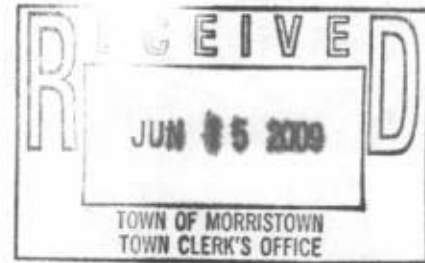


LAW OFFICES OF ROSEMARIE ARNOLD
1386 Palisade Avenue
Fort Lee, New Jersey 07024
(201) 461-1111
Attorneys for Plaintiff(s)



Plaintiff(s),
HELEN SOUMAS,

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

vs.

DOCKET NO.: BER-L-6302-08

Defendant(s),
WASHINGTON CATTANO COMPANY, LLC, I.M.
MACK CONSTRUCTION, NATIONAL
CONSTRUCTION RENTALS, TOWNSHIP OF
MORRISTOWN, CME ASSOCIATES, V&V LINE
STRIPING COMPANY and/or "ABC COMPANY 1-
5" "DEF COMPANY 1-5", "GHI COMPANY 1-5"
(the last three being fictitious designations).

CIVIL ACTION

SUMMONS

THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANTS:

TOWNSHIP 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 motion and proof of service with the deputy clerk of the Superior Court in the county listed above within thirty-five (35) days after the service of the Summons and Complaint upon you, exclusive of the day of service. If the complaint is one in foreclosure, then you must file your written answer to 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 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 the 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 to pay 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.

Dated: June 8, 2009

/s/ Christina P. Higgins
CHRISTINA P. HIGGINS, CLERK

Name of Defendant:
Address to be Served:

TOWNSHIP OF MORRISTOWN
200 South Street
Morristown, NJ 07963

JUN 03 2009

LAW OFFICES OF ROSEMARIE ARNOLD
1386 Palisade Avenue
Fort Lee, New Jersey 07024
(201) 461-1111
Attorneys for Plaintiff

Plaintiff, HELEN SOUMAS, vs. Defendants, WASHINGTON CATTANO COMPANY, LLC, I.M. MACK CONSTRUCTION, NATIONAL CONSTRUCTION RENTALS, TOWNSHIP OF MORRISTOWN, CME ASSOCIATES, V&V LINE STRIPING COMPANY and/or "ABC COMPANY 1-5", "DEF COMPANY 1-5", "GHI COMPANY 1- 5" (the last three being fictitious designations).	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-6302-08 CIVIL ACTION AMENDED COMPLAINT AND JURY DEMAND
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Plaintiff, HELEN SOUMAS, residing at 351 McCloud Drive in Fort Lee, County of Bergen and State of New Jersey, by way of Complaint against the Defendants, says:

FIRST COUNT

1. On or about June 8, 2007, the Plaintiff, HELEN SOUMAS, was lawfully upon the premises located at 45 Washington Street in Morristown, Morris County, New Jersey, which premises were owned, operated, maintained, and/or controlled, as owner, landlord, lessee and/or lessor, by the Defendants WASHINGTON CATTANO COMPANY, LLC and/or "ABC COMPANY 1-5" (being fictitious designations).

2. At the aforesaid time and place, the Defendants aforesaid so negligently and carelessly owned, operated, maintained, and/or controlled, as owner, landlord, lessee and/or lessor, the subject premises in such a way so as to cause the Plaintiff, HELEN SOUMAS, to become injured due to the presence of a hazardous and dangerous condition on said premises, causing Plaintiff to fall to the ground.

3. The Defendants above disregarded their duty aforesaid and negligently and carelessly allowed their premises to be improperly and dangerously maintained and to remain in an unsafe and dangerous condition in allowing said hazardous and dangerous condition to exist on the premises, all of which the Defendant had due notice or by reasonable inspection thereof, would have had due notice.

4. At the aforesaid time and place, the Defendant owed a duty to Plaintiff and persons such as Plaintiff to keep its premises in a safe and proper condition, and free and clear of any

and all hazardous and dangerous conditions and disrepairs which would endanger the safety of Plaintiff or persons such as Plaintiff.

5. That at all times hereinafter mentioned, the said Defendant had actual notice of said hazardous and dangerous condition and/or by reasonable inspection thereof, would have had due notice of the hazardous and dangerous condition existing.

6. As a result of the aforesaid carelessness and negligence of the Defendant, the Plaintiff suffered severe and permanent injuries; was disabled and disfigured; has suffered and will continue to suffer great pain and torment, both mental and physical.

7. As a further result of Defendant's aforesaid negligence and the injuries thereby caused to the Plaintiff, the Plaintiff has been and will be in the future compelled to spend great and diverse sums of money for medical aid and treatment, and has been and will be prevented from attending to her usual occupation, duties, activities and business.

WHEREFORE, Plaintiff, HELEN SOUMAS, demands judgment against the Defendants, WASHINGTON CATTANO COMPANY, LLC and/or "ABC COMPANY 1-5" (being fictitious designations), **jointly, severally and/or jointly and severally**, for damages, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the First Count of the Complaint, as if set forth herein at length.

2. On or about June 8, 2007, the Plaintiff, HELEN SOUMAS, was lawfully upon the premises of the Defendants aforesaid, located on 45 Washington Street, Morristown, County of Morris, New Jersey.

3. Defendants, I.M. MACK CONSTRUCTION, TOWNSHIP OF MORRISTOWN, CME ASSOCIATES, V&V LINE STRIPING COMPANY and/or "DEF COMPANY 1-5" (being fictitious designations), were hired by the Defendants WASHINGTON CATTANO COMPANY, LLC and/or "ABC COMPANY 1-5" (being fictitious designations) for the purpose of and/or were responsible for the inspection and construction and/or maintenance and/or repair of the premises, including, but not limited to the removal and/or repairs of hazardous and dangerous conditions in and about the premises.

4. At the aforesaid time and place, the Defendants so negligently and carelessly and with palpable unreasonableness inspected, constructed, and/or repaired the subject premises in such a way so as to cause the Plaintiff, HELEN SOUMAS, to become injured due to the presence of a hazardous and dangerous condition on said premises, causing Plaintiff to fall to the ground.

5. The Defendants above disregarded their duty aforesaid and negligently and carelessly and with palpable unreasonableness allowed the premises to be improperly and dangerously inspected, constructed and/or maintained and to remain in an unsafe and

dangerous condition in allowing said hazardous condition to exist on said premises, all of which the Defendants had due notice or by reasonable inspection thereof, would have had due notice.

6. At the aforesaid time and place, the Defendants owed a duty to Plaintiff and person such as Plaintiff to keep its premises in a safe and proper condition, and free and clear of any and all hazardous conditions which would endanger the safety of Plaintiff or persons such as Plaintiff.

7. That at all times hereinafter mentioned, the said Defendants had actual notice of said dangerous and unreasonable condition and/or by reasonable inspection thereof, would have had due notice of the hazardous condition existing.

8. At all times relevant hereto, Defendants created and/or caused to be created a dangerous condition on the premises.

9. As a result of the aforesaid carelessness and negligence and palpably unreasonable conduct of Defendants, the Plaintiff suffered severe and permanent injuries; was disabled and disfigured; has suffered and will continue to suffer great pain and torment, both mental and physical.

10. As a further result of Defendants' aforesaid negligence, and the injuries thereby caused to the Plaintiff, the Plaintiff has been and will be in the future compelled to spend great and diverse sums of money for medical aid and treatment, and has been and will be prevented from attending to her usual occupation, duties, activities and business.

WHEREFORE, Plaintiff, HELEN SOUMAS, demands judgments against Defendants, WASHINGTON CATTANO COMPANY, LLC and/or "ABC COMPANY 1-5" (being fictitious designations), I.M. MACK CONSTRUCTION, TOWNSHIP OF MORRISTOWN, CME ASSOCIATES, V&V LINE STRIPING COMPANY and/or "DEF COMPANY 1-5" (being fictitious designations), **jointly, severally and/or jointly and severally**, for damages, together with interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats and reiterates each and every allegation contained in the First and Second Counts of the Complaint, as if set forth herein at length.

2. On or about June 8, 2007, the Plaintiff, HELEN SOUMAS, was lawfully upon the premises of the Defendants aforesaid, located on 45 Washington Street, Morristown, County of Morris, New Jersey.

3. Defendants, NATIONAL CONSTRUCTION RENTALS and/or "GHI COMPANY 1-5" (being fictitious designations), were hired by the Defendants aforesaid for the purpose of and were responsible for the installation, construction and maintenance of the fence in and about the premises, including, but not limited to the removal and/or repairs of hazardous and dangerous conditions in and about the premises.

4. At the aforesaid time and place, the Defendants so negligently and carelessly installed, constructed, maintained, supervised and/or repaired the subject fence in such a way so as to cause the Plaintiff, HELEN SOUMAS, to become injured due to the presence of a hazardous and dangerous condition on said premises, causing Plaintiff to fall to the ground.

5. The Defendants above disregarded their duty aforesaid and negligently and carelessly allowed the fence to be improperly and dangerously inspected, constructed and/or maintained and to remain in an unsafe and dangerous condition in allowing said hazardous condition to exist on said premises, all of which the Defendants had due notice or by reasonable inspection thereof, would have had due notice.

6. At the aforesaid time and place, the Defendants owed a duty to Plaintiff and person such as Plaintiff to keep the fence in a safe and proper condition, and free and clear of any and all hazardous conditions which would endanger the safety of Plaintiff or persons such as Plaintiff.

7. That at all times hereinafter mentioned, the said Defendants had actual notice of said dangerous condition and/or by reasonable inspection thereof, would have had due notice of the hazardous condition existing.

8. At all times relevant hereto, Defendants created and/or caused to be created a dangerous condition on the premises.

9. As a result of the aforesaid carelessness and negligence of Defendants, the Plaintiff suffered severe and permanent injuries; was disabled and disfigured; has suffered and will continue to suffer great pain and torment, both mental and physical.

10. As a further result of Defendants' aforesaid negligence, and the injuries thereby caused to the Plaintiff, the Plaintiff has been and will be in the future compelled to spend great and diverse sums of money for medical aid and treatment, and has been and will be prevented from attending to her usual occupation, duties, activities and business.

WHEREFORE, Plaintiff, HELEN SOUMAS, demands judgments against Defendants, WASHINGTON CATTANO COMPANY, LLC, I.M. MACK CONSTRUCTION, TOWNSHIP OF MORRISTOWN, CME ASSOCIATES, V&V LINE STRIPING COMPANY, NATIONAL CONSTRUCTION RENTALS and/or "ABC COMPANY 1-5", "DEF COMPANY 1-5", "GHI COMPANY 1-5" (the last three being fictitious designations), **jointly, severally and/or jointly and severally**, for damages, together with interest and costs of suit.

FOURTH COUNT

1. Plaintiff repeats each and every allegation contained in the First, Second, Third and Fourth Counts of the Complaint, as if set forth herein at length.

2. Plaintiff HELEN SOUMAS is the intended third party beneficiary under a

policy or policies of insurance held by defendants herein for the payment of medical expenses incurred as the result of the subject accident.

3. Defendants have failed to honor the provisions of said policy and have refused and continue to refuse to make payment of medical expenses incurred as the result of the subject accident up to the limit of the policy provisions as aforesaid.

WHEREFORE, Plaintiff, HELEN SOUMAS, demands judgments against Defendants, WASHINGTON CATTANO COMPANY, LLC, I.M. MACK CONSTRUCTION, TOWNSHIP OF MORRISTOWN, CME ASSOCIATES, V&V LINE STRIPING COMPANY, NATIONAL CONSTRUCTION RENTALS and/or "ABC COMPANY 1-5", "DEF COMPANY 1-5", "GHI COMPANY 1-5" (the last three being fictitious designations), **jointly, severally and/or jointly and severally**, for damages, together with interest and costs of suit.

JURY DEMAND

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

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, Evan D. Baker, Esq. is designated as trial counsel.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any court or arbitration proceeding, that no such other action or arbitration proceeding is contemplated by this Plaintiff, and that there are no other parties, whom, to the knowledge of the Plaintiff's counsel, should be joined in this action.

I hereby 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.

Kelly A. Conlon
KELLY A. CONLON

Date: June 1, 2009

Appendix XII-B1

 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
ATTORNEY/PRO SE NAME Kelly A. Conlon, Esq.		PAYMENT TYPE: CK CG CA
TELEPHONE NUMBER (201) 461-1111		CHG/CK NO.
COUNTY OF VENUE Bergen		AMOUNT:
FIRM NAME (if applicable) Law Offices of Rosemarie Arnold		OVERPAYMENT:
DOCKET NUMBER (When available) BER-L-6302-08		BATCH NUMBER:
OFFICE ADDRESS 1386 Palisade Avenue Fort Lee, New Jersey 07024		DOCUMENT TYPE Amended Complaint
JURY DEMAND ☒ YES ☐ NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) Helen Soumas, Plaintiff	CAPTION Soumas vs. Washington Cattano Company, LLC, 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 American Empire Group ☐ 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:		
ATTORNEY SIGNATURE <i>Kelly A. Conlon</i>		



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
- 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
- 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
- 620 FALSE CLAIMS ACT

Track IV — Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 280 ZELNORM
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

- | | |
|---------------------------------------|--|
| 248 CIBA GEIGY | 278 ZOMETA/AREIDIA |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 279 GADOLINIUM |
| 271 ACCUTANE | 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL |
| 272 BEXTRA/CELEBREX | 282 FOSAMAX |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 283 DIGITEK |
| 275 ORTHO EVRA | 284 NUVARING |
| 276 DEPO-PROVERA | 601 ASBESTOS |
| 277 MAHWAH TOXIC DUMP SITE | 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

FILED

MAY 28 2009

Rachelle L. Harz
J.S.C.

LAW OFFICES OF ROSEMARIE ARNOLD
1386 Palisade Avenue
Fort Lee, New Jersey 07024
(201) 461-1111
Attorneys for Plaintiff

Plaintiff, HELEN SOUMAS, vs. Defendants, WASHINGTON CATTANO COMPANY, LLC, I.M. MACK CONSTRUCTION, NATIONAL CONSTRUCTION RENTALS and/or "ABC COMPANY 1-5", "DEF COMPANY 1-5", "GHI COMPANY 1-5" (the last three being fictitious designations).	SUPERIOR COURT OF NEW JERSEY LAW DIVISION: BERGEN COUNTY DOCKET NO.: BER-L-6302-08 CIVIL ACTION ORDER TO AMEND COMPLAINT AND TO EXTEND DISCOVERY PERIOD
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THIS MATTER having been opened to the Court upon the application of Kelly A. Conlon, Esq. of the Law Offices of Rosemarie Arnold, attorneys for the Plaintiff, and the Court having read and considered the papers submitted with respect thereto; and other good cause having been shown for the entry of the within Order;

IT IS ON THIS 28th **DAY OF** May, 2009;

ORDERED, that Plaintiff be and is hereby permitted to amend her Complaint to include TOWNSHIP OF MORRISTOWN, CME ASSOCIATES and V&V LINE STRIPING COMPANY as named Defendants; and it is further

ORDERED, that all attorneys in this matter will accept service of the Amended Complaint on behalf of their respective clients; and it is further

ORDERED, that the Discovery Period in the within matter be and is hereby extended for a period of 120 days, up to and including December 1, 2009, to allow for written discovery to be exchanged with TOWNSHIP OF MORRISTOWN, CME ASSOCIATES and V&V LINE STRIPING COMPANY and the depositions of representatives of same to take place; and it is further

ORDERED, that a copy of the within Order be served on all parties within 7
days of the date of this Order.



HON. _____, J.S.C.

RACHELLE L. HARZ, J.S.C.

_____ Motion Opposed

☒ Motion Unopposed

SEE RIDER ATTACHED

RIDER

Helen Soumas v. Washington Cattano Company, LLC, et al.
Docket No. BER-L-6302-08

Upon the reading of the Certification of Kelly A. Conlon, Esq., dated May 4, 2009, paragraph 8 indicates that engineering malpractice issues are going to be alleged with regard to the newly added defendants in the amended complaint. Accordingly, this Court will conduct a Case Management Conference on Tuesday, August 4, 2009 at 8:30 a.m. Plaintiff's counsel will advise all counsel who appear for the newly added Defendants of the time and date of the Case Management Conference. Counsel should be prepared to discuss what, if any, issues are relevant pertaining to the Affidavit of Merit Statute.