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File 21-5109NJL

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DAVID MARCOU, Executor of the Estate of Jodi Marcou, Deceased; **DAVID MARCOU**, individually; **STEVEN ROSS MARCOU**, individually; and, **ALYSA TAYLOR MARCOU**, individually;

Plaintiffs,

v.

ELHAJMALIK DIALLO, an individual; **ESTATE OF DAMAJIA JENAY HORNER**, Deceased; **JENNIFER HORNER**, an individual; **ARBINA ASANI**, an individual; **JOHN DOES 1-10**, fictitious individuals; **ABC COS 1-10**, fictitious business entities; and, **HANOVER INSURANCE**, a business entity,

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – MIDDLESEX COUNTY
DOCKET NO.**

Civil Action

Complaint & Jury Demand

David Marcou, Executor of the Estate of Jodi Marcou, deceased, and, David Marcou, residing at 107 Inverness Drive, Kendall Park, Middlesex County, New Jersey, Steven Ross Marcou, residing at 6205 Seville Drive, Austin, Texas, and Alysa Taylor Marcou, residing at 2803 Sunny Slope Road, Bridgewater, Somerset County, New Jersey, complaining of the above named Defendants, says:

FIRST COUNT

1. On or about November 7, 2021, decedent, Jodi Marcou was the owner of a certain

motor vehicle being prudently and reasonably operated by her west on Princeton-Kingston Road in Princeton, New Jersey.

2. At the time and place aforesaid, the Defendant, decedent, Damajia Jenay Horner, acting as agent, servant and/or employee of Defendant, Elhajjmalik Diallo and/or Defendant, Arbina Asani, was the operator of a motor vehicle purportedly stolen from and owned by Defendant, Arbina Asani, traveling east on Princeton-Kingston Road in Princeton, New Jersey.

3. At the time and place aforesaid, the Defendant decedent, Damajia Jenay Horner individually and/or as servant, agent and/or employee of Defendant, Elhajjmalik Diallo and/or Arbina Asani, did operate, control and maintain her motor vehicle in a careless, reckless and negligent manner such that she caused same to cross over the double yellow line of Princeton-Kingston Road, enter into the westbound lane of travel and collide head-on with Plaintiff's decedent, Jodi Marcou's vehicle.

4. As a direct and proximate result of the aforesaid carelessness, recklessness and negligence of the Defendants aforesaid, and the ensuing collision, decedent, Jodi Marcou, prior to her death was caused to sustain serious and severe injuries, suffered extreme pain of mind and body resulting in conscious pain and suffering, and as a result thereof, did expire on November 7, 2021, and as a further result, caused pecuniary loss to her heirs and next of kin.

5. On or about December 16, 2021, Letters Testamentary were granted by the Surrogate of the County of Middlesex, New Jersey to the Plaintiff, David Marcou.

6. This action has been commenced within two years after of death of the decedent, J Jodi Marcou.

WHEREFORE, David Marcou, Executor of the Estate of Jodi Marcou, deceased demands judgment against the Defendants, Estate of Damajia Jenay Horner, Elhajjmalik Diallo, and Arbina

Asani, jointly and severally for:

- a. Compensatory damages;
- b. Medical expenses;
- c. Reasonable attorney's fees;
- d. Interest and costs of suit; and,
- e. For such other relief as the Court may deem appropriate.

SECOND COUNT

1. Plaintiff David Marcou repeats and reiterates each of the allegations of the First Count, as though fully set forth at length herein.

2. Defendant, Elhajjmalik Diallo did intentionally and/or with reckless disregard for the safety of others counsel, command, induce, notice, instruct and/or procure deceased Defendant, Damajia Jenay Horner, to procure and operate the subject vehicle, which she was operating at the time of the within accident.

3. Defendant Elhajjmalik Diallo knew or reasonably should have known that the defendant Damajia Jenay Horner was under the legal age to operate a motor vehicle and did not possess a valid drivers license.

4. Defendant's conduct aforesaid aided and abetted to the vehicle being Stolen, procured and negligently operated by an underage person who did not possess a valid drivers license. Defendant's actions were malicious and grossly negligent. Defendant acted with a willful, wanton and/or reckless disregard for the safety of others including the Plaintiff's decedent, Jodi Marcou, and with a reasonable expectation that his conduct would result in damage or injuries sustained by individuals, including Plaintiff's decedent, Jodi Marcou.

5. As a result of Defendant, Diallo's actions as listed above, deceased Defendant, Damajia Jenay Horner, did steal, procure and operate Defendant, Arbina Asani's vehicle without a valid drivers license and go on to cause it to collide with Plaintiff's decedent,

Jodi Marcou's vehicle resulting in her death.

6. As a direct and proximate result of the conduct of the Defendant, Diallo aforesaid, and the ensuing collision, Plaintiff's decedent, Jodi Marcou, prior to her death was caused to sustain serious and severe injuries, suffered extreme pain of mind and body resulting in conscious pain and suffering, and as a result thereof, did expire on November 7, 2021, and as a further result, caused pecuniary loss to her heirs and next of kin.

WHEREFORE, David Marcou, individually and as Executor of the Estate of Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alysa Taylor Marcou, demands judgment against the Defendant, Elhajjmalik Diallo for:

- a. Compensatory damages;
- b. Punitive damages
- c. Medical expenses;
- d. Reasonable attorney's fees;
- e. Interest and costs of suit; and,
- f. For such other relief as the Court may deem appropriate.

THIRD COUNT

1. Plaintiff repeats and reiterates each of the allegations of the foregoing counts, as though fully set forth at length herein.

2. Defendant, Jennifer Horner is the mother and natural guardian of deceased Defendant, Damajia Jenay Horner and as such, was responsible for the supervision, control, discipline, raising, and parenting, of the deceased Defendant, a minor, her daughter, and knew or reasonably should have known of the dangerous propensities of her minor daughter.

3. Defendant, Jennifer Horner, was negligent in failing to properly parent, raise, supervise and control her daughter so as to prevent her from consorting with others and perpetrating crimes such as car theft.

4. Defendant, Jennifer Horner, was otherwise negligent in failing to properly protect the general public and more specifically, Plaintiff's decedent, Jodi Marcou, from the types of action, which resulted in deceased Defendant's theft and operation of a motor vehicle, and causing same to collide with that of Plaintiff's decedent.

5. Such actions and inactions of Defendant, Jennifer Horner, were performed negligently, and as a result of the negligence of Defendant, Jennifer Horner, and the ensuing theft of a motor vehicle by her daughter, deceased Defendant, Damajia Jenay Horner and the resulting collision with decedent, Jodi Marcou's vehicle.

7. As a direct and proximate result of the conduct of the Defendant, Jennifer Horner aforesaid, and the ensuing collision, Plaintiff's decedent, Jodi Marcou, prior to her death was caused to sustain serious and severe injuries, suffered extreme pain of mind and body resulting in conscious pain and suffering, and as a result thereof, did expire on November 7, 2021, and as a further result, caused pecuniary loss to her heirs and next of kin.

WHEREFORE, David Marcou, individually and as Executor of the Estate of Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alysa Taylor Marcou, demands judgment against the Defendant, Jennifer Horner, for:

- a. Compensatory damages;
- b. Medical expenses;
- c. Reasonable attorney's fees;
- d. Interest and costs of suit; and,
- e. For such other relief as the Court may deem appropriate.

FOURTH COUNT

1. Plaintiff repeats and reiterates each of the allegations of the foregoing counts, as though fully set forth at length herein.

2. At all times herein, Defendant, Arbina Asani was the owner of the motor vehicle, that deceased Defendant, Damajia Jenay Horner, stole.

3. Defendant, Asani did negligently leave said motor vehicle unlocked with the key fob in the vehicle making it very easy and enticing to steal and thus creating a likelihood that said vehicle would be subject to a theft and operated on the public roadways creating a risk of harm to the general public including the deceased plaintiff Jodi Marcou.

4. Thereafter, the vehicle was easily stolen by Damajia Jenay Horner and subsequently involved in the collision as recited aforesaid, causing Jodi Marcou's death.

5. Defendant, Asani, was careless, reckless and negligent in the supervision, operation and control of the vehicle owned and, was further negligent in allegedly leaving the vehicle unlocked with its key fob inside it same, after she knew or reasonably should have known that leaving the keys in an unlocked vehicle would reasonably make the vehicle a target of negligent vehicular use and/or vehicular theft.

6. Defendant's negligent conduct aforesaid aided and abetted to the vehicle being negligently operated. Defendant's actions were also grossly negligent and Defendant acted with a willful, wanton and/or reckless disregard for the safety of others including the Plaintiff's decedent, Jodi Marcou, and with a reasonable expectation that her conduct would result in damage or injuries sustained by individuals, including Plaintiff's decedent, Jodi Marcou.

7. As a direct and proximate result of the conduct of the Defendant, Arbina Asani, aforesaid, and the ensuing collision, Plaintiff's decedent, Jodi Marcou, prior to her death was caused to sustain serious and severe injuries, suffered extreme pain of mind and body resulting in conscious pain and suffering, and as a result thereof, did expire on November 7, 2021, and as a further result, caused pecuniary loss to her heirs and next of kin.

WHEREFORE, David Marcou, Executor of the Estate of Jodi Marcou, deceased demands

judgment against the Defendant, Arbina Asani, for:

- a. Compensatory damages;
- b. Punitive damages
- c. Medical expenses;
- d. Reasonable attorney's fees;
- e. Interest and costs of suit; and,
- f. For such other relief as the Court may deem appropriate.

FIFTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marco, deceased, repeats each and every allegation of the foregoing counts, as if same were set forth herein at length.

2. As a result of the negligence and carelessness of the Defendants, as aforesaid, the decedent, Jodi Marcou required special care and medical treatment from the time of the accident on November 7, 2021 up until the time of her death. She was caused to live and suffer moments of great pain from the time of the accident up until the time of her death. During that time, she suffered greatly, endured significant pain and suffering, and incurred for medical care in an attempt to alleviate her suffering.

3. As a result, David Marcou, Executor of the Estate of Jodi Marcou, deceased, incurred substantial medical expenses, funeral services expenses, burial expenses and other expenses in connection with the death of Jodi Marcou to which the Estate of Jodi Marcou is entitled to recovery pursuant to N.J.S.A. 2A:15-3 et seq. or otherwise.

WHEREFORE, Plaintiff, David Marcou, Executor of Estate of Jodi Marcou, deceased, demands judgment against the Defendants aforesaid, jointly and severally for

- a. Compensatory damages;
- b. Medical expenses;
- c. Reasonable attorney's fees;
- d. Interest and costs of suit; and,
- e. For such other relief as the Court may deem appropriate.

SIXTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marco, deceased, repeats each and every allegation of the foregoing counts, as if same were set forth herein at length.

2. As a direct and proximate result of the negligence of the Defendants, as aforesaid, the heirs-at-law and surviving next-of-kin of Jodi Marcou, deceased, to wit: David Marcou, wife; Steven Ross Marcou, son, and Alysa Taylor Marcou, daughter, have suffered the loss of said decedent's services, society, love, companionship, advice and guidance.

WHEREFORE, Plaintiff, David Marcou, Executor of the Estate of Jodi Marcou, deceased, David Marcou, individually, Steven Ross Marcou, individually, and Alysa Taylor Marcou, individually, demand judgment against the Defendants aforesaid, jointly and severally, for:

- a. Compensatory damages;
- b. Reasonable attorney's fees;
- c. Interest and costs of suit; and,
- d. For such other relief as the Court may deem appropriate.

SEVENTH COUNT

1. Plaintiff, David Marcou, individually, deceased repeats and realleges each and every allegation of the foregoing counts as though fully set forth at length herein.

2. As a direct and proximate result of the negligence of the Defendants as aforesaid, David Marcou, spouse of the decedent, was deprived of the reasonable expectation of the pecuniary advantages which would have resulted from the continuance of the life of Jodi Marcou, deceased, and otherwise suffered pecuniary and financial losses to which they are entitled to recovery pursuant to N.J.S.A. 2A:31-1 et seq. or otherwise.

WHEREFORE, Plaintiff, David Marcou, individually, demands judgment against

Defendants aforesaid, jointly and severally, for:

- a. Compensatory damages;
- b. Reasonable attorney's fees;
- c. Interest and costs of suit; and,
- d. For such other relief as the Court may deem appropriate.

EIGHTH COUNT

1. Plaintiff, David Marcou, individually, hereby repeats and realleges each and every allegation of the foregoing counts, as though fully set forth at length herein.

2. As a direct and proximate result of the negligence of the Defendants as aforesaid, Plaintiff, David Marcou, individually, incurred medical expenses in connection with the special care and medical treatment provided to his decedent, Jodi Marcou, from the time of the accident to the time of her death, incurred funeral service expenses, burial expenses, and other expenses in connection with death of Jodi Marcou.

WHEREFORE, Plaintiff, David Marcou, individually, demands judgment against

Defendants aforesaid, jointly and severally, for:

- a. Compensatory damages;
- b. Medical expenses;
- c. Funeral expenses;
- d. Reasonable attorney's fees;
- e. Interest and costs of suit; and,
- f. For such other relief as the Court may deem appropriate.

NINTH COUNT

1. Plaintiff, David Marcou individually, hereby repeats and realleges each and every allegation of the foregoing counts, as though fully set forth at length herein.

2. At all times herein, David Marcou was the spouse of decedent, Jodi Marcou.

3. Plaintiff, David Marcou, was caused to witness the post-accident condition

and the post-mortem condition of his wife, decedent, Jodi Marcou.

4. As a result of the aforesaid negligence of the Defendants and as a direct and proximate result thereof and having to witness his wife's injuries, conscious pain, suffering subsequent medical care and attention, and resulting death, the plaintiff, David Marcou, was caused to undergo and sustain severe emotional distress and suffering and has otherwise been damaged.

WHEREFORE, Plaintiff, David Marcou, individually, does hereby demand judgment against the Defendants aforesaid, jointly and severally for:

- a. Compensatory damages, including conscious pain and suffering for witnessing the conscious pain, suffering and eventual death of the plaintiff/deceased, Jodi Marcou, his wife;
- b. Medical expenses;
- c. Funeral expenses;
- d. Attorney's fees;
- e. Interest and costs of suit; and,
- f. Such other relief as the Court may deem appropriate.

TENTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marcou, deceased, repeats and reiterates each of the allegations of the foregoing Counts as though fully set forth at length herein.

2. John Does 1-10 and ABC Cos. 1-10, represent fictitiously named individuals and/or business entities who owned, operated, controlled, repaired and/or maintained, any vehicle or who may have contributed or caused the accident herein in any way not identified herein.

3. To date, the names of these individuals and/or business entities are unknown to Plaintiff. Plaintiff reserves their right to amend the within Complaint to incorporate the name of such individuals and/or entities in the event their names are identified and/or liability of same

are identified during the normal course of discovery.

WHEREFORE, Plaintiff, David Marcou, individually and as Executor of the Estate of Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alysa Taylor Marcou hereby demands judgment against Defendants aforesaid, jointly and severally, for:

- a. Compensatory damages;
- b. Attorney's fees;
- d. Interest and costs of suit; and,
- e. For such other relief as the Court may deem appropriate.

ELEVENTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marcou, deceased, repeats and reiterates each of the allegations of the foregoing Counts as though fully set forth at length herein.

2. Pursuant to N.J.S.A. § 2A:15-5.9, *et seq.*, known as the New Jersey Punitive Damages Act, Defendants, Estate of Damajia Jenay Horner's and Elhajjmalik Diallo's acts and/or omissions clearly and convincingly caused harm to Plaintiff's Decedent, Jodi Marcou, and such acts were actuated by actual malice or accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions, including Plaintiff's Decedent, Jodi Marcou.

WHEREFORE, Plaintiff, David Marcou, individually and as Executor of the Estate of Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alysa Taylor Marcou do hereby demand judgment against the Defendants, Estate of Damajia Jenay Horner. Elhajjmalik Diallo, and/or John Does 1-10 and/or ABC Cos. 1-10, jointly and severally for:

- a. Punitive Damages;
- b. Reasonable Attorneys' Fees;
- c. Interest and Costs of Suit; and
- d. Such other relief as the Court may deem Equitable and Just.

TWELFTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marcou, deceased, repeats and reiterates each of the allegations of the foregoing Counts as though fully set forth at length herein.

2. At the time of the foregoing accident, Plaintiff's decedent, Jodi Marcou was a named insured under a policy of insurance with Hanover Insurance Company (hereinafter referred to as Hanover) bearing policy no. xxx4422, as well as an umbrella, or excess policy, bearing policy no. xxx4429.

3. Said policies of insurance contained an endorsement for uninsured and underinsured (UM)/underinsured (UIM) benefits for injuries arising out of the negligence of uninsured or underinsured motorists.

4. As described above, Plaintiff's decedent was caused to sustain injuries with resultant death in this motor vehicle accident which was, or may have been caused in whole or in part by the negligence of uninsured drivers/owners and is entitled to make claim for uninsured benefits under the terms of the policies of insurance in effect with Defendant, Hanover at the time of this accident and so does.

5. Demand for uninsured benefits was made to Defendant, Hanover, as the carrier affording uninsured coverage in December of 2021. Defendant has wrongfully failed to respond to Plaintiff's demand for uninsured motorist arbitration and has otherwise delayed a just adjudication of Plaintiff's claim for uninsured motorist (UM) benefits, and is consequently named as a Defendant herein.

WHEREFORE, Plaintiff, David Marcou, individually and as Executor of the Estate of

Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alyssa Taylor Marcou do hereby demand judgment against the Defendant, Hanover Insurance Company, for: aforesaid, jointly and severally

- a. Compensatory damages;
- b. Attorney's fees;
- c. Interest and costs of suit; and,
- d. For such other relief as the Court may deem equitable and just

THIRTEENTH COUNT

1. Plaintiff, David Marcou, Executor of the Estate of Jodi Marcou, deceased, repeats and reiterates each of the allegations of the foregoing Counts as though fully set forth at length herein.

2. At the time of the foregoing accident, Plaintiff's decedent, Jodi Marcou and Plaintiff David Marcou were named insureds under two (2) policies of insurance with Hanover Insurance Company (hereinafter referred to as Hanover):

- i. bearing policy no. xxx4422, providing for \$250,000 in UM/UIM Coverage
- ii. Personal umbrella, Liability Policy providing for excess UM/UIM Coverage said excess policy, bearing policy no. xxx4429, with \$1,000,000 in excess UM/UIM Coverage

3. As described above, Plaintiff's decedent was caused to sustain injuries with resultant death in this motor vehicle accident which was, or may have been caused in whole or in part by the negligence of an uninsured driver/owner and is entitled to make claim for uninsured benefits under the terms of the policies of insurance in effect with Defendant, Hanover at the time of this accident and so does.

4. Demand for uninsured benefits was made to Defendant, Hanover, as the carrier affording uninsured coverage in December of 2021. Defendant has wrongfully failed to respond to Plaintiff's demand for uninsured motorist benefits and has otherwise delayed a just

adjudication of Plaintiff's claim for uninsured motorist (UM) benefits, and is consequently named as a Defendant herein.

5. Defendant, Hanover has to date:

- a. Unreasonably denied Plaintiff's claim for uninsured benefits; and,
- b. Unreasonably delayed Plaintiff's coverage or payment of uninsured benefits.

6. Defendant, Hanover has acted in *bad faith* in unreasonably denying Plaintiff's claim, coverage and payment of benefits for uninsured motorist benefits pursuant to their policy of insurance with it and demand are in violation of the *New Jersey Unfair Claims settlement Practices Act* (UCSPA), *N.J.S.A.* § 17:-29B-4 which governs unfair methods of competition and unfair and deceptive acts or practices in the business of insurance.

7. Defendant's violation entitles Plaintiff to recover compensatory damages, including trial verdicts, up to three times the applicable coverage as well as pre and post-judgment interest, litigation costs, and attorney's fees.

8. Defendant's actions and violations aforesaid have caused Plaintiff to sustain damages.

WHEREFORE, Plaintiff, David Marcou, individually and as Executor of the Estate of Jodi Marcou, deceased, and Plaintiffs, Steven Ross Marcou and Alysa Taylor Marcou do hereby demand judgment against the Defendant, Hanover Insurance Company, for:

- a. Compensatory damages, including trial verdicts;
- b. Treble damages;
- c. Attorney's fees;
- d. Interest(pre and post-judgment) and costs of suit; and,
- e. For such other relief as the Court may deem equitable and just.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury as to all issues.

NOTICE OF TRIAL COUNSEL

Please take notice that Nicholas J. Leonardis, Esq. is hereby designated as Trial Counsel in the above-captioned matter for the firm of Stathis & Leonardis L.L.C. pursuant to Rule 4:25 et.

**DEMAND FOR ANSWERS TO UNIFORM AND SUPPLEMENTAL
INTERROGATORIES**

PLEASE TAKE NOTICE that pursuant to Rule 4:17-1(b)(ii)(2), Plaintiff hereby demands answers to **Uniform Interrogatories Form C and Form C(1)** within sixty (60) days of the filing of Defendants' Answers to this Complaint.

PLEASE TAKE FURTHER NOTICE that pursuant to Rule 4:17-1(b)(i)(1) and Rule 4:17-2, Plaintiff hereby demands answers to the attached **Supplemental Interrogatories** within sixty (60) days of the filing of Defendants' Answers to this Complaint.

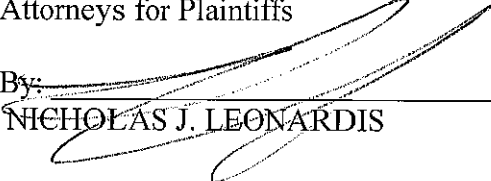
PLEASE TAKE FURTHER NOTICE Pursuant to Rule 4:18-1, Plaintiff hereby demands Defendants produce the documents demanded in the attached Notice to Produce within fifty (50) days of the filing of Defendants' Answers to this Complaint.

NOTICE TO PRESERVE ELECTRONICALLY STORED INFORMATION

PLEASE TAKE NOTICE that Plaintiff, during the course of this lawsuit, will request from the Defendant(s) the discovery of electronically stored information (ESI). ESI may be present on home and business computers, cell 'phones, hard drives, floppy discs, DVDs, USBs and CDs, flash memory, voice mail systems, e-mail programs, PDAs, tablets, web pages, server backup tapes, etc. Defendant(s) should not destroy any such materials that may be relevant to this case. Defendant(s) should take steps to preserve all information related in any way to Plaintiff and/or this lawsuit. Storage and retention policies for all systems should be reviewed, and any automatic purges, deletions, or write-overs must be stopped until this litigation is concluded.

Failure to ensure that all currently existing ESI is maintained and protected may subject the Defendant(s) to sanctions and adverse inferences for spoliation of evidence. Counsel for the respective parties can discuss how ESI will be exchanged.

STATHIS & LEONARDIS L.L.C.
Attorneys for Plaintiffs

By: 
NICHOLAS J. LEONARDIS

DATED: June 21, 2022

CERTIFICATION PURSUANT TO R. 4:5-1

It is hereby certified that to the best, present knowledge of Counsel for Plaintiffs, that the matter in controversy which is the subject of this litigation involving the named parties hereto, is not the subject of any other pending litigation or arbitration, and to the best of my knowledge and belief, no other action or arbitration proceeding is contemplated.

To the best of my knowledge, information and belief, there are no other parties to be joined in this action, and I recognize my continuing obligation to file and serve on all parties and the Court an amended certification if there is a change in the facts herein.

I further 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).

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.



NICHOLAS J. LEONARDIS

DATED: June 21, 2022

SUPPLEMENTAL INTERROGATORIES TO INDIVIDUAL DEFENDANTS

- S1. State the names and addresses of any and all proposed expert witnesses; their field of expertise; and the subject matter on which each expert is expected to testify. Annex a true copy of any and all proposed experts written reports and/or transcription of any oral report.
- S2. State the substance of any statement you gave to any police officer as to the manner of the happening of the subject accident.
- S3. State the speed of the vehicle you were in when the operator first saw the vehicle with which it collided.
- S4. State the speed of the vehicle with which your vehicle collided at the time you first saw said other vehicle.
- S5. State as accurately as you can the speed of the vehicle you were in at the time of the impact and the speed of the vehicle with which your vehicle collided at the time of impact.
- S6. If any driver involved in the subject accident pleaded "guilty" to a charge under the motor vehicle laws for a violation that occurred at the time of the happening of the accident or immediately prior thereto, state the charge made, the name of the person who pleaded "guilty" to said charge, the municipality where said plea was taken, and the date said plea was entered.
- S7. State the street address and name of the exact place where you had been on the last occasion before you entered the car before the happening of the accident and the exact street address and name of the place where you next intended to drive to at the time of the happening of the subject accident.
- S8. If the operator of any vehicle consumed any drugs; medication or alcoholic beverages within a 12 hour period immediately preceding the happening of the subject accident, state the name of the person who consumed such medication, drug or alcoholic beverage, the amount and kind of beverage drug or medication consumed, and the location where each of said items was consumed and the name and address of each person who was present at the time said consumption took place.
- S9. If any person named in the answers to Interrogatories was ever convicted of a crime, set forth the name of each person who was convicted of a crime, the name of the crime or crime, the state or country where such conviction took place and the date of each said conviction took place and the date of each said conviction.
- S10. If you claim that the plaintiff sustained prior or subsequent injuries in prior or subsequent accidents or that plaintiff had a prior physical or mental condition, state the nature of the prior injury or condition, its date of occurrence, whether any claim or suit was associated with same, date of the disposition of any such prior or subsequent claim, the court and docket number associated with such claim, and the name and address of attorneys involved with any prior or subsequent claim.

NOTICE TO PRODUCE TO INDIVIDUAL DEFENDANTS

1. The amounts of any and all insurance coverage covering the defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.
2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.
3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene or anything else relevant to the incident in question.
4. Copies of any and all signed or unsigned statement, documents, communications and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, business, corporation, investigative authority or other entity concerning anything relevant to the incident in question.
5. Copies of any and all documentation, including but not limited to, any contracts for service and/or repair orders for recent service and/or maintenance work performed on the vehicle involved in this accident and any other party.
6. Copies of any and all documentation concerning any lease agreements concerning the vehicle involved in this accident.
7. Copies of any and all discovery received from any other parties to the action in question.
8. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.
9. Copies of any and all reports and/or other investigations performed by any other investigative authority.
10. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.
11. Copies of any and all records of any type Subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

12. Any and all video surveillance capturing defendant(s) activities on the day of the accident.

13. All incident, or accident reports prepared by or on behalf the defendant company(ies), or its driver.

14. The full name, address, and employment file for the defendant company(ies) driver who was operating the vehicle at the time of the accident.

15. Copy of the property damage claim file for this claim, including all photographs, estimates, statements, reports, and repair records.

16. All GPS, speed, tracking data, and, EZ Pass information as recorded by defendant company(ies) vehicle.

17. All photographs and video equipment surveillance taken from within defendants' vehicle capturing and recording the happening of the incident/accident which is the subject matter of this suit and/or its aftermath.

SUPPLEMENTAL INTERROGATORIES TO DEFT., HANOVER

1. State the name and address of the person answering these interrogatories, your title, your affiliation with the defendant, and the length of time with the defendant in that position.
2. State whether there was a contract of insurance between the insurance company and the Plaintiff to provide UM/UIM benefits.
3. If anyone investigated this matter for you, state their name(s) and addresses(s), and state whether such investigation was reduced to writing. If said investigator obtained any signed statements or recorded statements, identify the person who gave the statement and attach hereto a copy of any said statement, either written or audio.
4. State whether you have within your possession or control photographs, plats or diagrams of the scene, videotapes, or objections connected with said auto accident; and if so, identify each such object, the date produced or obtained, and the present custodian thereof, and provide copies thereof.
5. State whether you know of the existence any statements, conversation, comment, or report made by this Plaintiff at the time of the accident or following the accident concerning the accident or facts relevant to any issue in this case. State the content of such statement, conversation, comment, or report, where it took place, and in whose presence it was made. If written, provide same.
6. State the name and specialty of all experts whom you propose to call as witnesses at trial, and for each such expert state the subject matter on which the expert is expected to testify, and attach copies of all written reports of each such expert.
7. State what investigation you have done to determine whether the driver or owner of the vehicle that was involved in the accident with Plaintiff was insured with liability insurance at the time of the accident. Provide a copy of any such investigation and state by whom it was conducted.
8. If you contend that Plaintiff suffered from a pre-existing condition and/or said pre-existing condition was aggravated as a result of this accident, please state all facts upon which you rely to support your contention and attach hereto copies of any and all medical records relating thereto.
9. If you contend that Plaintiff's injuries were not sustained as a result of the within accident, please state all facts upon which you rely upon to support your contention and attach any and all records relating thereto.

10. Please identify any medical expert that you have consulted with and who has rendered opinions prior to answering these interrogatories and whose opinions you have relied upon in denying this claim.

NOTICE TO PRODUCE TO DEFT., HANOVER

1. The amounts of any and all insurance coverage covering the defendant, including but not limited to, primary insurance policies, secondary insurance policies and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.
2. An entire copy of the actual policy of insurance in effect at the time of this loss.
3. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.
3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individuals involved in the incident in question, the property damage sustained, the accident scene or anything else relevant to the incident in question.
4. Copies of any and all signed or unsigned statement, documents, communications and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, business, corporation, investigative authority or other entity concerning anything relevant to the incident in question.
5. Copies of any and all documentation, including but not limited to, any contracts for service and/or repair orders for recent service and/or maintenance work performed on the vehicle involved in this accident and any other party.
6. Copies of any and all documentation concerning any lease agreements concerning the vehicle involved in this accident.
7. Copies of any and all discovery received from any other parties to the action in question.
8. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.
9. Copies of any and all reports and/or other investigations performed by any other investigative authority.
10. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.
11. Copies of any and all records of any type Subpoenaed by the defendant or

received from any other source concerning the plaintiff or the incident in question.

12. Copy of the entire UM/UIM claims file and PIP file regarding this claim.

13. Copy of all correspondence, including letters, emails, memos, summaries and evaluations for any and all claims adjusters of Defendant GEICO regarding claim this claim, including the UM/UIM claim, PIP claim and Property Damage Claim.

14. At least twenty-five (25) days prior to any and all independent medical examinations of Plaintiff scheduled by defense or on behalf of the defense by his/her attorney or carrier, provide to Plaintiff's counsel any and all intake forms that said examining doctor will require. Plaintiff reserves the right to audiotape the complete medical examination, including questioning by the doctor and/or his staff. Plaintiff further reserves the right to have a third person, as a representative of the Plaintiff, attend the medical examination, and record the medical examination (by audio or note taking), but will, in no way, interfere, or in any way participate in the medical examination. Failure to advise counsel of any objection thereto, will result in a motion to bar testify filed with the Court.

15. Within thirty (30) days of Plaintiff's defense independent medical examination, produce a copy of all notes taken by the independent medical examining doctor and his staff if the independent medical examining doctor, or his staff takes notes. Destruction of the notes will constitute spoliation of evidence. All available remedies for spoliation of evidence by the examining doctor, will be pursued by the Plaintiff.