

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

Rc
3-27-18
11:55 PM

KAREN QUIGLEY,
Plaintiff

V.

SUMMONS IN A CIVIL CASE

BOROUGH OF LAVALLETTE, ET AL.,
Defendant

CASE
NUMBER: **3:18-CV-03246-BRM-DEA**

TO: *(Name and address of Defendant):*

Borough of Lavallette
1306 Grand Central Avenue
Lavallette, NJ 08735

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew A. Schiappa, Esq.
Lomurro, Munson, Comer, Brown & Schottland
4 Paragon Way, Suite 100
Freehold, NJ 07728

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

John Moller

(By) DEPUTY CLERK



ISSUED ON 2018-03-08 10:29:46, Clerk
USDC NJD

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RQ
3-29-18
1:55PM

KAREN QUIGLEY,
Plaintiff

RECEIVED

MAR 29 2018

V.

SUMMONS IN A CIVIL CASE

BOROUGH OF LAVALLETTE, ET AL
Defendant

MUNICIPAL CLERK'S
OFFICE

CASE
NUMBER: 3:18-CV-03246-BRM-DEA

TO: *(Name and address of Defendant):*

Officer Arthur Reece
Lavallette Police Dept.
1306 Grand Central Avenue
Lavallette, NJ 08735

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States Agency, or an office or employee of the United States described in Fed. R. civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Matthew A. Schiappa, Esq.
Lomurro, Munson, Comer, Brown & Schottland
4 Paragon Way, Suite 100
Freehold, NJ 07728

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

WILLIAM T. WALSH

CLERK

John Moller

(By) DEPUTY CLERK



ISSUED ON 2018-03-08 10:29:46, Clerk
USDC NJD

RETURN OF SERVICE		
Service of the Summons and complaint was made by me(!)	DATE	
NAME OF SERVER (<i>PRINT</i>)	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the defendant. Place where served: _____ _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.		
<input type="checkbox"/> Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify) : _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p>		
Executed on	_____	_____
	Date	<i>Signature of Server</i>

		<i>Address of Server</i>

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LOMURRO, MUNSON, COMER, BROWN
& SCHOTTLAND, LLC
Monmouth Executive Center
4 Paragon Way, Suite 100
Freehold, New Jersey 07728
Phone: (732) 414-0300
Fax: (732) 431-4043
Attorneys for Plaintiff, Karen Quigley

KAREN QUIGLEY;

Plaintiff,

vs.

BOROUGH OF LAVALLETTE; OFFICER
ARTHUR REECE; JERSEY CENTRAL
POWER & LIGHT; JOHN DOES 1-10
(fictitious names, real names
unknown); and ABC CORPORATIONS
1-10 (fictitious names, real
names unknown);

Defendants.

CIVIL ACTION

Civ. No.:

COMPLAINT AND JURY DEMAND

Plaintiff, Karen Quigley, residing in the Township of Mamaroneck, County of Westchester, and State of New York, by way of Complaint against the Defendants, says:

INTRODUCTION

This action is brought pursuant 42 U.S.C. §1983 and pendent state law claims under Article 1, Paragraph 7 of the New Jersey Constitution which is codified in the New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq. related to Karen Quigley being

struck and injured by the police vehicle driven by Defendant, Officer Arthur Reece, on May 1, 2016.

PARTIES

1. At all times relevant herein, Plaintiff Karen Quigley, was and is a domiciliary and resident of the Township of Mamaroneck, County of Westchester in the State of New York.

2. At all times relevant herein, Defendant Borough of Lavallette, was and is a public municipal body and corporation entity organized and existing pursuant to the laws of the State of New Jersey, with a place of business located at 1306 Grand Central Avenue, Lavallette, NJ, 08735. Defendant Borough of Lavallette, owns, operates, manages, directs, and otherwise controls the Lavallette Police Department.

3. At all times relevant herein, Defendant, Officer Arthur Reece, was and is an employee, agent and/or servant of Defendant Borough of Lavallette, acting under the color of state, county, borough, and/or other entities law, statutes, ordinances, policies, regulations, and/or procedures, and is being sued in his official and individual capacity.

4. At all times relevant herein, Defendants, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, fictitious names, are as yet unknown and unidentified individuals, officers, agents, servants, supervisors, employees, corporations, or other entities of Defendant Borough of Lavallette or County of Ocean, or State of

New Jersey acting under the color of state, county, borough, and/or other entities laws, statutes, ordinances, policies, regulations, and/or procedures, and are being sued in their official and individual capacity who were entrusted with the operation, control, hiring, supervision, staffing, route management, policy, and/or procedure management for Defendant Borough of Lavallette and the Lavallette Police Department.

JURISDICTION AND VENUE

5. This suit arises under the United States Constitution and the laws of the United States and is brought pursuant to 42 U.S.C. §1983, together with pendent state claims under Article I, Paragraph 7 of the New Jersey Constitution and codified in the New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq.

6. The Court has Jurisdiction over this matter pursuant to 28 U.S.C. §1331 and §1343(a)(1)(3) and (4) to redress the deprivation, under the color of law, of rights secured by the Constitution of the United States; and over Plaintiff's pendent state law claims pursuant to 28 U.S.C. §1367.

7. The Court also has Jurisdiction over this matter pursuant to 28 U.S.C. §1332, based on the diversity of citizenship between the parties and the amount in controversy exceeds \$75,000.

8. Venue is properly laid in the District of New Jersey, pursuant to 28 U.S.C. §1391(b)(1) and (2), because all Defendants reside in the district, and the events giving rise to this claim

occurred in the Borough of Lavallette, New Jersey, a municipality within this district.

9. The Court has authority to award costs and attorneys' fees pursuant to 28. U.S.C. §1988.

NOTICE OF CLAIMS

10. Plaintiff served Notices of Claims for damages in the form prescribed by New Jersey Statutes Title 59:8-4 upon the Defendants.

11. More than six (6) months have elapsed since service of the Plaintiff's Notices of Claims and the claims remain unresolved.

12. This action commenced within two (2) years from the date of the occurrence.

FACTUAL ALLEGATIONS

13. On or about, May 1, 2016, at or around 1:00 a.m., Plaintiff, Karen Quigley, was walking with a friend from the Crabs Claw Inn at 601 Grand Central Avenue (a/k/a Route 35), Lavallette, New Jersey.

14. Plaintiff and her friend, Barbara Sundermann, were walking on the sidewalk of Grand Central Avenue near the intersection with President Avenue when they decided to cross Grand Central Avenue.

15. Grand Central Avenue is a two lane, one-way street, with traffic moving in the north direction.

16. Plaintiff and her friend were crossing Grand Central Avenue at or near the intersection with President Avenue. Plaintiff and her friend looked south for oncoming traffic before crossing Grand Central Avenue. Observing no visible traffic, Plaintiff and her friend began to cross Grand Central Avenue.

17. This area of Grand Central Avenue is a residential beach town with numerous residential homes and business throughout its length.

18. At the time Plaintiff, Karen Quigley and Ms. Sunderman were crossing Grand Central Avenue, Defendant, Officer Arthur Reece, a Borough of Lavallette Police Officer, who at all times relevant was acting under the scope of his employment and color of the law, was driving northbound on Grand Central Avenue in excess of eighty (80) mph in pursuit of a suspected speeding vehicle.

19. Defendant Officer Arthur Reece, pursuant to the policies and procedures of the Borough of Lavallette, had complete discretion with respect to his speed limit, use of lights, use of sirens, and related safety precautions to better be in control of his vehicle and/or alert the general public as to his speed.

20. At all times relevant herein, Defendant Officer Arthur Reece, operated his Borough of Lavallette patrol vehicle with an understanding:

- a. He was pursuing a suspected speeding vehicle
- b. He was driving in excess of 80 mph

- c. The speed limit on Grand Central Avenue is 35 mph
- d. There are residences and businesses along Grand Central Avenue and thus, the presence of pedestrians
- e. It was dark
- f. Several street lights were not operational at or near the intersection of Grand Central Avenue and President Avenue

21. Despite the aforementioned conditions of which Defendant, Officer Arthur Reece, was aware, he used his discretion to operate his vehicle in excess of 80 mph without lights or sirens.

22. Defendant, Officer Arthur Reece, made this decision based all or in part on the directions, training, supervision, policies, procedures, and/or custom of Defendant, Borough of Lavallette.

23. The above conduct of all Defendants resulted in Defendant, Officer Arthur Reece's, vehicle striking Plaintiff, Karen Quigley.

24. The above conduct of all the Defendants was the proximate cause of Plaintiff Karen Quigley's, injuries.

FIRST CAUSE OF ACTION

NEGLIGENCE CLAIM AGAINST OFFICER ARTHUR REECE

25. Plaintiff incorporates the averments of paragraphs 1 through 24, as if fully set forth at length herein.

26. Defendant, Officer Arthur Reece, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 80 mph without lights or sirens with an understanding:

- a. He was driving in excess of 80 mph
- b. The speed limit on Grand Central Avenue is 35 mph
- c. There are residences and businesses along Grand Central Avenue and thus, the presence of pedestrians
- d. It was dark
- e. Several street lights were not operational at or near the intersection of Grand Central Avenue and President Avenue

27. As a direct and proximate result of the aforesaid intentional, negligent, careless, and/or reckless, conduct of Defendant, Officer Arthur Reece, Plaintiff, Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendant, Officer Arthur Reece, for compensatory damages,

punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

SECOND CAUSE OF ACTION

**DEFENDANT OFFICER ARTHUR REECE'S VIOLATION OF
KAREN QUIGLEY'S CIVIL RIGHTS UNDER 48 U.S.C. §1983**

28. Plaintiff incorporates the averments of paragraphs 1 through 27, as if fully set forth at length herein.

29. Defendant, Officer Arthur Reece, whether intentionally, negligently, carelessly, or recklessly, did not respond to the suspected speeding vehicle in an appropriate manner when he drove his vehicle in excess of 80 mph without lights or sirens with an understanding:

- a. He was driving in excess of 80 mph
- b. The speed limit on Grand Central Avenue is 35 mph
- c. There are residences and businesses along Grand Central Avenue and thus, the presence of pedestrians
- d. It was dark
- e. Several street lights were not operational at or near the intersection of Grand Central Avenue and President Avenue

30. The above actions of Defendant, Officer Arthur Reece, violated the rights, privileges, and immunities secured by the Constitution and laws of the United States, including, but not limited to, those secured by the Fourth Amendment to the United States Constitution

31. As a direct and proximate result of the aforesaid actions of Defendant, Officer Arthur Reece, Plaintiff, Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendant, Officer Arthur Reece, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

THIRD CAUSE OF ACTION

**MONELL CLAIM AGAINST DEFENDANT BOROUGH OF LAVALLETTE AS
TO POLICIES AND PROCEDURES OF THE BOROUGH OF LAVALLETTE
POLICE DEPARTMENT**

32. Plaintiff incorporates the averments of paragraphs 1 through 31, as if fully set forth at length herein.

33. Based upon the principles set forth in Monell v. New York City Department of Social Services, 436 U.S. 658, Defendant, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, through their employees, agents, servants, and/or any other parties, failed in their duties by promulgating policies and procedures which as applied violated, Plaintiff, Karen Quigley's, civil rights.

34. The aforesaid policies and procedures were those developed to operate and administer the Borough of Lavallette Police Department.

35. The aforesaid policies and procedures were developed by Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10.

36. The Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, developed the policies and procedures as to the police department's response to suspected speeding vehicles and vehicle response procedures, in general.

37. The Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, failed to establish proper policies, practices, and procedures in responding to suspected speeding vehicles, and vehicle responses, in general. Including, but not limited to, allowing complete discretion to officers as to their speed limit, use of lights, use of sirens, and related safety precautions to better be in control of their vehicle and/or alert the general public of their speed; and the failure to include policies and procedures related to the road conditions, the type of neighborhood within which the officer is traveling, the experience of the officer, the lighting conditions, and the like.

38. The policies and procedures developed by the Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, allowed the officers of Defendant Borough of Lavallette,

including Defendant Officer Arthur Reece, to act with reckless, callous, deliberate indifference, and/or willful disregard to the safety of the public in response to suspected speeding vehicles and vehicle response in general, as to fail to prevent injuries of citizens.

39. The above actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, whether jointly or severally, violated the rights, privileges, and immunities secured by the Constitution and laws of the United States, including, but not limited to, those secured by the Fourth Amendment to the United States Constitution.

40. As a direct and proximate result of the aforesaid actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, Plaintiff Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

FOURTH CAUSE OF ACTION

**MONELL CLAIM AGAINST DEFENDANT, BOROUGH OF LAVALLETTE,
AS TO FAILURE TO PROPERLY HIRE, TRAIN, SUPERVISE, OR OTHERWISE
MONITOR THE POLICE OFFICERS OF THE BOROUGH OF LAVALLETTE**

41. Plaintiff incorporates the averments of paragraphs 1 through 40, as if fully set forth at length herein.

42. Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, jointly and/or severally whether intentionally, negligently, carelessly, or recklessly failed to properly hire, train, supervise, or otherwise monitor the police officers of Defendant, Borough of Lavallette, for the duties the police officers, including Defendant Officer Arthur Reece, could foreseeably be expected to perform. Said failures, include, but are not limited to, the following:

a. The failure to provide adequate training regarding the response to suspected speeding vehicles and vehicle response in general. Including, but not limited to, allowing complete discretion to officers as to their speed limit, use of lights, use of sirens, and related safety precautions to better be in control of their vehicle and/or alert the general public as to their speed; and the failure to include policies and procedures related to the road conditions, the type of neighborhood within which the officer is traveling, the experience of the officer, the lighting conditions, and the like.

b. The failure to identify and take remedial training or disciplinary action against police officers who were subject of prior civilian or internal complaints of misconduct or otherwise put the general public at risk of injury or harm.

43. The above actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, whether jointly or severally, violated the rights, privileges, and immunities secured by the Constitution and laws of the United States, including, but not limited to, those secured by the Fourth Amendment to the United States Constitution.

44. As a direct and proximate result of the aforesaid actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, Plaintiff Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

FIFTH CAUSE OF ACTION

**MONELL CLAIM AGAINST DEFENDANT, BOROUGH OF LAVALLETTE,
AS TO ALLOWING A DANGEROUS CUSTOM OR PRACTICE TO BE USED
BY THE POLICE OFFICERS OF THE BOROUGH OF LAVALLETTE**

45. Plaintiff incorporates the averments of paragraphs 1 through 44, as if fully set forth at length herein.

46. Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, jointly and/or severally, whether intentionally, negligently, carelessly, or recklessly allowed a dangerous custom and practice to form among the police officers of Defendant Borough of Lavallette, including Defendant, Officer Arthur Reece, in responding to suspected speeding vehicles and vehicle response in general. Said dangerous customs and practices include, but are not limited to, allowing police officers including, Defendant, Officer Arthur Reece, to use excessive speed in response to suspected speeding vehicles and in vehicle response in general without due regard to road conditions, lighting, other vehicles, and pedestrian traffic.

47. The above custom and practice put the general public at risk for injury and death.

48. The above actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, whether jointly and/or severally, violated the rights, privileges, and immunities secured by the Constitution and laws of the United States,

including, but not limited to, those secured by the Fourth Amendment to the United States Constitution.

49. As a direct and proximate result of the aforesaid actions of Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, Plaintiff Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

SIXTH CAUSE OF ACTION

**VIOLATION OF ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY
CONSTITUTION AND THE NEW JERSEY
CIVIL RIGHT STATUTE, N.J.S.A. 10:6-1, ET SEQ.**

50. Plaintiff incorporates the averments of paragraphs 1 through 49, as if fully set forth at length herein.

51. The conduct of Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, as described and outlined in the First through Fifth Causes of Action also constitute violations of Article I, paragraph 7 of the New

Jersey Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq.

52. As a direct and proximate result of the Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, violations of Article I, paragraph 7 of the New Jersey Constitution and New Jersey Civil Rights Statute, N.J.S.A. 10:6-1, et seq., Plaintiff, Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

SEVENTH CAUSE OF ACTION

**NEGLIGENCE OF DEFENDANT BOROUGH OF LAVALLETTE AND
JERSEY CENTRAL POWER AND LIGHT**

53. Plaintiff incorporates the averments of paragraphs 1 through 52, as if fully set forth at length herein.

54. Several street lights at or near the intersection of Grand Central Avenue and President Avenue were not operational on the morning of May 1, 2016.

55. Defendants, Borough of Lavallette, Jersey Central Power and Light, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, were responsible for installation, maintenance, repair, and general upkeep of the street lights in the Borough of Lavallette and more specifically, at the intersection referenced above.

56. Defendants, Borough of Lavallette, Jersey Central Power and Light, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, jointly and/or severally, whether intentionally, negligently, carelessly, or recklessly, failed to properly install, maintain, repair, and/or keep operational the street lights at or near the intersection of Grand Central Avenue and President Avenue.

57. The lack of lighting in the area contributed to the occurrence of the accident described herein.

58. As a direct and proximate result of the aforesaid actions of Defendants, Borough of Lavallette, Jersey Central Power and Light, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, Plaintiff Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and

in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Borough of Lavallette, Jersey Central Power and Light, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

EIGHTH CAUSE OF ACTION

RESPONDEAT SUPERIOR CLAIM AGAINST BOROUGH OF LAVALLETTE

59. Plaintiff incorporates the averments of paragraphs 1 through 58, as if fully set forth at length herein.

60. At all times relevant herein and at the time the individual Defendants, Officer Arthur Reece and JOHN DOES 1-10, committed the intentional, negligent, careless, and/or reckless acts described herein, the individual Defendants were acting within the scope of their authority and employment as a police officer, and/or other agent, servant, employee, manager, director, or supervisor of Defendant Borough of Lavallette in pursuance of the authority given such individuals by Defendant Borough of Lavallette and such individuals were acting or attempting to act in the interest of Defendant Borough of Lavallette pursuant to instructions, commands, orders, and/or inactions of Defendant Borough of Lavallette.

61. Defendant Borough of Lavallette is liable for these individual Defendants in respondeat superior.

62. Defendant, Borough of Lavallette, as a direct and proximate result and/or in conjunction with others through their aforementioned actions or inactions and/or in conjunction with other factors described herein, caused Plaintiff, Karen Quigley, to sustain severe personal injuries; to incur or in the future to incur expenses for the treatment of said injuries; to be disabled and in the future to be disabled and not able to perform her usual functions; to sustain pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendant, Borough of Lavallette, for compensatory damages, punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.

NINTH CAUSE OF ACTION

CLAIM FOR PUNITIVE DAMAGES AS TO ALL DEFENDANTS

63. Plaintiff incorporates the averments of paragraphs 1 through 62, as if fully set forth at length herein.

64. The conduct of all Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, as described and enumerated in all prior paragraphs and causes of action constitute willful and outrageous conduct.

65. As a direct and proximate result of the Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, willful and outrageous conduct, Plaintiff, Karen Quigley, was caused to sustain severe personal injuries; has incurred or in the future will incur expenses for the treatment of said injuries; has been disabled and in the future will be disabled and not able to perform her usual functions; has been caused and in the future will be caused great pain and suffering to her great loss and damage.

WHEREFORE, Plaintiff hereby demands judgment in her favor and against Defendants, Officer Arthur Reece, Borough of Lavallette, JOHN DOES 1-10, and/or ABC CORPORATIONS 1-10, for punitive damages, attorneys' fees, costs of suit, interest, and any other relief the Court deems just.


DEMAND FOR TRIAL BY JURY

Plaintiff, Karen Quigley, demands a trial by jury as to all the above causes of action.

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding involving the matter in controversy which is the subject of this action.

LOMURRO, MUNSON, COMER, BROWN & SCHOTTLAND, LLC
Attorneys for Plaintiff, Karen Quigley

By: 

MATTHEW A. SCHIAPPA, ESQ.

Dated: 3/7/18

JS 44 (Rev 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 Karen Quigley

(b) County of Residence of First Listed Plaintiff Westchester, NY
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
 Lomurro, Munson, Comer, Brown & Schottland, LLC
 4 Paragon Way, Suite 100
 Freehold, NJ 07728; Telephone (732) 414-0300

DEFENDANTS
 Borough of Lavallette; Officer Arthur Reece; Jersey Central Power & Light; John Does 1-10; ABC Corporations 1-10

County of Residence of First Listed Defendant Ocean
 (IN U.S. PLAINTIFF CASES ONLY)
 NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

 Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff
 3 Federal Question (U.S. Government Not a Party)
 2 U.S. Government Defendant
 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 MIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

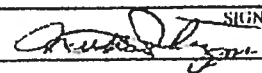
V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding
 2 Removed from State Court
 3 Remanded from Appellate Court
 4 Reinstated or Reopened
 5 Transferred from Another District (Specify)
 6 Multidistrict Litigation - Transfer
 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
 Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. §1983
 Brief description of cause:
Plaintiff's civil rights were violated when Defendant police officer struck and injured Plaintiff with his police vehicle

VII. REQUESTED IN COMPLAINT:
 CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
 DEMAND \$ _____
 CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):
 JUDGE _____ DOCKET NUMBER _____

DATE: 03/07/2018
 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT #	AMOUNT	APPLYING IFP	JUDOR	MAG. JUDGE