

DAGGETT KRAEMER KOVACH & GJELSVIK  
328 D SPARTA AVENUE  
SPARTA, NEW JERSEY 07871  
(973) 729-2117  
Attorneys for Plaintiffs Kara Seitz

RECEIVED & FILED  
SUPERIOR COURT

2009 JUL 30 PM 3:10

CIVIL DIVISION

\*\*\*\*\*

KARA SEITZ, ADMINISTRATRIX AD \*  
PROSEQUENDUM OF THE ESTATE OF \*  
ALAN J. SEITZ, \*

Plaintiffs, \*

vs. \*

DOVER POLICE OFFICER MICHAEL \*  
PIER, DOVER POLICE CHIEF HAROLD \*  
VALENTINE and MAYOR & COUNCIL \*  
OF THE TOWN OF DOVER, \*

Defendants. \*

\*\*\*\*\*

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION/MORRIS COUNTY

DOCKET NO. L-2441-09

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff residing in the Township of Parsippany, County of Morris by way of Complaint states:

BACKGROUND

1. Plaintiff Kara Seitz is the mother of Alan J. Seitz.
2. Alan J. Seitz met an untimely death at age 23 on August 15, 2007.
3. During the late evening hours of August 14, 2007, Plaintiff's decedent was operating his motorcycle on Route 46 through the Municipalities of Randolph, Roxbury and Wharton.
4. Various police officers of the above listed municipalities had been chasing Plaintiff's decedent to stop the same.
5. Following guidelines established for high speed chases, the police officers following the motorcycle of Plaintiff's decedent called off the chase and Plaintiff's decedent continued to operate his motorcycle on Route 46 East through Wharton.
6. Around midnigh of August 15, 2007, the Defendant Michael Pier was in the vicinity of the Dover Town Hall.

7. While engaged in conversation with other officers, the said Defendant Michael Pier who is a duly appointed police officer of the Town of Dover heard a radio transmission over the M.I.R.S. radio system that a municipal police officer was trying to stop a motorcycle that was travelling eastbound on Route 46.
8. Within a few minutes, the said Michael Pier heard another transmission over the same M.I.R.S. network indicating that the motorcycle was heading towards Mine Hill.
9. Mine Hill is a municipality west of Dover on Route 46.
10. The said Defendant Michael Pier got into and drove a Dover Police vehicle: a 2002 Ford Expedition from the vicinity of the Dover Police Department to the intersection of Drake Road and Route 46 in Dover.
11. The said Michael Pier turned from Route 46 into Drake Road, made a u-turn on Drake Road and again approached the intersection of Drake Road and Route 46.
12. Drake Road, at the intersection of Route 46, is controlled by a stop sign.
13. N.J.S.A. 39:4-144 imposes upon a driver whose travel is controlled by a stop sign to bring his motor vehicle to a stop and to "proceed only after yielding the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard."
14. The Defendant Michael Pier violated N.J.S.A. 39:4-144.
15. As the Plaintiff's decedent came upon the intersection of Drake Road and Route 46 travelling in an easterly direction, the Defendant Michael Pier suddenly and without warning, drove his motor vehicle directly in front of the Plaintiff's decedent's motorcycle causing the death of Plaintiff's decedent.
16. According to reports published, the Morris County Prosecutor's Office indicated that there were no skid marks left by Plaintiff's decedent's motorcycle.
17. The Plaintiff's decedent's motorcycle made contact with the 2002 Ford Expedition being operated by the Defendant Michael Pier at a point to the rear of the passenger door.
18. When the Defendant Michael Pier left the Dover Police Department with the purpose to go to the area of Route 46, a fellow officer by the name of Christopher Metzgar also left from that location heading towards Route 46.
19. Upon information and belief, there were radio communications between the 2002 Ford Expedition being operated by the Defendant Michael Pier and fellow officer Christopher Metzgar.

20. The Town of Dover maintains a recording system that records and preserves police calls. When investigators went to obtain the calls between Defendant Michael Pier and Officer Christopher Metzgar, the recording machine was not functioning.

21. Harold Valentine is the duly appointed Chief of Police of the Dover Police Department.

22. Mayor and Council of the Town of Dover are the duly elected representatives for that Municipality.

#### COUNT ONE

23. Plaintiff repeats each and every allegation as if set forth at length herein.

24. The Defendant Michael Pier was negligent as aforesaid and his negligence caused the death of Plaintiff's decedent.

25. As a result of the negligence of Defendant Pier, the Plaintiff's decedent suffered great pain.

WHEREFORE, the Plaintiff demands judgment for compensatory and punitive damages against the Defendants herein, and costs of suit and attorney fees.

#### COUNT TWO

26. Plaintiff repeats each and every allegation as if set forth at length herein.

27. Plaintiff Kara Seitz was dependent upon her son, Alan J. Seitz and his death caused her the loss of his advice, aid, assistance and help.

WHEREFORE, the Plaintiff Kara Seitz seeks compensatory and punitive damages and such costs as the Court deems just and equitable under the circumstances.

#### COUNT THREE

28. Plaintiff repeats each and every allegation as if set forth at length herein.

29. Defendants Valentine and Mayor and Council of the Town of Dover were negligent in the administration of the Dover Police Department.

30. The Defendants Valentine and Mayor and Council failed to properly train the Defendant Pier to such a degree that Pier's lack of training led to the death of the Plaintiff's decedent.

WHEREFORE, the Plaintiff demands judgment for compensatory and punitive damages against the Defendants herein, and costs of suit and attorney fees.

JURY DEMAND

The Plaintiff hereby demands a trial by jury.

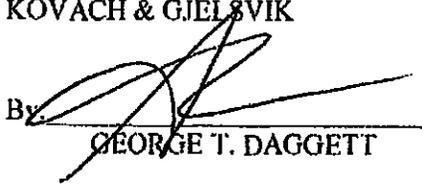
TRIAL COUNSEL DESIGNATION

Pursuant to Rule 4:25-4, George T. Daggett, Esq. has been designated as trial counsel on behalf of Plaintiff in the above-captioned matter.

CERTIFICATION

1. Pursuant to Rule 4:5-1, the undersigned hereby certifies that at the time of filing of this pleading, the matter in controversy is not the subject of any other action pending in any Court and/or Arbitration proceeding.
2. I also understand that at this time there are no other parties to my knowledge that should be named in this lawsuit.
3. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

DAGGETT KRAEMER  
KOVACH & GJELSVIK

By 

\_\_\_\_\_  
GEORGE T. DAGGETT

Dated: July 29, 2009

## RELEASE

THIS RELEASE DATED March 1, 2012, is given

BY: The Releasor(s), KARA SEITZ, individually and as ADMINISTRATRIX and ADMINISTRATRIX AD PROSEQUENDUM of the ESTATE OF ALAN J. SEITZ, referred to as "I",

TO: THE TOWN OF DOVER, 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 claim 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:

By reason of any and all personal injuries and consequential losses resulting from an incident which occurred on or about August 15, 2007, on or about Route 46, in Dover, New Jersey and which is the subject of a lawsuit instituted in the Superior Court of New Jersey, Law Division, Morris County, under Docket No. MRS-L-2441-09.

All outstanding medical bills or liens, to the extent required to be paid in accordance with law, will be satisfied out of the proceeds of the within settlement.

2. Payment: I have been paid a total of \$75,000.00, in full payment for making this Release.

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 executors of your estate.

4. No admission of liability: It is understood and agreed that this Release is in full settlement and satisfaction of disputed claims; that any injuries or damages and the legal liability for any injuries or damages are disputed and denied; and that payment of the settlement sum and other consideration given in this agreement is not to be construed as an admission of liability by defendants, by whom liability is denied.

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

Witnessed or Attested by:

  
Witness

 (Seal)  
KARA SEITZ, individually and as  
ADMINISTRATRIX and ADMINISTRATRIX  
AD PROSEQUENDUM

STATE OF NEW JERSEY :

SS:

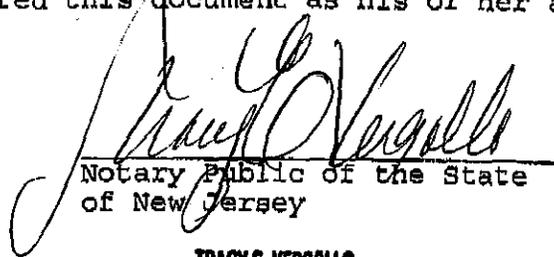
COUNTY OF Sussex :

I CERTIFY that on March 1, 2012, Kara Seitz, personally came before me and acknowledged under oath, to my satisfaction, that this person:

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

Prepared by:

William G. Johnson, Esq.

  
Notary Public of the State  
of New Jersey

**TRACY E. VERGOLLO**  
A Notary Public of New Jersey  
My Commission Expires April 4, 2012