

ROBERT A. HOFMANN, P.A.
272 High Street
Perth Amboy, New Jersey 08861
(732) 826-6111 - Fax (732) 826-6116
Attorney for Plaintiffs.
File No.: N-5772
Patrick M. Nerney - NJ I.D. 006961992

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY

GIANNA ZAPPULLA, by her Guardian Ad Litem
SARA ZAPPULLA and SARA ZAPPULLA, INDIVIDUALLY,

Plaintiffs,

v.

DOCKET NO. OCN-L-2725-16

CIVIL ACTION

TOWNSHIP OF BRICK,
RECREATION DEPARTMENT OF THE
TOWNSHIP OF BRICK,
JOHN DOES 1-5 (fictitious names),
ABC COMPANIES 1-5 (fictitious entities)
XYZ CORPORATIONS 1-5 (fictitious entities)

Defendants.

.....X

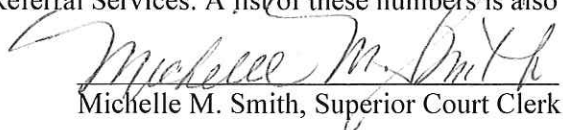
From the State of New Jersey to: **TOWNSHIP OF BRICK**

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, CN-971, Trenton, NJ 08625. A filing fee of \$135.00 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 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 and completed Case Information Statement) if you want the court to hear your defense.

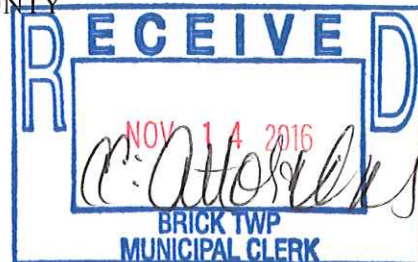
If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

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.

Dated: October 24, 2016


Michelle M. Smith, Superior Court Clerk

Name of Party to be Served: **TOWNSHIP OF BRICK
MUNICIPAL BUILDING
401 CHAMBERSBRIDGE ROAD
BRICK, NEW JERSEY 08723**



Patrick M. Nerney, Esq.

I.D. # 006961992

ROBERT A. HOFMANN, P.A.

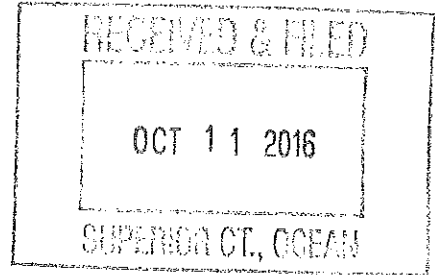
272 High Street

Perth Amboy, New Jersey 08861

(732) 826-6111 - Fax (732) 826-6116

Attorney for Plaintiff, Gianna Zappulla, by Her Guardian Ad Litem Sara Zappulla

Our File No. N-5772



.....X

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-OCEAN COUNTY

GIANNA ZAPPULLA, by her Guardian Ad Litem,
SARA ZAPPULLA and
SARA ZAPPULLA, INDIVIDUALLY

2725-16

Plaintiffs,

v.

DOCKET NO.

CIVIL ACTION

TOWNSHIP OF BRICK,
RECREATION DEPARTMENT OF THE
TOWNSHIP OF BRICK,
JOHN DOES 1-5 (FICTITIOUS NAMES),
ABC COMPANIES 1-5 (FICTITIOUS ENTITIES),
XYZ CORPORATIONS 1-5 (FICTITIOUS ENTITIES),

COMPLAINT, JURY DEMAND,
DEMAND FOR ANSWERS TO
UNIFORM INTERROGATORIES
DEMAND FOR INSURANCE
INFORMATION, TRIAL
COUNSEL DESIGNATION AND
CERTIFICATON

Defendants.

.....X

Plaintiff, Gianna Zappulla by her Guardian Ad Litem, Sara Zappulla, residing at 38 Baywood Boulevard in the Township of Brick, County of Ocean, State of New Jersey, complaining about the Defendants above says:

FIRST COUNT

1. On or about May 1, 2013, and at all times mentioned herein, Plaintiff, Gianna Zappulla was a Minor whose date of birth is June 23, 2007.

2. Plaintiff, Sara Zappulla is the Mother of the Minor Plaintiff, Gianna Zappulla, and has agreed to act as her Guardian Ad Litem in this lawsuit.

3. On or about May 1, 2013, the Plaintiff, Gianna Zappulla was a legal invitee on certain premises located at Edmund H. Hibbard Park, Cherry Quay Avenue, in the Township of Brick, County of Ocean, State of New Jersey, which premises are owned, operated and/or maintained by Defendants, Township of Brick, Recreation Department of the Township of Brick, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities).

4. At the time and place aforesaid, Defendants, Township of Brick, Recreation Department of the Township of Brick, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities), owned, operated, maintained, leased, controlled and/or supervised the premises and was liable and responsible for the actions of Defendants, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities).

5. As a direct and proximate result of the negligent and careless manner in which the Defendants, Township of Brick, Recreation Department of the Township of Brick, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities), through their agents and/or servants or employees owned, operated, controlled, maintained, supervised, cleaned, repaired, inspected and cared for said premises, the Plaintiff, was caused to fall off of a climbing rock wall and be injured.

6. As a direct and proximate result of the negligence of the Defendants aforesaid, the Plaintiff, Gianna Zappulla, was caused to sustain serious and permanent injuries; great pain and suffering and mental anguish; was caused to incur and will in the future incur various expenses for medical treatment in an effort to heal herself from her injuries; has been and will in the future be prevented from attending to her usual activities as a result thereof.

WHEREFORE, the Plaintiff, Gianna Zappulla, a Minor by her Guardian Sara Zappulla, and Sara Zappulla, Individually, demand judgment against the Defendants, Township of Brick, Recreation Department of the Township of Brick, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities), individually, jointly and/or severally, for damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiffs repeat each and every allegation of the First Count of this Complaint as if fully set forth at length herein, as to Defendants, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities), and XYZ Corporations 1-5 (fictitious entities).

2. Defendants, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities) are entities/persons unknown to Plaintiff, Gianna Zappulla, through their agents and/or servants or employees who owned, operated, maintained, leased, controlled and/or supervised the premises where Plaintiff, Gianna Zappulla, fell off of the rock climbing wall at the time of the aforesaid accident.

WHEREFORE, the Plaintiff, Gianna Zappulla, a Minor by her Guardian Ad Litem, Sara Zappulla and Sara Zappulla, Individually, demand judgment against Defendants, Township of Brick, Recreation Department of the Township of Brick, John Does 1-5 (fictitious names), ABC Companies 1-5 (fictitious entities) and XYZ Corporations 1-5 (fictitious entities), individually, jointly and/or severally, for damages together with interest and costs of suit.

JURY DEMAND

PLEASE TAKE NOTICE, that the Plaintiff hereby demands a trial by jury as to all issues raised by the pleading.

DEMAND FOR ANSWERS TO UNIFORM INTERROGATORIES

Pursuant to R. 4:17-2, Plaintiff hereby demand Defendant(s) provide Answers to Form C and C(2) Uniform Interrogatories within the time prescribed by New Jersey Court Rules

DEMAND FOR INSURANCE INFORMATION

Pursuant to R. 4:10-2(b) demand is hereby made of Defendant(s) to disclose whether there are any insurance agreements or policies under which an insurance company or firm may be liable to satisfy any judgment which may be entered against the Defendant(s) in this action. If so, advise the undersigned under oath or certification (a) name and address of insurer(s),

(b) policy number(s), (c) dates of coverage, (d) named insureds personal injury liability limits,
(e) claim number pertaining to this cause of action.

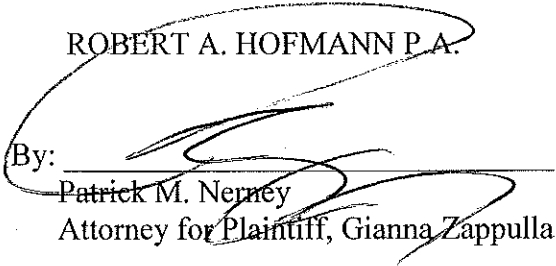
TRIAL COUNSEL DESIGNATION

PURSUANT TO R. 4:25-4, please be advised that Patrick M. Nerney, Esq., is hereby designated as trial counsel for the Plaintiff in the above entitled action.

CERTIFICATION

I hereby certify that the matter in controversy is not the subject of any other pending arbitration proceeding and that no other action or arbitration proceeding is contemplated. I know of no other parties who should be joined in this action.

ROBERT A. HOFMANN P.A.

By: 

Patrick M. Nerney
Attorney for Plaintiff, Gianna Zappulla

Dated: October 5, 2016

Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		FOR USE BY CLERK'S OFFICE ONLY	
	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		PAYMENT TYPE: ☐ CK ☐ CG ☐ CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____	
	ATTORNEY / PRO SE NAME PATRICK M. NERNEY, ESQ.		TELEPHONE NUMBER (732) 826-6111	
	COUNTY OF VENUE Ocean		DOCKET NUMBER (when available) 2725-16	
FIRM NAME (if applicable) ROBERT A. HOFMANN, P.A.			DOCUMENT TYPE Complaint	
OFFICE ADDRESS 272 High Street Perth Amboy, NJ 08861			JURY DEMAND ☒ Yes ☐ No	
NAME OF PARTY (e.g., John Doe, Plaintiff) GIANNA ZAPULLA		CAPTION GIANNA ZAPULLA BY HER GUARDIAN AD LITEM SARA ZAPULLA AND SARA ZAPULLA, INDIVIDUALLY VS. TOWNSHIP OF BRICK, ET ALS		
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? ☐ YES ☒ NO	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.		
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 TO BE ADVISED, IF ANY.				
DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? ☐ YES ☒ NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION N/A		
WILL AN INTERPRETER BE NEEDED? ☐ YES ☒ NO		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 1:38-7(b)</i> .				
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
- 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

- 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

Multicounty Litigation (Track IV)

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

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

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (732) 929-2016
COURT HOURS 8:30 AM - 4:30 PM

DATE: OCTOBER 13, 2016
RE: ZAPPULLA VS TOWNSHIP OF BRICK
DOCKET: OCN L -002725 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 CRAIG L. WELLERSON

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: PATRICK M. NERNEY
PATRICK M. NERNEY
272 HIGH STREET
PERTH AMBOY NJ 08861

JUAMH6