



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
25 MARKET STREET
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JC ...STMAN
Acting Attorney General

JEFFREY S. JACOBSON
Director

November 26, 2014

Civil and General Equity Parts
Cape May County Superior Court
4 Moore Road; DN 203
9 North Main Street
Cape May Courthouse, NJ 08201

Re: Smith v. North Wildwood, et al.
Docket No. CPM-L-331-14

Dear Sir/Madam:

Enclosed for filing please find an original and one copy of a signed Consent Order vacating Default, an Answer, and CIS form on behalf of Defendant State of New Jersey. PLEASE BE ADVISED THAT THERE IS NO FILING FEE AS THIS ANSWER IS BEING FILED ON BEHALF OF A PUBLIC ENTITY OF THE STATE OF NEW JERSEY.

I have also enclosed a self-addressed stamped envelope for the return of the filed copy of the Answer and CIS form. Thank you. If you have any questions or concerns, please do not hesitate to contact me at 609-292-6095.

Sincerely yours,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Brian Hunkins
Brian Hunkins
Deputy Attorney General

BH
Enclosure
cc: Paul D'Amato, Esq.



November 26, 2014

Page 2

Michael A. Barker, Esq.
Jim Arsenault Jr., Esq.
Robin Madden

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
R.J. Hughes Justice Complex
P.O. Box 116
Trenton, New Jersey 08625
Attorney for Defendant,
State of New Jersey

By: Brian Hunkins (017931982)
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609-292-6095
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SANDRA SMITH, INDIVIDUALLY AND
AS EXECUTRIX OF THE ESTATE OF
HER LATE HUSBAND GEORGE BRADLEY
SMITH,

Plaintiff,

v.

CITY OF NORTH WILDWOOD, COUNTY
OF CAPE MAY, STATE OF NEW
JERSEY, JOHN DOE, MARY DOE, ABC
PARTNERSHIPS and XYZ
CORPORATIONS,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION CAPE MAY COUNTY

Docket No. CPM-L-331-14

CIVIL ACTION

**CONSENT ORDER VACATING DEFAULT
AND EXTENDING TIME TO ANSWER**

This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, Brian Hunkins, Deputy Attorney General, appearing on behalf of Defendant State of New Jersey and with the consent of counsel for the Plaintiffs being affixed hereto;

IT IS on this ____ day of _____, 2014

ORDERED that the default entered against Defendant is hereby vacated; and it is further

ORDERED that the time within which Defendant may serve and file a responsive pleading to the Complaint is hereby extended for


Smith, Sandra v. North Wildwood, et al.
CPM-L-331-14

a period of thirty (30) days from the date of execution of this Order; and it is further

ORDERED that a copy of this Order shall be forwarded to all counsel within 7 days of receipt hereof.

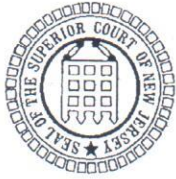
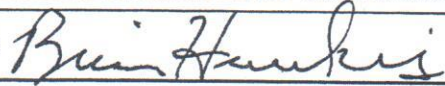
By: _____
Hon. J. Christopher Gibson, J.S.C.

I hereby consent to the
entry of the foregoing
Order



Paul D'Amato, Esq.
Attorney for Plaintiff

DATED:

	CIVIL CASE INFORMATION STATEMENT		FOR USE BY CLERK'S OFFICE ONLY	
	(CIS)		PAYMENT TYPE: CK CG CA	
	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		CHG/CK NO.	
			AMOUNT:	
			OVERPAYMENT:	
		BATCH NUMBER:		
ATTORNEY / PRO SE NAME Brian Hunkins, DAG		TELEPHONE NUMBER 609-292-6095	COUNTY OF VENUE Cape May	
FIRM NAME (if applicable) Office of the Attorney General – Tort Litigation		DOCKET NUMBER (when available) CPM-L-331-14		
OFFICE ADDRESS Division of Law Richard J. Hughes Justice Complex P.O. Box Trenton, NJ 08625		DOCUMENT TYPE Answer		
		JURY DEMAND <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
NAME OF PARTY (e.g., John Doe, Plaintiff) State of New Jersey, Defendant		CAPTION Smith, Sandra v. North Wildwood, et al.		
CASE TYPE NUMBER (See reverse side for listing) 605, 699	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input checked="" type="checkbox"/> NONE <input type="checkbox"/> 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: EMPLOYER/EMPLOYEE FRIEND/NEIGHBOR FAMILIAL BUSINESS OTHER (explain)		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> 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</i> 1:38-7(b).				
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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/AREZIA | 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 |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZ/YASMIN/OCELLA | 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

JOHN J. HOFFMAN
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Attorney for Defendant,
State of New Jersey

By: Brian Hunkins (017931982)
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SANDRA SMITH, INDIVIDUALLY AND
AS EXECUTRIX OF THE ESTATE OF
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CITY OF NORTH WILDWOOD, COUNTY
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PARTNERSHIPS and XYZ
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Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION CAPE MAY COUNTY

Docket No. CPM-L-331-14

CIVIL ACTION

**ANSWER TO COMPLAINT AND
CROSSCLAIMS
AND DEMAND FOR DISCOVERY**

State of New Jersey hereinafter referred to as "State defendant" through its counsel, John J. Hoffman, Acting Attorney General of the State of New Jersey, Deputy Attorney General Brian Hunkins appearing, hereby answers Plaintiffs' Complaint as follows:

COUNT ONE

1. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

2. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

3. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

4. Denied as to State Defendant.

5. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

6. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

7. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

8. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

9. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

10. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

11. The allegations in this paragraph constitute legal conclusions and accordingly no response is required.

12. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

13. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

14. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

15. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

16. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

17. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

18. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

19. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

20. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

21. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

22. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

23. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

COUNT TWO

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.
3. Denied as to State Defendant.
4. Denied as to State Defendant.
5. Denied as to State Defendant.
6. Denied as to State Defendant.
7. Denied as to State Defendant.
8. Denied as to State Defendant.
9. Denied as to State Defendant.
10. Denied as to State Defendant.
11. Denied as to State Defendant.
12. Denied as to State Defendant.

COUNT THREE

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

3. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

4. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

5. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

6. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

7. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

8. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

9. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

10. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

11. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

12. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

COUNT FOUR

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

3. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

4. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

5. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

6. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

7. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

8. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

9. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

10. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

11. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

12. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

13. The allegations set forth in this paragraph are not directed against the State Defendant and accordingly no response is given.

COUNT FIVE

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.

3. Denied as to State Defendant.

4. Denied as to State Defendant.

5. Denied as to State Defendant.

6. Denied as to State Defendant.

7. Denied as to State Defendant.

8. Denied as to State Defendant.

9. Denied as to State Defendant.

10. Denied as to State Defendant.

COUNT SEVEN

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.

3. Denied as to State Defendant.

4. The allegations in this paragraph constitute legal conclusions and accordingly no response is required.

COUNT EIGHT

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.

3. Denied as to State Defendant.

4. Denied as to State Defendant.

5. Denied as to State Defendant.

6. Denied as to State Defendant.

COUNT NINE

1. State Defendant repeats and reiterates its responses to the allegations in the previous paragraphs as if same were set forth at length herein.

2. Denied as to State Defendant.

3. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

4. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

5. State Defendant has insufficient information to form a belief as to the truth of the allegations in this paragraph.

6. Denied as to State Defendant.

SEPARATE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The service of the summons and complaint upon the State defendant was insufficient by reason of manner of service of process and insufficiency of service of process.

SECOND AFFIRMATIVE DEFENSE

The court lacks subject matter jurisdiction over the within controversy.

THIRD AFFIRMATIVE DEFENSE

The court lacks in personam jurisdiction over this defendant.

FOURTH AFFIRMATIVE DEFENSE

The Court is without jurisdiction due to the insufficiency of process.

FIFTH AFFIRMATIVE DEFENSE

Venue is improper, and this defendant reserves the right to move for transfer.

SIXTH AFFIRMATIVE DEFENSE

The action is subject to dismissal pursuant to the doctrine of forum non conveniens.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff lacks standing to assert the claims contained in the complaint.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff has failed to present a justiciable case or controversy.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs' cause of action is preempted or otherwise precluded by federal law or regulations covering the subject matter of Plaintiffs' claim with which defendant has fully complied.

TENTH AFFIRMATIVE DEFENSE

Recovery is barred by the failure of Plaintiffs to give timely notice of claim or to present a claim in accordance with N.J.S.A. 59:8-1 et seq.

ELEVENTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by the failure of the Plaintiffs' Complaint to state a claim upon which relief can be granted.

TWELFTH AFFIRMATIVE DEFENSE

The Complaint and the proceedings resulting therefrom and any recovery resulting therefrom is barred, limited and/or controlled

by all provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 through 59:12-3 inclusive, as if each section, provision, defense, and immunity were listed herein separately, particularly, and at length.

THIRTEENTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by the provisions of the New Jersey Automobile Reparation Reform Act N.J.S.A. 39:6A-1 et seq.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by the applicable Federal and State statute of limitation.

FIFTEENTH AFFIRMATIVE DEFENSE

The Plaintiffs were contributorily and/or comparatively negligent.

SIXTEENTH AFFIRMATIVE DEFENSE

Plaintiffs failed to wear a seatbelt and any damages owed must be reduced by Plaintiffs' comparative negligence in failing to wear same.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiffs failed to mitigate or minimize his alleged injuries or damages.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's alleged injuries and damages were caused, in whole or in part, by pre-existing conditions, or other contributory or concurrent conditions or factors, including events occurring prior

or subsequent to the occurrence made the basis of plaintiff's claim against defendant.

NINETEENTH AFFIRMATIVE DEFENSE

The injuries alleged in the complaint are not the foreseeable consequences of any act or omission and/or commission or conduct on behalf of this defendant and are too remote and/or speculative to warrant a recovery against this defendant.

TWENTIETH AFFIRMATIVE DEFENSE

The injuries were due to the acts or omissions of third persons over whom this defendant had no control.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Insofar as plaintiff's complaint attempts to assert, explicitly or implicitly, that this defendant is a successor-in-interest to any other entity or entities, all said averments are specifically denied in their entirety.

TWENTY-SECOND AFFIRMATIVE DEFENSE

This defendant is entitled to a set off against any claim asserted by the plaintiff of all such sums which have been paid or funded by this defendant on behalf of the plaintiff.

TWENTY-THIRD AFFIRMATIVE DEFENSE

State defendant was not negligent and violated no duty to plaintiff.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by reason of a prior judgment or settlement arising out of the same transaction.

TWENTY-FIFTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by virtue of the entire controversy doctrine.

TWENTY-SIXTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by the principles of res judicata and collateral estoppel.

TWENTY-SEVENTH AFFIRMATIVE DEFENSE

Recovery is barred in this action by principles of waiver.

TWENTY-EIGHTH AFFIRMATIVE DEFENSE

Recovery is barred in this action pursuant to N.J.S.A. 48:12-1, et seq.

TWENTY-NINTH AFFIRMATIVE DEFENSE

Recovery is barred pursuant to the immunity set forth in N.J.S.A. 2A:53A-7.

THIRTIETH AFFIRMATIVE DEFENSE

Recovery is barred by virtue of the Worker's Compensation Act and N.J.S.A. 34:15-8.

THIRTY-FIRST AFFIRMATIVE DEFENSE

Recovery in this action is barred by the New Jersey Contractual Liability Act, N.J.S.A. 59:13-1, et seq.

THIRTY-SECOND AFFIRMATIVE DEFENSE

Recovery is barred in this action pursuant to Federal Preemption, including but not limited to all regulations promulgated under the FRA, United States Code and Code of Federal Regulations.

THIRTY-THIRD AFFIRMATIVE DEFENSE

Answering Defendants acted in good faith at all times.

THIRTY-FOURTH AFFIRMATIVE DEFENSE

The conduct of answering Defendants was reasonable, proper, and within the scope of their authority.

THIRTY-FIFTH AFFIRMATIVE DEFENSE

Plaintiff is barred from seeking punitive damages as answering Defendants did not act with evil motive or intent, or reckless or callous indifference to the federally protected rights of others.

THIRTY-SIXTH AFFIRMATIVE DEFENSE

Recovery is barred in this action as there is no custom, policy or practice that creates liability under 42 U.S.C. § 1983 or the New Jersey Civil Rights Act.

ANSWER TO CROSSCLAIMS

State Defendant, by way of Answer to any, and all Crossclaims which may be made against it says:

State Defendant denies all allegations of any crossclaim that crossclaimants are entitled to relief sought.

WHEREFORE, State defendant demands judgment dismissing any crossclaim, plus costs.

CROSSCLAIM FOR
CONTRIBUTION AND INDEMNIFICATION

Without admitting any liability whatsoever, State defendant hereby demands from any/all other defendants currently named or to be named to this action both contribution and indemnification pursuant to any/all applicable provisions of common law and/or contract and/or statute (including but not limited to the New Jersey Joint Tortfeasors Contribution Act, N.J.S.A. 2:53A-1 et seq.; the Comparative Negligence Act, N.J.S.A. 2A:15-5.1 et seq.; the New Jersey Tort Claims Act, N.J.S.A. 59:9-3, 9-4), by way of demand for complete indemnification against all other defendants currently named or to be named, assert that any negligence on the part of these answering defendants is only secondary, vicarious, and imputed whereas the negligence of any/all such other defendants was primary, direct, and active.

REQUEST FOR ALLOCATION

Pursuant to Young v. Latta, 123 N.J. 584 (1991), State defendant hereby advises that if any co-Defendant settles the within matter prior to conclusion of trial, the liability of any settling co-Defendants shall remain an issue and State defendant shall seek an allocation of percentage of negligence by the finder

of fact against such a settling co-Defendant and/or a credit in favor of State defendant consistent with such allocation.

REQUEST FOR STATEMENT OF DAMAGES

A written statement of the amount of damages claimed is hereby requested pursuant to R. 4:5-2 within five days of service.

JURY DEMAND

State defendant demands a trial by jury on all issues in the cause.

NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4

PLEASE TAKE NOTICE that the undersigned attorneys do hereby demand, pursuant to the above-cited Rules of Court, that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories, and all documents, papers and other material referred to therein, received from any party, upon the undersigned attorneys, and TAKE NOTICE that this is a CONTINUING demand.

RESERVATION OF RIGHTS

State defendant reserves the right, at or before trial, to move to dismiss the complaint and/or for summary judgment, on the ground that the complaint fails to state a claim upon which relief can be granted and/or the defendants are entitled to judgment as a matter of law, based on any or all of the above defenses.

DEMAND FOR ANSWERS TO INTERROGATORIES AND DOCUMENTS

Pursuant to Rule 4:17-1(b)2, demand is hereby made that Plaintiffs answer the discovery demands listed below:

Form A Uniform Interrogatories to be answered by Plaintiff in all Personal Injury cases (except medical malpractice cases)

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, the Court is advised that Brian Hunkins, Deputy Attorney General, is hereby designated as trial counsel.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Brian Hunkins
Brian Hunkins
Deputy Attorney General

DATE: November 26, 2014

CERTIFICATION REGARDING OTHER
PROCEEDINGS AND PARTIES

I certify in accordance with R. 4:5-1 that to the best of my knowledge as of the date herein there are no other proceedings either pending or contemplated with respect to the matter in controversy in this action and no other parties who should be joined in the action.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Brian Hunkins
Brian Hunkins
Deputy Attorney General

DATE: November 26, 2014

CERTIFICATION REGARDING SERVICE

I certify that a copy of the within pleading was served on the attorney for plaintiff within the time period allowed by R. 4:6-1 or within the extended time period pursuant to Consent Order.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY

By: Brian Hunkins
Brian Hunkins
Deputy Attorney General

DATE: November 26, 2014