(C)

cc: Adm. Police fax. J.D.

SCOTT J. MARUM • ATTORNEY AT LAW

44 MAPLE AVENUE
MORRISTOWN, NEW JERSEY 07960

TEL•973-631-7985
FAX• 973-326-1022
E-MAIL•SM.ESQ@VERIZON.NET

DECEMBER 17, 2008

TOWNSHIP OF MT. OLIVE
204 FLANDERS -DRAKESTOWN ROAD
MT.OLIVE, NJ 07828

RE: CLAIMANT:BARRY J. FITZPATRICK
OUR FILE NO. 0837
DATE OF ACCIDENT:9/27/06

SERVICE OF SUMMONS AND COMPLAINT

DEAR SIR/MADAM:

Enclosed please find a Summons and Complaint which we herein serve upon you and your employee, Police Officer, Marianne Ficarra, in the above captioned litigation. Please arrange for a copy to be provided to your liability insurance carrier...

Morris County Municipal Joint Insurance Fund,
attention Paul Messerschmidt,
claim# U00138,

immediately so that they can arrange for the filing of an Answer on your behalf. Pursuant to Court rules an Answer to a Complaint is due within 35 days.

Failure to have an Answer filed on your behalf may lead to a Default and Judgment entered against you for full Damages.

VERY TRULY YOURS,

BY: SCOTT J. MARUM

CC Morris County Municipal Joint Insurance Fund,
attention Paul Messerschmidt,

SCOTT J. MARUM ESQ.
44 MAPLE AVENUE
MORRISTOWN, N.J. 07960
(973) 631-7985
ATTORNEY FOR PLAINTIFF(S))
FILE#:0837

BARRY J. FITZPATRICK, ROSITA ROMERO-MUNOZ PER QUOD

PLAINTIFF(S),

VS.

MARIANNE L. FICARRA, **TOWNSHIP OF MT. OLIVE, "JOHN DOE 1-10" FICTITIOUS IDENTITIES, "ABC CO. 1-10" FICTITIOUS IDENTITIES,** HIGH POINT INSURANCE, "XYZ INSURANCE" FICTITIOUS IDENTITIES,

DEFENDANT(S).

: SUPERIOR COURT OF NEW JERSEY
: LAW DIVISION: MORRIS
:
DOCKET NO. MRS-L-2642-08
CIVIL ACTION
SUMMONS

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

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* 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 judgement against you for the relief plaintiff demands, plus interest and cost of suit. If judgement 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 are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. Alist of these numbers is also provided.

DATED: December 17, 2008 /s/ DONALD F. PHELAN
Clerk of Superior Court

NAME OF DEFENDANT TO BE SERVED: *TOWNSHIP OF MT. OLIVE*
ADDRESS FOR SERVICE : 204 FLANDERS DRAKESTOWN ROAD, PO BOX 450, BUDD LAKE, NJ 07828

SCOTT J. MARUM ESQ.
44 MAPLE AVENUE
MORRISTOWN, N.J. 07960
(973) 631-7985
ATTORNEY FOR PLAINTIFF(S))
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PLAINTIFF(S),

VS.

MARIANNE L. FICARRA, **TOWNSHIP OF MT. OLIVE, "JOHN DOE 1-10" FICTITIOUS IDENTITIES, "ABC CO. 1-10" FICTITIOUS IDENTITIES,** HIGH POINT INSURANCE, "XYZ INSURANCE" FICTITIOUS IDENTITIES,

DEFENDANT(S).

: SUPERIOR COURT OF NEW JERSEY
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DATED: December 17, 2008 /s/ DONALD F. PHELAN
Clerk of Superior Court

NAME OF DEFENDANT TO BE SERVED: *MARIANNE FICARRA (EMPLOYEE OF TOWNSHIP OF MT. OLIVE)*
ADDRESS FOR SERVICE : 204 FLANDERS DRAKESTOWN ROAD, PO BOX 450, BUDD LAKE, NJ 07828

SCOTT J. MARUM ESQ.
44 MAPLE AVENUE
MORRISTOWN, N.J. 07960
(973) 631-7985
ATTORNEY FOR PLAINTIFF(S))
FILE#:0837

RECEIVED & FILED
SUPERIOR COURT
2008 SEP -9 PM 1:22
CIVIL DIVISION

BARRY J. FITZPATRICK, ROSITA ROMERO-MUNOZ PER QUOD

PLAINTIFF(S),

VS.

MARIANNE L. FICARRA, **TOWNSHIP OF MT. OLIVE, "JOHN DOE 1-10" FICTITIOUS IDENTITIES, "ABC CO. 1-10" FICTITIOUS IDENTITIES,** HIGH POINT INSURANCE, "XYZ INSURANCE" FICTITIOUS IDENTITIES,

DEFENDANT(S).

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MORRIS

: DOCKET NO. MRS-L-2642-08

CIVIL ACTION

:

COMPLAINT AND JURY DEMAND

Plaintiff, BARRY J. FITZPATRICK, residing in DOVER, County of MORRIS, and the State of New Jersey, of the defendants above says:

FIRST COUNT

1. On or about September 27, 2006, BARRY J. FITZPATRICK was lawfully operating a motor vehicle on a public street in Mt. Olive, County of Morris, and State of New Jersey.

2. At the time and place aforesaid, Defendant, MARIANNE L. FICARRA, was operating a motor vehicle owned by defendant,

TOWNSHIP OF MT. OLIVE, as agent,servant, or employee of Defendant, TOWNSHIP OF MT. OLIVE.

3. The Defendant(s) so negligently operated their motor vehicles as to cause a collision to occur.

4.As a result of the negligence of the Defendant(s), MARIANNE L. FICARRA, TOWNSHIP OF MT. OLIVE, "JOHN DOE 1-10" FICTITIOUS IDENTITIES, "ABC CO. 1-10" FICTITIOUS IDENTITIES, the Plaintiff was caused to sustain severe, significant, permanent and grievous personal injuries and has endured, and will in the future endure, great pain and suffering.

5. Plaintiff has complied with all requirements of the New Jersey Tort Claims Act, Title 59:1-1 et seq.

W H E R E F O R E, the Plaintiff(s), hereby demand(s) judgment against the Defendant(s) for damages, interest and costs.

SECOND COUNT

1. The plaintiff, BARRY J. FITZPATRICK, repeats the allegations contained in the previous Count and incorporates the same by reference herein as if set forth at length.

2. At the time and place aforesaid, Plaintiff was an assured under a policies of insurance issued by defendants, HIGH POINT and/or "XYZ INSURANCE" FICTITIOUS IDENTITIES.

3. Despite timely submission of an application for personal injury protection benefits and compliance with any applicable conditions of the aforesaid policy of insurance, the defendant insurers failed and refused to pay for continuing any necessary medical treatment rendered to the plaintiff.

WHEREFORE, the plaintiff, BARRY J. FITZPATRICK, hereby

demands judgment against defendants for damages, interest, attorney's fees, and costs of suit.

THIRD COUNT

1. The Plaintiff, ROSITA ROMERO-MUNOZ, repeats the allegations contained in the previous Count and incorporates the same by reference herein as if set forth at length.

2. Plaintiff, ROSITA ROMERO-MUNOZ is the lawful spouse of Plaintiff, BARRY J. FITZPATRICK, and as such is entitled to the services, companionship and consortium of his/her lawful spouse.

3. As a result of the negligence of the Defendant(s), Plaintiff ROSITA ROMERO-MUNOZ has been deprived of the services, companionship and consortium of his/her lawful spouse.

W H E R E F O R E, the Plaintiff, ROSITA ROMERO-MUNOZ, hereby demands judgment against the Defendant(s) for damages, interest and costs.

JURY DEMAND

PLEASE TAKE NOTICE: The Plaintiff(s) hereby demand(s) a trial by jury as to all issues contained herein.

BY: SCOTT J. MARUM

DATED: September 9, 2008

CERTIFICATION

I certify that the matter in controversy is not the subject of any other action pending in any Court, or of a pending arbitration proceeding, and that no other such action or arbitration proceeding is contemplated.

BY: SCOTT J.MARUM