

RECEIVED / FILED
Superior Court of New Jersey

APR 15 2009

CIVIL CASE MANAGEMENT
UNION COUNTY

SANCHEZ, SANCHEZ & SANTOLIQUIDO, ESQ.
Attorney at Law
902 Second Avenue
(At Elizabeth Avenue)
Elizabeth, New Jersey 07201
(908) 355-3000
Attorneys for Plaintiffs Donald McNamara and Mary McNamara

Plaintiff(s),
DONALD McNAMARA and
MARY McNAMARA

vs.

Defendant(s),
4 CONNECTIONS, LLC; CREATIVE
PROPERTY MANAGEMENT OF N.J.,
INC.; CITY OF ELIZABETH, COUNTY
OF UNION; ABC-JKL COMPANY (a
series of fictitious entities);
J. FLETCHER CREAMER & SON, INC.
MNO-XYZ MANAGEMENT COMPANY; (a
series of fictitious entities);

SUPERIOR COURT OF NEW JERSEY

UNION COUNTY: LAW DIVISION

DOCKET NO.

UNN-L-1484-09

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiffs DONALD McNAMARA and MARY McNAMARA, residing at 496 Prospect Street, Maplewood, New Jersey, by way of Complaint against the defendants above, says:

FIRST COUNT

1: On or about February 20, 2008, and at all times material hereto, the defendants CREATIVE PROPERTY MANAGEMENT OF N.J., INC., CITY OF ELIZABETH, COUNTY OF UNION, and/or ABC-JKL COMPANY (one or a series of fictitious entities), owned, maintained, and/or controlled the sidewalk at the premises located at Block 6, Lot 1572 in the City

of Elizabeth, County of Union, New Jersey, more commonly known as 60-68 West Grand Street (the "Premises").

2. Prior to February 20, 2008, defendant **COUNTY OF UNION** entered into an agreement with defendant **4 CONNECTIONS, LLC** for the installation and maintenance of an underground operating fiber optic telecommunications network (the "Network").

3. Upon information and belief, defendant **COUNTY OF UNION** and/or defendant **4 CONNECTIONS, LLC** entered into an agreement with defendant **J. FLETCHER CREAMER & SON, INC.** for the installation of man holes and conduit in connection with the Network.

4. Installation and/or excavation work at the Premises was done by defendant **J. FLETCHER CREAMER & SON, INC.** and/or **MNO-XYZ CONTRACTORS** (a series of fictitious entities).

5. On or about February 20, 2008, the sidewalk at the Premises was uneven and dangerous.

6. The aforesaid sidewalk at the Premises had been constructed, repaired, restored, and/or maintained by the defendants **CREATIVE PROPERTY MANAGEMENT OF N.J., INC.**; **CITY OF ELIZABETH**; **COUNTY OF UNION**; **ABC-JKL COMPANY** (one or a series of fictitious entities); **4 CONNECTIONS, LLC**; **J. FLETCHER CREAMER & SON, INC.** and/or **MNO-XYZ CONTRACTORS** (a series of fictitious entities) in so careless and negligent a manner that on or about February 20, 2008, plaintiff **DONALD MCNAMARA** was caused to trip and fall.

7. On the day of the fall and for many months prior, the sidewalk at the Premises was in a dangerous condition and it was reasonably foreseeable that a pedestrian would fall and be injured when walking on the sidewalk.

8. Defendants **CITY OF ELIZABETH** and/or **COUNTY OF UNION**, through

their agents, servants or employees, negligently created the dangerous condition of the sidewalk.

9. Defendants **CITY OF ELIZABETH** and/or **COUNTY OF UNION** had actual or constructive notice of the dangerous condition for a sufficient amount of time prior to the plaintiff's fall to remove the hazard.

10. Proper notice of this tort claim has been given to defendants **CITY OF ELIZABETH** and **COUNTY OF UNION** and more than six months has elapsed since notice was received.

11. The defendants **CREATIVE PROPERTY MANAGEMENT OF N.J., INC.**; **CITY OF ELIZABETH**; **COUNTY OF UNION**; **ABC-JKL COMPANY** (one or a series of fictitious entities); **4 CONNECTIONS, LLC**; **J. FLETCHER CREAMER & SON, INC.** and/or **MNO-XYZ CONTRACTORS** (a series of fictitious entities) were careless and negligent in that they created a dangerous condition; they knew or should have know of the uneven and dangerous condition of the sidewalk prior to plaintiff's fall; they neglected and failed to make the necessary repairs or to otherwise correct the situation; they failed to properly supervise, inspect, repair and maintain the sidewalk; and they were otherwise negligent.

12. As a direct and proximate result of the negligence of the defendants **CREATIVE PROPERTY MANAGEMENT OF N.J., INC.**; **CITY OF ELIZABETH**; **COUNTY OF UNION**; **ABC-JKL COMPANY** (one or a series of fictitious entities); **4 CONNECTIONS, LLC**; **J. FLETCHER CREAMER & SON, INC.** and/or **MNO-XYZ CONTRACTORS** (a series of fictitious entities), the plaintiff **DONALD MCNAMARA** was caused to fall and was seriously and permanently injured, suffered and will in the future suffer great pain and mental anguish, was and will in the future be prevented from engaging in his usual pursuits and occupations and was and will in the

future be required to expend substantial sums of money in an effort to effect a cure for his said injuries.

WHEREFORE, plaintiff **DONALD MCNAMARA** demands judgment against defendants **CREATIVE PROPERTY MANAGEMENT OF N.J., INC.; CITY OF ELIZABETH; COUNTY OF UNION; ABC-JKL COMPANY** (one or a series of fictitious entities); **4 CONNECTIONS, LLC; J. FLETCHER CREAMER & SON, INC.** and/or **MNO-XYZ CONTRACTORS** (a series of fictitious entities) for damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiffs hereby repeat the allegations of the prior counts as though fully set forth at length herein.

2. The plaintiff **MARY MCNAMARA** is the wife of the plaintiff **DONALD MCNAMARA**.

3. As a result of the negligence of the defendants as aforesaid, the plaintiff **MARY MCNAMARA** lost and will in the future lose the services and consortium of her husband, the plaintiff **DONALD MCNAMARA**

WHEREFORE, Plaintiff **MARY MCNAMARA** demands judgment against the defendants for damages together with interest and costs of suit.

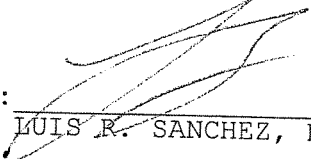
TRIAL DESIGNATION

Pursuant to R. 4:25-4, Luis R. Sanchez, Esq., is hereby designated as trial counsel in the within action.

DEMAND FOR TRIAL BY JURY

Demand is hereby made for a trial by Jury as to all issues.

SANCHEZ, SANCHEZ & SANTOLIQUIDO, ESQS.

BY: 
LUIS R. SANCHEZ, ESQ.

Dated: April 14, 2009

CERTIFICATION

I certify that there is no other action pending before any court involving or regarding the subject matter in controversy set forth in the within Complaint, nor is there pending before any tribunal any arbitration proceeding involving said subject matter, nor is any such action or arbitration proceeding contemplated and that there are no other parties to this action known to me who should be joined in this action other than a Workers' Compensation claim filed against NJ Tip, Inc.

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

BY: 
LUIS R. SANCHEZ, ESQ.

Dated: April 14, 2009

RELEASE

This Release, dated 6/7/11 is given

BY the Releasor(s)
DONALD McNAMARA and MARY McNAMARA

referred to as "I",

TO THE COUNTY OF UNION, its agents, servants and/or employees
referred to as "You".

If more than one person signs this Release, "I" shall mean each person who signs this Release.

1. **Release.** I release and give up any and all claims and rights which I may have against you. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now. I specifically release the following claims:


Any and all claims arising out of the accident which occurred on or about February 20, 2008 as more particularly set forth in the complaint filed in the Superior Court of New Jersey, LAW Division, UNION County, bearing docket number UNN-L-1484-09

2. **Payment:** I have been paid a total of \$15,000.00, in full payment for making this Release. I agree that I will not seek anything further including any other payment from you.


3. **Who is Bound:** I am bound by this Release. Anyone who succeeds to my rights and responsibilities such as my heirs or the executor of my estate is also bound. This Release is made for your benefit and all who succeed to your rights and responsibilities, such as your heirs or the executor of your estate.

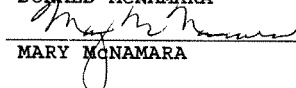
4. **Signatures:** I understand and agree to the terms of this Release. If this Release is made by a corporation its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:



LUIS R. SANCHEZ, ESQ., ESQ.
Tax I.D. No. 22-2615164



DONALD McNAMARA


MARY McNAMARA

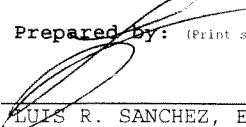
STATE OF NEW JERSEY, COUNTY OF UNION SS.:

I CERTIFY that on June 7, 2011

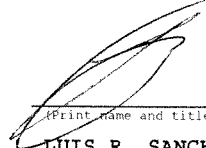
DONALD McNAMARA and MARY McNAMARA personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document at his or her act and deed.

Prepared by: (Print signer's name below signature)



LUIS R. SANCHEZ, Esq.



(Print name and title below signature)
LUIS R. SANCHEZ
Attorney at Law of the State of New Jersey

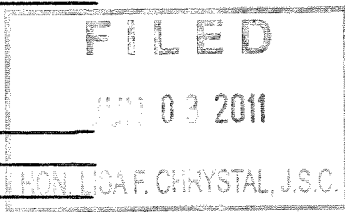
SUPERIOR COURT OF NEW JERSEY
UNION COUNTY-LAW DIVISION

DOCKET NO. L-1484-09

Donald Mc Namara

VS

County of Union



CIVIL ACTION
ORDER OF
DISMISSAL/DISPOSITION

It is on this 3rd day of June, 2011, ORDERED that this matter is hereby dismissed/disposed due to the following:

- 05 Tried to Comp. w/jury
- 07 Tried to comp. w/o jury
- 08 Default
- 09 Summary Judgment
- 10 Dismissed w/Prejudice
- 11 Dismissed Rule 1:13
- 12 Dismissed w/o Prejudice
- 14 Transfer to another County
- 15 Transfer to another Court
- 18 Reinstated
- 45 Inactivated
- 29 Settled by Conference w/Judge
- 27 Settled Friendly Hearing Comp.
- 82 Default Judgment-Prf. hrg. comp.
- 23 Settled before trial date assigned
- 04 Partially tried
- 24 Settled after TD but before trial w/o aid of Court
- 24 Settled after TD assigned but before trial with aid of Court
- 24 Settled on TD but before trial commences w/o aid of Court
- 24 Settled on TD but before trial commences with aid of Court
- 25 Settled while scheduled for Arbitration
- 26 Settled while scheduled for other CDR
- 28 Settled by other CDR
- 17 Settled by Statutory ARB/50 day dismissal

Plaintiff Attorney failed to appear. Dismissed by Court.
 Plaintiff failed to appear. Dismissed by Court.
 Defendant failed to appear. Strike defendants pleadings. Defenses are srupted.
 Plaintiff and defendant failed to appear. Dismissed by Court.
 It is further ORDERED that the plaintiff/defendant shall serve a copy of this ORDER on the plaintiff/defendant within 10 days of the above date.

COMMENTS Case settled in the amount of \$90,000 as follows
\$65,000 payable by Community Access and Creative Property +
\$10,000 payable by the City of Elizabeth and \$15,000 payable by

Attorneys are to sign on lines provided below:
Richard [Signature] for City of Elizabeth
[Signature] for Community Access
[Signature] for the County of Union
[Signature] for Plaintiff
[Signature]

cc: all counsel



UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

6/9/2011

RESOLUTION NUMBER: *2010-596*

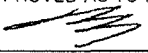
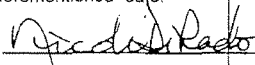
WHEREAS, an action was commenced by Donald McNamara and Mary McNamara against 4 Connections, LLC, Creative Property Management of NJ, Inc., City of Elizabeth, NJ, County of Union; and

WHEREAS, it is determined that a settlement of the litigation Donald McNamara, et al. vs. 4 Connections, LLC, et als., Docket No.: UNN-L-1484-09, is in the best interest of the County of Union:

NOW, THEREFORE, BE IT RESOLVED, by the Board of Chosen Freeholders of the County of Union that it hereby approves a settlement in the matter of Donald McNamara, et al. vs. 4 Connections, LLC, et als., Docket No.: UNN-L-1484-09 in the total amount of \$15,000.00 to be charged to Account No. T-03-56-850-000-537.

SUFFICIENCY OF FUNDS
Julie Cigliata 6/8/11

RECORD OF VOTE																		
FREEHOLDER	Aye	Nay	Abs	Pass	Res.	Mot	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Res.	Mot	Sec	NP	
CARTER	X								SULLIVAN	X								
ESTRADA	X								WARD	X								
HUDAK	X								MIRABELLA VICE CHAIRMAN	X					X			
JALLOH	X						X		SCANLON CHAIRMAN	X				X				
KOWALSKI	X																	

APPROVED AS TO FORM 	I hereby certify this is an original resolution adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
COUNTY ATTORNEY	 CLERK

I hereby certify this is a true copy of a resolution adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
_____ CLERK



COUNTY OF UNION

Part C - GOVERNMENT RECORDS REQUEST RESPONSE

Requestor: Tina Renna - NCWA

Request Date: 6/13/11

- Document(s) provided: one e-File pages, at a total cost of: no Fee Documents responsive to Items 11 and 12, cost: 12.
- Special Service Charge imposed - Reason: _____
- Document(s) have been inspected by the requestor on the date shown below: _____ documents, _____ total pages
- Document(s) not provided (see below): _____

The document(s) you have requested that are checked below are NOT being provided because the document(s) are considered privileged or are otherwise exempt from public access, as provided by applicable law:

Privileged or Protected Category	Authority for Denial or Redaction
<input type="checkbox"/> Advisory, Consultative or Deliberative material	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Autopsy Photos / Video	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Attorney-Client Privilege Information	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Computer Security Information	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Criminal Investigatory Records	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Credit Card Numbers	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Domestic Security (Sabotage or Terrorism)	Executive Order 21 (McGreevey)
<input type="checkbox"/> Grievance Information with public employer	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Drivers' License Numbers	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Electronic Surveillance Materials	N.J.S.A. 2A:156A-19
<input type="checkbox"/> Emergency or Security Information or Procedures	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Employee Sexual Harassment Complaints	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Fingerprint Cards	Executive Order 9 (Hughes)
<input type="checkbox"/> Individual's Medical, Financial, or Tax records	Executive Order 26 (McGreevey)
<input type="checkbox"/> Insurance Communications	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Investigation in Progress	N.J.S.A. 47:1A-3.a
<input type="checkbox"/> Labor Negotiation Information (strategy or positions)	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Personnel or Pension Records	N.J.S.A. 47:1A-10
<input type="checkbox"/> Photographs of Crime Scene	Executive Order 9 (Hughes)
<input type="checkbox"/> Proprietary Information	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Reasonable Expectation of Privacy	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Resumes of unsuccessful applicants	Executive Order 26 (McGreevey)
<input type="checkbox"/> Safety of persons or the public	Executive Order 69 (Whitman)
<input type="checkbox"/> Security Measures and Surveillance Techniques	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Social Security Numbers	N.J.S.A. 47:1A-1.1, et seq.
<input type="checkbox"/> Test Questions, Scoring Keys, or other Exam Data	Executive Order 26 (McGreevey)
<input type="checkbox"/> Victim records	N.J.S.A. 47:1A-1.1; N.J.S.A. 2A:82-46b
<input type="checkbox"/> Record has been destroyed/not retained pursuant to:	Records Retention and Disposition Schedule
<input type="checkbox"/> Other	

You have a right to appeal this decision that the documents requested are not accessible. You may take your appeal to the Government Records Council (GRC) or to the New Jersey Superior Court as provided by N.J.S.A. 47:1A-6 and 7. Please see the attached "Part D - Procedures to Challenge Denial of Access to Government Records" and GRC Information.

Date: 6/17/11

[Signature]
County Official

ACKNOWLEDGMENT

I hereby acknowledge that I have received copies of, or have been permitted to view/inspect, the documents requested except for any documents specifically listed above on which a determination has been made that the documents could not be provided in accordance with applicable law. If any documents have not been provided, I have received information as to the procedures for an appeal of the determination.

Date: _____

Requestor's Signature _____