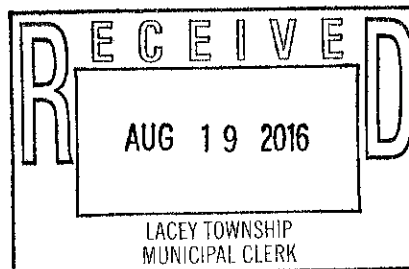


ANAPOL WEISS
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Attorneys for Plaintiff

YVONNE YAAR-SHARKEY	:	SUPERIOR COURT OF NEW JERSEY
Individually and as Administratrix Ad	:	LAW DIVISION
Prosequendum and Administratrix of the	:	
ESTATE OF NEIL TORIAN VAN	:	<u>OCEAN COUNTY VICINAGE</u>
DE PUTTE, Deceased	:	
Plaintiff,	:	
v.	:	DOCKET NO.: OCN-L-2163-16
ANDREW J. SLOTA;	:	
LACEY TOWNSHIP POLICE	:	CIVIL ACTION
DEPARTMENT;	:	
TOWNSHIP OF LACEY, a/k/a	:	
LACEY TOWNSHIP	:	
ABC CORPORATIONS A-Z and	:	SUMMONS
JOHN DOE #1-10 (fictitious names	:	
of persons or entities whose identities are	:	
not presently unknown)	:	
Defendants.	:	

From The State of New Jersey To The Defendant(s) Named Above:

TOWNSHIP OF LACEY, A/K/A LACEY TOWNSHIP

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. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at <http://www.judiciary.state.nj.us/pro>

se/10153_deptyclerklawref.pdf.) 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 \$175.00 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 or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). 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 directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf.

/s/ Michelle M. Smith
Clerk of the Superior Court

Dated: August 16, 2016

Name of Defendant to Be Served: Township of Lacey, a/k/a Lacey Township
Address of Defendant to Be Served: 818 West Lacey Road
Forked River, New Jersey 08731

OCEAN COUNTY SUPERIOR COURT
OCEAN COUNTY COURTHOUSE
CIVIL LAW DIVISION
TOMS RIVER NJ 08754

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2616
COURT HOURS 8:30 AM - 4:30 PM

DATE: AUGUST 11, 2016
RE: YAR SHARKEY VS SIOTA
DOCKET: OCN L-002163 16

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 MARK A. TRONCONE

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (732) 929-4771 EXT 4771.

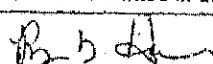
IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: DAVID S. SENOFF
ANAPOL WEISS
1040 KINGS HIGHWAY NORTH
SUITE 304
CHERRY HILL NJ 08034-1925

JUAM6

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: ☐ CK ☐ CG ☐ CA CHG/CK NO.: AMOUNT: OVERPAYMENT: BATCH NUMBER:	
	ATTORNEY / PRO SE NAME David S. Senoff, Esquire/Ryan D. Hurd, Esquire		TELEPHONE NUMBER (215) 790-4581	COUNTY OF VENUE Ocean
	FIRM NAME (if applicable) Anapol Weiss		DOCKET NUMBER (when available) 82163-16	
	OFFICE ADDRESS One Logan Square 130 N. 18th Street, Suite 1600 Philadelphia, PA 19103		DOCUMENT TYPE Complaint	
			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Yvonne Yaar-Sharkey, Indiv. & Admin. Ad. Proseq. of the Estate of Nell Torian Van De Putte, Deceased		CAPTION Yvonne Yaar-Sharkey, Indiv. & Admin. Ad. Proseq. of the Estate of Nell Torian Van De Putte, Deceased v. Andrew J. Slota; Lacey Township Police Department; Township of Lacey, a/k/a Lacey Township		
CASE TYPE NUMBER (See reverse side for listing) 603	HURRICANE SANDY RELATED? ☐ YES ☒ NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:63 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 Will an interpreter be needed? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REDUCED OR ACCOMMODATION COUNTY MS - 8 2016		
		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
- 176 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)
- 508 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
- 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

- 158 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)

- | | |
|--|---|
| 271 ACCUTANE/SOTRETINOL | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 291 PELVIC MESH/GYNECARE |
| 278 ZOMETHA/AREDA | 292 PELVIC MESH/BARD |
| 279 GADOLINIUM | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLIMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 288 PRUDENTIAL TORT LITIGATION | 601 ASBESTOS |
| 289 REGLAN | 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

ANAPOL WEISS
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Attorneys for Plaintiff

YVONNE YAAR-SHARKEY
Individually and as Administratrix Ad
Prosequendum and Administratrix of the
ESTATE OF NEIL TORIAN VAN
DE PUTTE, Deceased
800 Washington Street
Toms River, NJ 08753

Plaintiff,

v.

ANDREW J. SLOTA
814 Center Street
Forked River, NJ 08731

LACEY TOWNSHIP POLICE
DEPARTMENT
808 Lacey Road
Forked River, NJ 08731

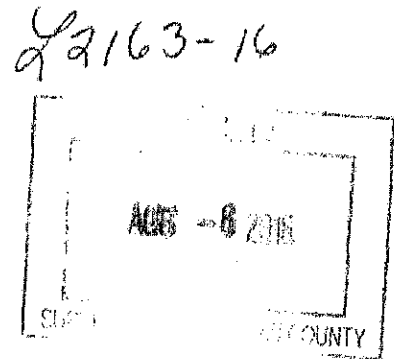
TOWNSHIP OF LACEY, a/k/a
LACEY TOWNSHIP
818 West Lacey Road
Forked River, NJ 08731

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION

OCEAN COUNTY VICINAGE

DOCKET NO.:

CIVIL ACTION



ABC CORPORATIONS A-Z and
JOHN DOE #1-10 (fictitious names
of persons or entities whose identities are
not presently unknown)

Defendants,

PLAINTIFF'S COMPLAINT

ANAPOL WEISS
BY: DAVID S. SENOFF, ESQUIRE
RYAN D. HURD, ESQUIRE
NJ I.D. NOs. 049721992 / 022402007
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P: (215) 790-4581

Attorneys for Plaintiff

YVONNE YAAR-SHARKEY	:	SUPERIOR COURT OF NEW JERSEY
Individually and as Administratrix Ad	:	LAW DIVISION
Prosequendum and Administratrix of the	:	
ESTATE OF NEIL TORIAN VAN	:	<u>OCEAN COUNTY VICINAGE</u>
DE PUTTE, Deceased	:	
Plaintiff,	:	
v.	:	
	:	DOCKET NO.:
ANDREW J. SLOTA;	:	
LACEY TOWNSHIP POLICE	:	CIVIL ACTION
DEPARTMENT;	:	
TOWNSHIP OF LACEY, a/k/a	:	
LACEY TOWNSHIP	:	
ABC CORPORATIONS A-Z and	:	PLAINTIFF'S COMPLAINT
JOHN DOE #1-10 (fictitious names	:	
of persons or entities whose identities are	:	
not presently unknown)	:	
Defendants.	:	

Plaintiff, Yvonne Yaar-Sharkey, Individually and as Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, residing at 800 Washington Street, Toms River, Ocean County, New Jersey, by way of Complaint against the above captioned Defendants states:

PARTIES

1. Plaintiff, Yvonne Yaar-Sharkey, is the Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, and resides at 800 Washington Street, Toms River New Jersey.

2. On April 18, 2016, the Surrogate's Office of Ocean County, New Jersey appointed Plaintiff Yvonne Yaar-Sharkey as Administrator Ad Prosequendum of the Estate of Neil Torian Van De Putte, Deceased.

3. On July 1, 2016, the Surrogate's Office of Ocean County, New Jersey appointed Plaintiff Yvonne Yaar-Sharkey as Administrator of the Estate of Neil Torian Van De Putte, Deceased.

4. Defendant, Andrew J. Slota, is an adult individual who at all times relevant hereto resided at 814 Center Street, Forked River, New Jersey.

5. Defendant, Lacey Township Police Department, is a departmental entity within the Lacey Township Government, in the business of promoting public safety and law enforcement, with a principal place of business located at 808 Lacey Road, Forked River, New Jersey.

6. Defendant, Township of Lacey also known as Lacey Township, is a municipal corporation, duly incorporated under the laws of the state of New Jersey, with a principal place of business located at 818 West Lacey Road, Forked River, New Jersey.

7. At all times relevant hereto, Defendant Slota was an officer, agent and/or employee of Defendants Lacey Township and/or Lacey Township Police Department, and Defendant Slota acted within the course and scope of his employment.

8. At all times relevant hereto, Defendants Lacey Township and/or Lacey Township Police Department were responsible for the training, supervision and conduct of Defendant Slota.

9. At all times relevant hereto, Defendants Lacey Township and/or Lacey Township Police Department were responsible for implementing police regulations, rules, policies and procedures concerning police conduct, pursuits, police responses to emergency and non-emergency calls, and the use of emergency warning devices within police cruisers.

10. At all times relevant hereto, Defendant Slota was responsible for knowing and adhering to the laws of the state of New Jersey and police regulations, rules, policies and procedures concerning police conduct, pursuits, police responses to emergency and non-emergency calls, and the use of emergency warning devices within police cruisers.

11. ABC Corporations A-Z and John Doe #1-10 are unknown entities and/or persons who may have engaged in acts and omissions related to the collision and damages described herein. Plaintiff will amend this Complaint as necessary if it is ascertained that any fictitiously named ABC Corporation or John Doe Defendants was responsible for Plaintiff's damages.

12. Each Defendant is named in his/their personal and official capacities.

13. Each Defendant was properly served Tort Claim Notices pursuant to N.J.S.A. §59:8-3.

FACTS RELEVANT TO ALL COUNTS

14. Plaintiff incorporates and restates the foregoing paragraphs by reference as if the same were fully set forth herein.

15. On Sunday, July 5, 2015, at approximately 3:16 a.m., Lacey Township Police Dispatch received a call for service at Oyster Creek Nuclear Generating Station- "two males who appeared to be intoxicated were on the south bridge kicking the fence and horsing around."

16. Lacey Township Police Officer Elton Copes was dispatched to the call for service as the responding officer.

17. Lacey Township Police Officer George Resetar was dispatched as the back up officer to the call for service.

18. Defendant Slota was not dispatched to the call for service, yet he decided to respond.

19. At approximately 3:21 a.m., July 5, 2016, Defendant Slota operated a 2006 Ford Crown Victorian police cruiser and proceeded eastbound on Lacey Road in Lacey Township, New Jersey.

20. The posted speed limit on Lacey Road is 45 miles per hour.

21. Between Manchester Road and the intersection of Lacey Road and Deerhead Lake Drive, roughly two-tenths of a mile, Defendant Slota reached a speed in excess of 80 miles per hour.

22. The police cruiser was equipped with emergency warning devices which emit audible and visual signals to warn others that law enforcement services are in the process of being delivered.

23. Defendant Slota did not activate the police cruiser's emergency lights while operating the police cruiser.

24. Defendant Slota did not activate the police cruiser's sirens while operating the police cruiser.

25. At all times relevant hereto, Defendant Slota provided no warning to a pedestrian that he was speeding and/or in response to any type of call.

26. Defendant Slota did not slow his vehicle to a speed within the posted speed limit.

27. At approximately 3:21 a.m., Neil Torian Van De Putte walked northbound and attempted to cross Lacey Road at the crosswalk of the intersection of Lacey Road and Deerhead Lake Drive.

28. As Neil occupied the crosswalk of the intersection at Lacey Road, Defendant Slota struck Neil with the police cruiser.

29. Prior to July 5, 2015, Lacey Township Police Department implemented regulations and policies and standing orders for the use of emergency warning devices which specifically applied on July 5, 2015.

30. Relevant regulations and policies includes, *inter alia*:

- a. When responding in emergency response mode, emergency signal devices may be deactivated at a distance from the scene (to be determined by the vehicle operator) so as to not alert subjects to law enforcement proximity. LTPD Policies & Procedures, Vol. 5, Ch. 7, Section I.A.5 (February 1, 2001).
- b. When emergency signal devices are deactivated, the operator of the emergency vehicle shall comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow. LTPD Policies & Procedures, Vol. 5, Ch. 7, Section I.A.6 (February 1, 2001).
- c. Audible and/or visible warning devices shall be used to make adequate notice of intent to stop a motor vehicle and to provide a safe environment for the vehicle operator, officer, and public. LTPD Policies & Procedures, Vol. 5, Ch. 7, Section I.B.1 (February 1, 2001).
- d. For Code 1 (non-priority response) and Code 2 (routine response), officers are required to obey all motor vehicle laws. LTPD Policies & Procedures, Vol. 4, Ch.20, Sections III. A and B (August 15, 2013).
- e. For Code 3 (emergency response) calls, emergency lights and audible devices shall be utilized unless tactically inappropriate. If the tactical decision to deactivate emergency warning devices has been made, it is incumbent upon the vehicle operator to slow down sufficiently to comply with the posted speed limit and otherwise obey all traffic laws. LTPD Policies & Procedures, Vol. 4, Ch.20, Sections III. C (August 15, 2013).

31. Prior to July 5, 2015, Lacey Township Police Department implemented regulations and policies and standing orders concerning supervisory responsibilities in the dispatch of officers to a call which specifically applied on July 5, 2015.

32. Relevant regulations and policies included, *inter alia*:

- a. The supervisor/senior officer shall monitor the response and incident until it has stabilized or terminated, and assert control by directing specific units into or out of the response if necessary. LTPD Policies & Procedures, Vol. 5, Ch. 7, Section II.C.1 (February 1, 2001).
- b. Upon being notified that an emergency response has been initiated, the supervisor/senior officer shall verify the following:
 - a) Proper response information has been relayed.
 - b) No more than the required or necessary units are involved in the response. LTPD Policies & Procedures, Vol. 5, Ch. 7, Section II.C.2 (February 1, 2001).

33. As a result of the Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Neil Torian Van De Putte was fatally injured when Defendant Slota struck him with the Defendants' police cruiser.

- 34. Defendants' conduct was neither objectively or subjectively reasonable.
- 35. Defendants' conduct was reckless.

SPECIFIC ACTS OF DEFENDANTS' RECKLESSNESS

36. The devastating losses, injuries and damages sustained by Plaintiff, as set forth herein, were the direct and proximate result of the reckless conduct of Defendants and/or Defendants' officers, agents and/or employees, who were reckless and engaged in willful misconduct and intentional disregard of policies and procedures in the following manner:

- a. Intentionally failing to activate any emergency warning devices on the police cruiser;
- b. Intentionally failing to activate the emergency lights and sirens on the police cruiser;
- c. Operating the police cruiser in excess of 80 miles per hour, on a road with a posted speed limit of 45 miles per hour;

- d. Operating the police cruiser in excess of 80 miles per hour, with no active emergency lights or sirens, on a road with a posted speed limit of 45 miles per hour;
- e. Willfully and knowingly approaching and entering an intersection, with a pedestrian crosswalk, in excess of 80 miles per hour, with no active emergency lights or sirens, on a road with a posted speed limit of 45 miles per hour;
- f. Willfully, knowingly, intentionally and recklessly disregarding the specific police procedures, policies, regulations and standing orders which required the use of emergency warning devices, including lights and sirens, while in response to a call;
- g. Willfully, knowingly, intentionally and recklessly disregarding police procedures, policies, regulations and standing orders which required all police officers to comply with posted speed limits and proceed in a manner consistent with normal traffic flow when the emergency warning devices were not activated;
- h. Willfully, knowingly, intentionally and recklessly disregarding police procedures, policies, regulations and standing orders governing the number of police officers dispatched to a call and manner of dispatch;
- i. Willfully, knowingly, intentionally and recklessly disregarding police procedures, policies, regulations and standing orders governing the supervising/senior officer's responsibilities during the dispatch of officers and response to a call;
- j. Failing to maintain an assured clear distance;
- k. Failing to properly and adequately operate the police cruiser at a reasonable and non-reckless speed under the conditions there and then existing;
- l. Departing from the designated travel lane when it was unsafe to do so;
- m. Failing to properly and adequately observe weather conditions, traffic conditions, controls, signals and pedestrians, and to operate the vehicle in a safe manner consistent with those conditions;

- n. Failing to observe and yield to pedestrians;
- o. Failing to be observant and aware of Defendant's surroundings;
- p. Failing to maintain control over the vehicle;
- q. Failing to bring said vehicle to a controlled stop;
- r. Failing to take proper action to avoid the collision;
- s. Failing to use due care for the safety of pedestrians, under the circumstances;
- t. Failing to inspect Defendant's police cruiser for defective and dangerous conditions such as unsafe breaking and lighting and audio components and systems;
- u. Failing to maintain Defendant's motor vehicle in a safe manner, free from malfunctions, defects and dangerous conditions;
- v. Failing to properly and adequately entrust said motor vehicle to individuals who operate motor vehicles in a careful and non-reckless manner;
- w. Failing to properly and adequately hire and train individuals to operate motor vehicles in a careful and non-reckless manner;
- x. Failing to properly and adequately hire and train individuals to follow the laws, and police department policies, procedures and regulations, including *inter alia* regulations regarding use of emergency warning devices in the police cruiser;
- y. Failing to properly and adequately hire and train individuals to follow the laws, policies and regulations of the police department regarding responding to dispatched calls;
- z. Negligence per se.

37. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff suffered the catastrophic damages and injuries as described herein.

COUNT I
WRONGFUL DEATH ACTION AGAINST ALL DEFENDANTS

38. Plaintiff incorporates and restates the foregoing paragraphs by reference as if the same were fully set forth herein.

39. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff's Decedent Neil Torian Van De Putte suffered catastrophic internal and external injuries which led to his death on July 5, 2015.

40. Decedent Neil Torian Van De Putte was survived by his mother Yvonne Yaar-Sharkey, step-father, biological father, and sister, who by reason of the Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders and by reason of the wrongful death of Neil, have suffered and will continue to suffer pecuniary losses and damages, including Neil's earnings, future earnings, medical costs and funeral expenses.

41. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff Yvonne Yaar-Sharkey and Neil's aforementioned family suffered and will continue to suffer the loss of Neil's prospective services, including the loss of advice, guidance, counsel, and companionship.

42. As Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, Plaintiff brings this Wrongful Death action pursuant to N.J.S.A. 2A:31-1 et. seq. to recover all damages allowable under the statute and laws of the State of New Jersey.

WHEREFORE, Plaintiff, Yvonne Yaar-Sharkey, Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, demands judgment against

Defendants, Andrew J. Slota, Lacey Township Police Department, Lacey Township, ABC Corporations A-Z and John Doe #1-10, jointly and/or severally, for reasonable, adequate and proper compensation in accordance with the laws of the State of New Jersey, together with interest and costs.

COUNT II
SURVIVORSHIP ACTION AGAINST ALL DEFENDANTS

43. Plaintiff incorporates and restates the foregoing paragraphs by reference as if the same were fully set forth herein.

44. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff's Decedent Neil Torian Van De Putte suffered internal injuries which caused pain and suffering to Neil from the time of the collision until the time of his death.

45. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff's Decedent Neil Torian Van De Putte suffered pre-impact fear and anguish and anticipation of impending injury and death.

46. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff's Decedent Neil Torian Van De Putte suffered agonizing and excruciating mental and physical pain and suffering.

47. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, the Plaintiff's Decedent Neil Torian Van De Putte sustained injuries that have met the provisions of the Automobile Insurance Cost Reduction Act.

48. As Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, Plaintiff brings this action pursuant to the Survivorship Statute of the State of New Jersey, N.J.S.A. 2A:15-3 et. seq., for all injuries and damages for which the Decedent Neil Torian Van De Putte could pursue recovery of had he survived, including the aforementioned fear, anguish, suffering and hedonic damages.

49. This action is commenced within two years of the happening of the death of Decedent, Neil Torian Van De Putte.

50. Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders was wanton and with actual and imputed knowledge of the high degree of probable harm that their acts and failures would cause to others, including Neil Torian Van De Putte and Plaintiff, such that Defendants' reckless and willful acts and failures should be assessed with punitive and exemplary damages.

WHEREFORE, Plaintiff, Yvonne Yaar-Sharkey, Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, demands judgment against Defendants, Andrew J. Slota, Lacey Township Police Department, Lacey Township, ABC Corporations A-Z and John Doe #1-10, jointly and/or severally, for reasonable, adequate and proper compensation in accordance with the laws of the State of New Jersey, together with interest and costs and punitive damages.

COUNT III
AGAINST ALL DEFENDANTS

51. Plaintiff incorporates and restates the foregoing paragraphs by reference as if the same were fully set forth herein.

52. As a direct and proximate result of Defendants' recklessness, negligence, willful misconduct, and intentional disregard and violation of police regulations, policies, procedures and standing orders, Plaintiff Yvonne Yaar-Sharkey, individually and as Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, brings these actions for her injuries, damages, and losses and for the survivorship and wrongful death claims for the Estate of Neil Torian Van De Putte.

WHEREFORE, Plaintiff, Yvonne Yaar-Sharkey, Administrator Ad Prosequendum and Administrator of the Estate of Neil Torian Van De Putte, Deceased, demands judgment against Defendants, Andrew J. Slota, Lacey Township Police Department, Lacey Township, ABC Corporations A-Z and John Doe #1-10, jointly and/or severally, for reasonable, adequate and proper compensation in accordance with the laws of the State of New Jersey, together with interest and costs.

JURY DEMAND

Plaintiff demands Trial by jury.

DEMAND FOR INTERROGATORIES

Demand is hereby made that Defendants answer Form C and C(1) interrogatories contained in the New Jersey Court Rules.

DEMAND FOR INSURANCE COVERAGE

Pursuant to Rule 4:10-2, you are hereby requested to disclose to the undersigned the limits of all insurance policies, insuring Defendants against liability for the reckless conduct for which this action was instituted, including but not limited to primary policies and excess/umbrella policies, and policies of any other related business or municipal entities under Defendants' control.

CERTIFICATION OF NO OTHER ACTIONS

1. The matter in controversy is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding. No other action or arbitration proceeding is contemplated.

2. Upon information and belief, there is no other party who should be joined in this action as of the present time.

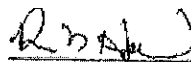
NOTICE OF TRIAL COUNSEL

PLEASE BE NOTIFIED that pursuant to Rule 4:25-4, Ryan D. Hurd, Esquire, is hereby designated as trial counsel in the above captioned litigation on behalf of the law firm of Anapol Weiss.

Respectfully submitted:

ANAPOL WEISS

By:



David S. Senoff, Esquire
Ryan D. Hurd, Esquire
Attorney for Plaintiff

Date: August 5, 2016