LEGAL SERVICES

Atlantic County	(609) 348-4200
Bergen County	(201) 487-2166
Burlington County	(609) 964-8251
Camden County	(609) 964-8251
Cape May County	(609) 465-3001
Cumberland County	(609) 825-6090
Essex County	(973) 624-5300
Gloucester County	(609) 964-8251
Hudson County	(201) 792-6363
Hunterdon County	(908) 782-7979
Mercer County	(609) 695-6249
Middlesex County	(732) 249-7600
Monmouth County	(732) 866-0020
Morris County	(973) 285-6911
Ocean County	(732) 866-0020
Passaic County	(973) 345-7171
Salem County	(609) 964-8251
Somerset County	(908) 231-0840
Sussex County	(973) 383-7400
Union County	(908) 527-4769
Warren County	(908) 475-2010

LAWYER REFERRAL SERVICES

Atlantic County	(609) 345-3444
Bergen County	(201) 488-0044
Burlington County	(609) 261-4862
Camden County	(609) 964-4520
Cape May County	(609) 463-0313
Cumberland County	(609) 692-6207
Essex County	(973) 622-4341
Gloucester County	(609) 384-9580
Hudson County	(201) 798-2727
Hunterdon County	(908) 735-2611
Mercer County	(609) 585-6200
Middlesex County	(732) 828-0053
Monmouth County	(732) 431-5544
Morris County	(973) 267-5882
Ocean County	(732) 240-3666
Passaic County	(973) 278-9223
Salem County	(609) 678-8363
Somerset County	(908) 685-2323
Sussex County	(973) 267-5882
Union County	(908) 353-4715
Warren County	(908) 267-5882

COUNTY
FOR COURT
STREET
TOWNSHIP

NJ 07960

TRACK ASSIGNMENT NOTICE

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

DATE: OCTOBER 25, 2007
RE: WARCHOL VS TOWN OF MORRISTOWN
DOCKET: MRS L -003067 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 DAVID B. RAND

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

Copy ret'd to Atty.

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: FREDERICK E. GERSON
DALESSANDRO JACOVINO & GERSON
147 COLUMBIA TURNPIKE
P O BOX 340
FLORHAM PARK NJ 07932

JUAMV4

CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division - pleadings (not motions) under Rule 4:5-1
Pleading will be rejected for filing, under Rule 1:506(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 NAME

Frederick E. Gerson, Esq.

TELEPHONE NUMBER

(973) 966-1910

COUNTY OF VENUE

Morris

FIRM NAME (if applicable)

D'Alessandro, Jacovino & Gerson, Esqs.
147 Columbia Turnpike
Florham Park, NJ 07932

DOCKET NUMBER (When available)

63067.07

DOCUMENT TYPE (See reverse side for listing)

Complaint

JURY DEMAND

☒ YES ☐ NO

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

John Warchol and Rosemarie Rodola,
Plaintiffs.

CAPTION

John Warchol, et al. v. Town of Morristown, et al..

CASE TYPE NUMBER

(See reverse side for listing)

605

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

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
☐ FAMILIAL ☐ BUSINESS
☐ OTHER (explain) _____

B. DOES THE STATUTE GOVERNING THIS
CASE PROVIDE FOR PAYMENT OF FEES BY
THE LOSING PARTY? ☐ YES ☒ NO

Copy not a record.

USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS
THAT MAY WARRANT INDIVIDUAL MANAGEMENT OF ACCELERATED DISPOSITION:

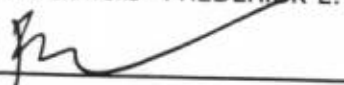
DO YOU OR YOUR CLIENT HAVE ANY NEEDS UNDER
THE AMERICANS WITH DISABILITIES ACT? YES ☒ NO ☐

IF YES, PLEASE IDENTIFY:

WILL AN INTERPRETER BE NEEDED? YES ☒ NO ☐

IF YES, FOR WHAT LANGUAGE:

ATTORNEY SIGNATURE - FREDERICK E. GERSON



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 1 - 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 |
| 802 | OPEN PUBLIC RECORDS ACT (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."

D'ALESSANDRO, JACOVINO & GERSON, ESQS.

Counselors at Law
147 Columbia Turnpike
P.O. Box 340
Florham Park, NJ 07932
(973) 966-1910
Attorneys for Plaintiffs
File No.: 60.19433

FILED
2011 OCT 24 PM 3:07
CIVIL DIVISION

JOHN WARCHOL and ROSEMARIE
RODOLA, His Wife,

Plaintiff,

- vs -

TOWN OF MORRISTOWN and JOHN
DOES (1-5) (fictitious persons whose
identities are currently unknown),

Defendant.

**SUPERIOR COURT OF
NEW JERSEY**

Law Division : Morris County
Docket No.:

CIVIL ACTION

**COMPLAINT and
DEMAND FOR TRIAL BY JURY**

Plaintiffs, John Warchol and Rosemarie Rodola, residing at 137 Mahogany Drive, Dingmans Ferry, County of Pike and State of Pennsylvania, by way of Complaint against the Defendants, say:

COUNT ONE

1. At all times mentioned herein, the defendant, Town of Morristown was in control of a certain pedestrian cross-walk located at Cattano Avenue, near its intersection with Washington Street in Morristown, New Jersey.

2. On or about April 10, 2007 Plaintiff, John Warchol, was lawfully on said pedestrian cross-walk referred to above.

3. On or about April 10, 2007, and prior thereto, Defendant acted palpably unreasonably in the construction and/or maintenance of the pedestrian cross-walk referred to above.

4. On or about April 10, 2007 and prior thereto, the Defendant, Town of Morristown, had actual and/or constructive notice of the defective condition referred to above.

5. As a result of the palpably unreasonable conduct by the Defendant, Town of Morristown, the Plaintiff, John Warchol, was caused to step into a pothole, sustaining serious and permanent injuries, suffering great pain of mind and body, was forced to seek medical attention and was caused to spend large sums of money for said medical attention, and further, was deprived of carrying out her normal duties and affairs for a long period of time.

6. Plaintiff has satisfied all notice requirements pursuant to N.J.S.A. 59:8-1.

WHEREFORE, the plaintiff, John Warchol demands judgment on this Count against the Defendant, Town of Morristown for damages together with interest and costs of suit.

COUNT TWO

1. Plaintiff repeats each and every allegation contained in Count One of this Complaint as if fully set forth herein at length.

2. Defendants John Does 1-5, said names being fictitious, was a person(s) or entity(ies) who was in control of a certain pedestrian cross-walk located at Cattano Avenue, near its intersection with Washington Street in Morristown, New Jersey.

3. On or about April 10, 2007 Plaintiff, John Warchol, was lawfully on said pedestrian cross-walk referred to above.

4. On or about April 10, 2007, and prior thereto, John Does 1-5, acted negligently in the construction and/or maintenance of the pedestrian cross-walk referred to above.

5. As a direct and proximate result of the aforesaid negligence by the Defendants John Does 1-5 the Plaintiff, John Warchol, was caused to step into a pothole sustaining serious and permanent injuries, suffering great pain of mind and body, was forced to seek medical attention, was caused to spend large sums of monies for said medical attention and further, was deprived of carrying out her normal duties and affairs for a long period of time.

WHEREFORE, the Plaintiff, John Warchol, demands judgment on this Count against the Defendants, John Does 1-5, for damages together with interest and costs of suit.

COUNT THREE

1. Plaintiff repeats each and every allegation contained in Counts One and Two as if fully set forth herein at length.

2. Plaintiff, Rosemarie Rodola, is the wife of the Plaintiff, John Warchol.

3. As a direct and proximate result of the aforesaid negligence of the Defendants, Town of Morristown and John Does 1-5, the plaintiff, Rosemarie Rodola was deprived of the services and consortium of her husband for a long period of time.

WHEREFORE, the Plaintiff, Rosemarie Rodola, demands judgment on this Count against the Defendants, Town of Morristown and John Does 1-5, for damages together with interest and costs of suit.

D'ALESSANDRO, JACOVINO & GERSON
Attorneys for Plaintiffs, John Warchol
and Rosemarie Rodola

By: _____

Frederick E. Gerson

Dated: October 19, 2007

DEMAND FOR TRIAL BY JURY

The above-named plaintiffs demand a trial by jury of twelve (12) on all issues involved herein.

DESIGNATION OF TRIAL COUNSEL

The undersigned is hereby designated as trial counsel in the above-captioned matter.

D'ALESSANDRO, JACOVINO & GERSON
Attorneys for Plaintiffs, John Warchol
and Rosemarie Rodola

By: _____

Frederick E. Gerson

Dated: October 19, 2007

CERTIFICATION

Frederick E. Gerson, Esq., of full age, does hereby certify that:

1. I am a member of the law firm of D'Alessandro, Jacovino & Gerson, Esqs., attorneys for Plaintiffs, John Warchol and Rosemarie Rodola, in the above-entitled action.
2. The above-entitled action is not the subject of any other action pending in any Court or of a pending arbitration proceeding, nor are there any other such actions contemplated.
3. There are presently no known additional parties to be joined.

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 wilfully false, I am subject to punishment.

Dated: October 19, 2007

Frederick E. Gerson