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GELMAN GELMAN WISKOW & MCCARTHY LLC
 34 East Blackwell Street
 Dover, New Jersey 07801
 (973) 366-3900
 Attorneys for Plaintiff

ALBERT R. PATTERSON 3RD,
 Plaintiff,

vs.

SHAUN R. GREEN and/or JOHN DOE
 (a fictitious name), TOWNSHIP OF
 IRVINGTON POLICE DEPARTMENT
 and/or ABC CORPORATION (a
 fictitious name), TOWNSHIP OF
 IRVINGTON and/or XYZ CORPORATION
 (a fictitious name),
 Defendant.

: SUPERIOR COURT OF NEW JERSEY
 : LAW DIVISION/ESSEX COUNTY
 : DOCKET NO: ESX-L-1921-12
 :
 : CIVIL ACTION
 :
 : COMPLAINT, DEMAND FOR JURY, DEMAND
 : FOR INSURANCE INFORMATION,
 : DESIGNATION OF TRIAL COUNSEL AND
 : CERTIFICATION

Plaintiff, Albert R. Patterson 3rd, residing at 82 Park Avenue, in the City of East Orange, County of Essex and State of New Jersey, by way of Complaint against the Defendants, says:

FIRST COUNT

1. On or about March 31, 2010, the Plaintiff, Albert R. Patterson 3rd, was operating his motor vehicle on Grove Street, in the Township of Irvington, County of Essex and State of New Jersey, in a careful and prudent manner.

2. At the same time and place, Defendant, Shaun R. Green and/or John Doe, (a fictitious name) acting as the agent, servant or employee

of Defendant, Township of Irvington Police Department and/or ABC Corporation (a fictitious name), Township of Irvington and/or XYZ Corporation, was also operating his motor vehicle on Grove Street, in the Township of Irvington, County of Essex and State of New Jersey, and operated his motor vehicle in such a careless and negligent manner as to cause the same to collide with the vehicle driven by the Plaintiff.

3. As a direct and proximate result of the negligent and careless conduct of the Defendant, Shaun R. Green and/or John Doe, (a fictitious name) acting as the agent, servant or employee of Defendant, Township of Irvington Police Department and/or ABC Corporation (a fictitious name), Township of Irvington and/or XYZ Corporation, the Plaintiff was caused to suffer severe and painful permanent injuries; he has lost time from his employment; he has incurred and will incur in the future medical care and expenses; he has endured great pain and suffering; he has suffered a loss in the quality of his life and suffered other losses thereby.

WHEREFORE, Plaintiff, Albert R. Patterson 3rd, hereby demands judgment for damages against the Defendant, Shaun R. Green and/or John Doe, (a fictitious name) and/or Township of Irvington Police Department and/or ABC Corporation (a fictitious name), Township of Irvington and/or XYZ Corporation, individually, jointly or in the alternative, together with interest and costs of suit.

DEMAND FOR INSURANCE INFORMATION

Pursuant to Rule 4:10-2(b), Plaintiff hereby demands that the Defendants provide to the Plaintiff a copy of any and all insurance policies, or in the alternative, a statement as to the insurance coverages of the Defendant, relative to Plaintiff's claim.

DEMAND FOR JURY

Plaintiff, Albert R. Patterson 3rd, hereby demands a Trial by Jury on all issues of fact.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4, the Court is advised that PHILLIP C. WISKOW, ESQ., is hereby designated as trial counsel on behalf of the Plaintiff, Albert R. Patterson 3rd.

CERTIFICATION

Pursuant to Rule 4:5-1, it is hereby certified that this matter in controversy is not the subject of any other action pending in any Court, is not the subject of a pending arbitration proceeding and none is contemplated.

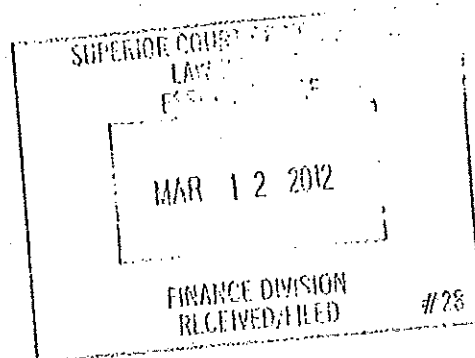
I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

GELMAN GELMAN WISKOW & MCCARTHY LLC
ATTORNEYS FOR PLAINTIFF

BY:


PHILLIP C. WISKOW

DATED: March 8, 2012



ALBERT R. PATTERSON, 3RD

Plaintiff,

v.

SHAUN R. GREEN, TOWNSHIP
OF IRVINGTON POLICE
DEPARTMENT,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

DOCKET NO. ESX-L-1921-12

JURY VERDICT SHEET

1. At the time of his March 31, 2010 motor vehicle accident, was Police Officer Green executing or enforcing any law?

YES

NO

VOTE

7-1

If you answered "YES", proceed to Question 2.

If you answered "NO", proceed to Question 4.

2. Did Police Officer Green act in good faith, meaning was his conduct objectively or subjectively reasonable, in the execution or enforcement of any law?

YES

NO

VOTE

8-0

If you answered "YES", proceed to Question 3.

If you answered "NO", proceed to Question 4.

3. Did Police Officer Green act excessively or recklessly in the enforcement of law?

7-1

If you answered "YES", proceed to Question 4.

If you answered "NO", your verdict is for the Defendants. Please notify the Sheriff Officer and do not answer any additional questions.

4. How much money will fairly compensate the Plaintiff for his lost wages that were proximately caused by the Defendant's actions?

\$ 15,000 Vote _____

8-0

Proceed to Question 5.

5. Has Plaintiff proven by a preponderance of the evidence that he sustained an objective permanent injury, and a permanent loss of body function which is substantial as a proximate result of the Defendant's actions?

YES NO VOTE

8-0

If you answered "YES", proceed to Question 6.

If you answered "NO", proceed to Question 7.

6. What amount of money do you find to be fair and reasonable to compensate Plaintiff for his pain, suffering, disability and loss of enjoyment of life?

\$ 250,000 Vote _____

8-0

DO NOT ANSWER QUESTION 7.

7. What amount of money do you find to be fair and reasonable to compensate Plaintiff for his disability, impairment and loss of enjoyment of life?

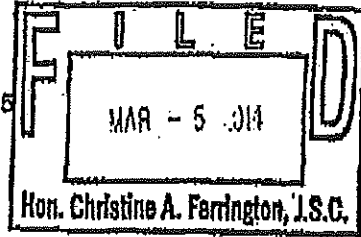
\$ _____ Vote _____

(Cease your deliberations and return your verdict.)

DATE

FOREPERSON

PHILLIP C. WISKOW, ESQ. - NJ ATTORNEY ID NO.: 041861986
Gelman Gelman Wiskow & McCarthy LLC
46 Main Street, Suite 304
Sparta, New Jersey 07871
Attorneys for Plaintiff



ALBERT R. PATTERSON 3rd,
PLAINTIFF

: SUPERIOR COURT OF NEW JERSEY
LAW DIVISION/ESSEX COUNTY
: DOCKET NO.: ESX-L-1021-12

vs.

SHAUN R. GREEN, TOWNSHIP OF
IRVINGTON POLICE DEPARTMENT,
DEFENDANTS.

: CIVIL ACTION

ORDER OF JUDGMENT

This matter having been tried before the Honorable Christine A. Farrington, J.S.C. and a jury on February 18, 19, 20 and 21, 2014, and the jury having returned a verdict in favor of Plaintiff, Albert R. Patterson, 3rd, and against the Defendant, Township of Irvington Police Department, in the amount of \$266,200.00, and for good cause shown;

IT IS ON THIS 5th OF March, 2014,

ORDERED that Judgment is hereby entered in favor of the Plaintiff, Albert R. Paterson, 3rd, and against the Defendant, Township of Irvington Police Department, in the amount of \$266,200.00; and

IT IS FURTHER ORDERED that a copy of the within Order shall be served upon all counsel of record within 7 days of the date hereof.

Christine Farrington
CHRISTINE A. FARRINGTON, J.S.C.

Unopposed



**New Jersey Judiciary
Superior Court - Appellate Division
NOTICE OF APPEAL**

Type or clearly print all information. Attach additional sheets if necessary.		ATTORNEY / LAW FIRM / PRO SE LITIGANT				
TITLE IN FULL (AS CAPTIONED BELOW): Albert R. Patterson, 3rd, Plaintiff, v. Shaun R. Green, Township of Irvington, Defendants.		NAME Michael A. D'Aquanni, Roth D'Aquanni LLC				
		STREET ADDRESS 150 Morris Ave, Suite 206				
		CITY Springfield	STATE NJ	ZIP 07081	PHONE NUMBER 973-258-1288	
		EMAIL ADDRESS				

ON APPEAL FROM		
TRIAL COURT JUDGE Hon. Christine A. Farrington	TRIAL COURT OR STATE AGENCY Superior Court of NJ, Essex County	TRIAL COURT OR AGENCY NUMBER ESX-L-1921-12

Notice is hereby given that Shaun R. Green and Twp. of Irvington appeals to the Appellate Division from a Judgment or Order entered on March 5, 2014 in the Civil Criminal or Family Part of the Superior Court or from a State Agency decision entered on _____

If not appealing the entire judgment, order or agency decision, specify what parts or paragraphs are being appealed.

Have all issues, as to all parties in this action, before the trial court or agency been disposed of? (In consolidated actions, all issues as to all parties in all actions must have been disposed of.) Yes No
If not, has the order been properly certified as final pursuant to R. 4:42-2? Yes No

For criminal, quasi-criminal and juvenile actions only:
Give a concise statement of the offense and the judgment including date entered and any sentence or disposition imposed: _____

This appeal is from a conviction post judgment motion post-conviction relief.
If post-conviction relief, is it the 1st 2nd other _____
specify

Is defendant incarcerated? Yes No
Was bail granted or the sentence or disposition stayed? Yes No

If in custody, name the place of confinement: _____

Defendant was represented below by:
 Public Defender self private counsel _____
specify

**FILED
APPELLATE DIVISION**

APR 09 2014

[Handwritten Signature]
CA 1111

Notice of appeal and attached case information statement have been served where applicable on the following:

	Name	Date of Service
Trial Court Judge	Hon. Christine A. Farrington, J.S.C.	April 8, 2014
Trial Court Division Manager	Debra Dadic	April 8, 2014
Tax Court Administrator		
State Agency		
Attorney General or Attorney for other Governmental body pursuant to R. 2:5-1(a), (e) or (h)		
Other parties in this action:		

Name and Designation	Attorney Name, Address and Telephone No.	Date of Service
Albert R. Patterson, 3rd Plaintiff	Phillip C. Wiskow, Gelman Gelman Wiskow & McCarthy LLC 45 Main Street, Suite 304, Sparta NJ 07871	April 8, 2014

Attached transcript request form has been served where applicable on the following:

	Name	Date of Service	Amount of Deposit
Trial Court Transcript Office	Denise Elbeck, Transcript Unit	April 8, 2014	Separate
Court Reporter (if applicable)			Cover
Supervisor of Court Reporters			
Clerk of the Tax Court			
State Agency			

Exempt from submitting the transcript request form due to the following:

- No verbatim record.
- Transcript in possession of attorney or pro se litigant (four copies of the transcript must be submitted along with an electronic copy).
List the date(s) of the trial or hearing:
- Motion for abbreviation of transcript filed with the court or agency below. Attach copy.
- Motion for free transcript filed with the court below. Attach copy.

I certify that the foregoing statements are true to the best of my knowledge, information and belief. I also certify that, unless exempt, the filing fee required by N.J.S.A. 22A:2 has been paid.

April 8, 2014
DATE


SIGNATURE OF ATTORNEY OR PRO SE LITIGANT



**New Jersey Judiciary
Superior Court - Appellate Division
CIVIL CASE INFORMATION STATEMENT**

Please type or clearly print all information.

TITLE IN FULL (1)

Albert R. Patterson, 3rd, Plaintiff
v.
Shaun R. Green, Township of Irvington, Defendants

TRIAL COURT OR AGENCY DOCKET NUMBER (2)

DESS-1921-12 OF NEW JERSEY
LAW DIVISION
ESSAY VOUCHER

APR - 9 2014

■ Attach additional sheets as necessary for any information below.

(3) **APPELLANT'S ATTORNEY** EMAIL ADDRESS: mdaquanni@rdlegal.net

PLAINTIFF DEFENDANT OTHER (SPECIFY)

NAME

Michael A. D'Aquanni, Esq.

CLIENT

FINANCE DIVISION
RECEIVED FILED #40
Shaun R. Green, Twp. of Irvington

STREET ADDRESS

150 Morris Ave, Suite 206

CITY

Springfield

STATE

NJ

ZIP

07081

TELEPHONE NUMBER

973-258-1288

(4) **RESPONDENT'S ATTORNEY * EMAIL ADDRESS:**

NAME

Philip C. Wiskow, Gelman Gelman Wiskow & McCarthy

CLIENT

Albert R. Patterson, 3rd

STREET ADDRESS

45 Main Street, Suite 304

CITY

Sparta

STATE

NJ

ZIP

07871

TELEPHONE NUMBER

973-512-2207

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

(5) **GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:**

On February 21, 2013, a jury verdict was returned in favor of Plaintiff and against Defendants, awarding \$250,000.00 for pain and suffering, \$15,000.00 for lost wages, and \$1,200.00 as reimbursement for Plaintiff's co-pay and deductible. A judgment was entered confirming the verdict on March 5, 2014 in the amount of \$266,200.00.

(6) Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees? YES NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4,2:5-6) YES NO

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice? YES NO

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

(7) Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h)) YES NO

(8) **GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:**

Facts: On March 31, 2010, Plaintiff was traveling north in his vehicle on Grove Street, in Irvington, when Defendant Officer Green made a right onto Grove Street toward East Orange. Plaintiff alleges that Officer Green turned on his emergency lights, and Plaintiff stopped his vehicle. Plaintiff alleges that Officer Green put his vehicle in reverse and struck Plaintiff's vehicle. Plaintiff claims damage to his vehicle and personal injuries.
Procedural History: Plaintiff filed his complaint on March 12, 2012. Defendants answered on June 13, 2012. Defendants filed a motion to dismiss the Complaint on October 23, 2012, which was denied. The parties completed discovery on June 8, 2013. The parties participated in arbitration on August 28, 2013, after which Defendants moved for a trial de novo. After trial briefing, on the eve of trial, Plaintiff moved to amend the Complaint to add allegations that Defendant Green acted recklessly, which was granted. A jury trial was held on February 18 through 21, 2013, resulting in a verdict in favor of Plaintiff.

(9) TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). (Appellant or cross-appellant only.):

The Trial Court abused its discretion in permitting Plaintiff to file an Amended Complaint on the eve of trial.

There was insufficient evidence on which a reasonable jury could conclude that Plaintiff's injury was permanent in nature.

(10) IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ YES NO

2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ YES NO

3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? YES NO

Caution: Before you indicate that there were neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

DATE OF YOUR INQUIRY: _____

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

(11) (A) Arises from substantially the same case or controversy as this appeal? YES NO

(12) (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? YES NO

(13) 2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? YES NO

(14) IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name: _____

Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

(15) State whether you think this case may benefit from a CASP conference. YES NO

Explain your answer:

Defendants are willing to discuss amicable resolution of this appeal.

(16) 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 Rule 1:38-7(b).

(17) Shaun R. Green and Township of Irvington

Name of Appellant or Respondent

(18) Michael A. D'Aquanni, Esq.

Name of Counsel of Record
(or your name if not represented by counsel)

(19) April 8, 2014

Date

(20) 

Signature of Counsel of Record
(or your signature if not represented by counsel)



**New Jersey Judiciary
Superior Court - Appellate Division
CIVIL CASE INFORMATION STATEMENT**

Please type or clearly print all information.

TITLE IN FULL

TRIAL COURT OR AGENCY DOCKET NUMBER

ALBERT R. PATERSON 3rd, Plaintiff
vs.
SHAUN R. GREEN, TOWNSHIP OF IRVINGTON POLICE DEPT.,
TOWNSHIP OF IRVINGTON, Defendants.

ESX-L-1921-12

■ Attach additional sheets as necessary for any information below.

APPELLANT'S ATTORNEY EMAIL ADDRESS: mdaquanni@rdlegal.net

PLAINTIFF DEFENDANT OTHER (SPECIFY)

NAME

Michael A. D'Aquanni, Esq.

CLIENT

Shaun R. Green, Twp of Irvington

STREET ADDRESS

150 Morris Avenue, Suite 206

CITY

Springfield

STATE

NJ

ZIP

07081

TELEPHONE NUMBER

973-258-1288

RESPONDENT'S ATTORNEY * EMAIL ADDRESS: pwiskow@ggwmlawoffice.com

NAME

Phillip C. Wiskow/Gelman Gelman Wiskow & McCarthy LLC

CLIENT

Albert R. Paterson, 3rd

STREET ADDRESS

46 Main Street, Suite 304

CITY

Sparta

STATE

NJ

ZIP

07871

TELEPHONE NUMBER

973-512-2207

* Indicate which parties, if any, did not participate below or were no longer parties to the action at the time of entry of the judgment or decision being appealed.

GIVE DATE AND SUMMARY OF JUDGMENT, ORDER, OR DECISION BEING APPEALED AND ATTACH A COPY:

On February 21, 2014, a jury verdict was returned in favor of Plaintiff and against Defendants, awarding \$250,000.00 for pain and suffering, \$15,000.00 for lost wages and \$1,200.00 as reimbursement for Plaintiff's co-pay and deductible.

Are there any claims against any party below, either in this or a consolidated action, which have not been disposed of, including counterclaims, cross-claims, third-party claims and applications for counsel fees?

YES NO

If so, has the order been properly certified as final pursuant to R. 4:42-2? (If not, leave to appeal must be sought. R. 2:2-4,2:5-6)

YES NO

(If the order has been certified, attach, together with a copy of the order, a copy of the complaint or any other relevant pleadings and a brief explanation as to why the order qualified for certification pursuant to R. 4:42-2.)

Were any claims dismissed without prejudice?

YES NO

If so, explain and indicate any agreement between the parties concerning future disposition of those claims.

Is the validity of a statute, regulation, executive order, franchise or constitutional provision of this State being questioned? (R. 2:5-1(h))

YES NO

GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY:

SEE ATTACHED RIDER.

TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THE APPEAL AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R. 2:6-2(a)(5). (Appellant or cross-appellant only):

Although the Plaintiff believes they are without merit, the Defendants have listed the following issues:

- 1.) The Trial Court abused its discretion in permitting Plaintiff to file an Amended Complaint on the eve of trial.
- 2.) There was insufficient evidence on which a reasonable jury could conclude that Plaintiff's injury was permanent in nature.

IF YOU ARE APPEALING FROM A JUDGMENT ENTERED BY A TRIAL JUDGE SITTING WITHOUT A JURY OR FROM AN ORDER OF THE TRIAL COURT, COMPLETE THE FOLLOWING:

1. Did the trial judge issue oral findings or an opinion? If so, on what date? _____ YES NO
2. Did the trial judge issue written findings or an opinion? If so, on what date? _____ YES NO
3. Will the trial judge be filing a statement or an opinion pursuant to R. 2:5-1(b)? YES NO

Caution: Before you indicate that there were neither findings nor an opinion, you should inquire of the trial judge to determine whether findings or an opinion was placed on the record out of counsel's presence or whether the judge will be filing a statement or opinion pursuant to R. 2:5-1(b).

DATE OF YOUR INQUIRY: _____

1. IS THERE ANY APPEAL NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

- (A) Arises from substantially the same case or controversy as this appeal? YES NO
- (B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? YES NO

2. WAS THERE ANY PRIOR APPEAL INVOLVING THIS CASE OR CONTROVERSY? YES NO

IF THE ANSWER TO EITHER 1 OR 2 ABOVE IS YES, STATE:

Case Name: _____

Appellate Division Docket Number: _____

Civil appeals are screened for submission to the Civil Appeals Settlement Program (CASP) to determine their potential for settlement or, in the alternative, a simplification of the issues and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question. A negative response will not necessarily rule out the scheduling of a preargument conference.

State whether you think this case may benefit from a CASP conference. YES NO

Explain your answer:

However, the Plaintiff believes he has an excellent chance to prevail on appeal and he does not have a lot of room for movement from the jury's verdict.

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 Rule 1:38-7(b).

Albert R. Patterson, 3rd

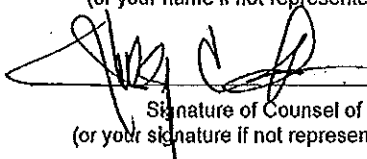
Name of Appellant or Respondent

Phillip C. Wiskow

Name of Counsel of Record
(or your name if not represented by counsel)

April 8, 2014

Date



Signature of Counsel of Record
(or your signature if not represented by counsel)