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ATTORNEYS FOR PLAINTIFF

JENNIFER D’ANJOU as GENERAL
ADMINISTRATRIX AND ADMINISTRATRIX AD
PROSEQUENDUM OF THE ESTATE OF EVAN F.
D’ANJOU, DECEASED;

Plaintiff,

v.

ARTHUR MYERS, III;
CHARLOTTE A. MYERS;
PITTSGROVE TOWNSHIP;
SALEM COUNTY;
JOHN DOE #1-5 (fictitious names of
individuals, sole proprietorships, partnerships,
corporations, or any other entities that owned,
controlled and/or maintained the property at
178 McKishen Road);
jointly, severally, or in the alternative,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: SALEM COUNTY

Docket No.

CIVIL ACTION

**COMPLAINT, INITIAL DISCOVERY
REQUESTS, REQUESTS FOR COPIES
OF SUBPOENAED DOCUMENTS,
STATEMENT OF DAMAGES, AND
JURY DEMAND**

The Plaintiff, Jennifer D’Anjou as General Administratrix and Administratrix ad
Prosequendum of the Estate of Evan F. D’Anjou, deceased, residing at 300 Porchtown Road,
Pittsgrove, New Jersey, says:

COUNT ONE

PREMISES LIABILITY

JENNIFER D’ANJOU AS GENERAL ADMINISTRATRIX AND ADMINISTRATRIX AD PROSEQUENDUM OF THE ESTATE OF EVAN F. D’ANJOU, DECEASED

v.

ARTHUR MYERS, III and CHARLOTTE A. MYERS

1. Plaintiff Jennifer D’Anjou is the mother and General Administratrix and Administratrix ad Prosequendum of the Estate of her minor son, Evan F. D’Anjou.

2. Evan F. D’Anjou was born on July 14, 2006 and is survived by his parents, Jennifer and Raymond D’Anjou, and his older sibling, Hailee Rae, each of whom are the legal heirs of his Estate.

3. On May 3, 2022, at approximately 8:53pm, Evan F. D’Anjou, age 15, was a passenger in a vehicle being driven by Dane T. Pierce and traveling on McKishen Road at the intersection of Buck Road in Pittsgrove Township, Salem County, New Jersey.

4. At all times relevant hereto, defendants Arthur Myers, III and Charlotte A. Myers (“defendants Myers”) owned, controlled, and/or maintained the property that encompasses the corner of McKishen Road and Buck Road and more specifically, 178 McKishen Road, Pittsgrove Township, New Jersey (hereinafter also referred to as “the premises” or “the property”).

5. At all times relevant hereto, defendants Myers had a duty to maintain their property in a safe condition and to comply with all municipal and other governmental maintenance codes and ordinances

6. At all times relevant hereto, the intersection at McKishen Road and Buck Road was dangerous and unsafe to the traveling public (including the vehicle in which plaintiff was a

passenger) because the stop sign on McKishen Road was obstructed by overgrown shrubs and/or trees at the property. (See Exhibit A).

7. The obstruction was so bad, that the Stop Sign has been pulled to the left in a futile attempt to make it visible to on-coming traffic.

8. The inability for on-coming motorists to see the stop sign located on McKishen Road at the intersection of Buck Road created a dangerous and unsafe condition of public property.

9. Defendants Myers were negligent because they failed to maintain their property in a safe condition. Specifically, defendants Myers failed to inspect, maintain, trim, and/or remove the overgrown shrubs and/or trees that obscured the stop sign for all motorists traveling on McKishen Road.

10. Defendants Myers knew of the unsafe and dangerous condition on their property but failed to take any action to maintain the property and allowed the condition of the property to persist, creating a dangerous condition for all motorists on McKishen Road.

11. As a proximate result of defendants Myers' negligence, Dane T. Pierce and his passenger Evan D'Anjou were denied the ability to see the obscured stop sign resulting in Mr. Pierce driving his vehicle completely through the T intersection and into Deer Pen Park before striking a tree and killing Evan F. D'Anjou.

12. Plaintiff Evan F. D'Anjou needlessly and consciously suffered painful bodily injuries that eventually led to his wrongful death.

13. The acts, omissions, and conduct of defendants Myers was performed or omitted volitionally, with knowledge of the existence of a probability of risk of injury to members of the

public, and/or defendant wantonly and willfully disregarded the safety of the public, including Evan F. D’Anjou, with reckless disregard of that risk.

WHEREFORE, plaintiff Jennifer D’Anjou as General Administratrix and Administratrix ad Prosequendum of the Estate of Evan F. D’Anjou, deceased, demands judgment against defendant Arthur Myers, III and Charlotte A. Myers for all damages allowable under the Wrongful Death and Survival Acts, including compensatory and punitive damages, attorneys’ fees, interest, and costs of suit.

COUNT TWO

DANGEROUS CONDITION OF PUBLIC PROPERTY

**JENNIFER D’ANJOU AS GENERAL ADMINISTRATRIX AND ADMINISTRATRIX AD
PROSEQUENDUM OF THE ESTATE OF EVAN F. D’ANJOU, DECEASED**

v.

PITTSGROVE TOWNSHIP

14. Plaintiff repeats all of the allegations of the preceding counts of this Complaint.

15. The defendant, Pittsgrove Township owned, occupied, maintained, and/or controlled McKishen Road and the property and stop sign located at the intersection of McKishon Road and Buck Road in Pittsgrove Township.

16. At all times relevant hereto, defendant Pittsgrove Township had a duty to maintain the roadways that it owns, including all stop signs and adjacent vegetation, in a reasonably safe condition and in accordance and compliance with all applicable laws, ordinances, and regulations.

17. At all times relevant hereto, defendant Pittsgrove Township negligently breached its duty of care by allowing a dangerous condition of public property to exist at the intersection of McKishen Road and Buck Road, namely a visual obstruction of the stop sign on McKishen

Road due to an overgrown shrub and/or other vegetation at 178 McKishen Road, Pittsgrove Township, New Jersey.

18. The negligent acts and omissions by the defendant includes, but are not limited to, violations of § 60-82B(5) of the Pittsgrove Township Land Use and Development Codes and Ordinances which requires “Signs and sign structures of all types shall be located to allow a clear, unobstructed line of vision as specified in § 60-42CC.”

19. The obstruction was so bad, that the stop sign has been pulled to the left in a futile attempt to make it visible to on-coming traffic.

20. Defendant Pittsgrove Township had actual and/or constructive notice of the dangerous condition as it maintains the roadway, its police force patrols that roadway, and the condition existed for such a length of time that Pittsgrove Township employees would have had to have seen it in the normal course of business.

21. The dangerous condition of public property was such that defendant Pittsgrove Township knew that a foreseeable risk of injury would result from its failure to correct the dangerous condition that existed at the intersection.

22. The act of maintaining its stop sign and property and correcting the dangerous conditions were all ministerial acts for Pittsgrove Township and its employees.

23. Defendant Pittsgrove Township’s failure to maintain the property and stop sign and in allowing a dangerous condition to exist at the intersection of McKishen Road and Buck Road was without any justification, totally unacceptable, and palpably unreasonable.

24. On May 3, 2022, 15-year-old Evan F. D’Anjou was a passenger in a vehicle driven by defendant Dane T. Pierce and traveling on McKishen Road at the intersection of Buck Road in Pittsgrove Township, Salem County, New Jersey.

25. As a proximate result of defendants Pittsgrove Township's negligence, Dane T. Pierce and his passenger Evan D'Anjou were denied the ability to see the obscured stop sign resulting in Mr. Pierce driving his vehicle completely through the T intersection and into Deer Pen Park before striking a tree and killing Evan F. D'Anjou.

26. Plaintiff Evan F. D'Anjou needlessly and consciously suffered painful bodily injuries that eventually led to his wrongful death.

WHEREFORE, plaintiff Jennifer D'Anjou as General Administratrix and Administratrix ad Prosequendum of the Estate of Evan F. D'Anjou, deceased, demands judgment against defendant Pittsgrove Township, for all damages allowable under the Wrongful Death and Survival Acts, including compensatory and punitive damages, attorneys' fees, interest, and costs of suit.

COUNT THREE

DANGEROUS CONDITION OF PUBLIC PROPERTY

**JENNIFER D'ANJOU AS GENERAL ADMINISTRATRIX AND ADMINISTRATRIX AD
PROSEQUENDUM OF THE ESTATE OF EVAN F. D'ANJOU, DECEASED**

v.

SALEM COUNTY

27. Plaintiff repeats all of the allegations of the preceding counts of this Complaint.

28. The defendant, Salem County owned, occupied, maintained, and/or controlled Buck Road and the property and stop sign located at the intersection of Buck Road and McKishen Road in Pittsgrove Township.

29. At all times relevant hereto, defendant Salem County had a duty to inspect and maintain the roadways that it owns, including all stop signs and adjacent vegetation, in a

reasonably safe condition and in accordance and compliance with all applicable laws, ordinances, and regulations.

30. At all times relevant hereto, defendant Salem County negligently breached its duty of care by allowing a dangerous condition of public property to exist at the intersection of McKishon Road and Buck Road, namely a visual obstruction of the stop sign on McKishon Road due to an overgrown shrub and/or other vegetation at 178 McKishon Road, Pittsgrove Township, New Jersey.

31. The obstruction was so bad, that the stop sign has been pulled to the left in a futile attempt to make it visible to on-coming traffic.

32. Defendant Salem County had actual and/or constructive notice of the dangerous condition as it maintains the roadway and the condition existed for such a length of time that Salem County employees would have had to have seen it in the normal course of business.

33. The dangerous condition of public property was such that defendant Salem County knew that a foreseeable risk of injury would result from its failure to maintain the property and stop sign and correct the danger.

34. The act of maintaining the stop sign and property and correcting the dangerous conditions were all ministerial acts for Salem County and its employees.

35. Defendant Salem County's failure to maintain the stop sign and property and in allowing a dangerous condition to exist at the intersection of McKishon Road and Buck Road was without any justification, totally unacceptable, and palpably unreasonable.

36. On May 3, 2022, 15-year-old Evan F. D'Anjou was a passenger in a vehicle driven by defendant Dane T. Pierce and traveling on McKishon Road at the intersection of Buck Road in Pittsgrove Township, New Jersey.

37. As a proximate result of defendants Salem County's negligence, Dane T. Pierce and his passenger Evan D'Anjou were denied the ability to see the obscured stop sign resulting in Mr. Pierce driving his vehicle completely through the T intersection and into Deer Pen Park before striking a tree and killing Evan F. D'Anjou.

38. Plaintiff Evan F. D'Anjou needlessly and consciously suffered painful bodily injuries that eventually led to his wrongful death.

WHEREFORE, plaintiff Jennifer D'Anjou as General Administratrix and Administratrix ad Prosequendum of the Estate of Evan F. D'Anjou, deceased, demands judgment against defendant Salem County, for all damages allowable under the Wrongful Death and Survival Acts, including compensatory and punitive damages, attorneys' fees, interest, and costs of suit.

COUNT FOUR

NEGLIGENCE

JENNIFER D'ANJOU AS GENERAL ADMINISTRATRIX AND ADMINISTRATRIX AD PROSEQUENDUM OF THE ESTATE OF EVAN F. D'ANJOU, DECEASED

v.

JOHN DOE #1-5 (fictitious names of individuals, sole proprietorships, partnerships, corporations, or any other entities that owned, controlled and/or maintained the property at 178 McKishen Road)

39. Plaintiff repeats all of the allegations of the preceding counts of this Complaint.

40. The property located at the intersection of Buck Road and McKishen Road in Pittsgrove Township was owned, controlled, and/or maintained by John Doe #1-5.

41. John Doe #1-5 had a duty to keep the property safe and free of any dangerous conditions.

42. Defendants, John Doe #1-5, breached their duty and were negligent in failing to maintain the premises and its stop sign in a safe condition and by allowing a dangerous condition to exist at the intersection of McKishen Road and Buck Road caused by overgrown vegetation that obscured the Stop Sign for motorists traveling on McKishen Road.

43. As a proximate result of the negligence of defendants John Does #1-5, Evan F. D'Anjou sustained serious and permanent injuries, including physical pain and suffering, and his ultimate wrongful death.

WHEREFORE, the plaintiff Jennifer D'Anjou as General Administratrix and Administratrix ad Prosequendum of the Estate of Evan F. D'Anjou, deceased, demands judgment against defendant, John Doe #1-5 (fictitious names of individuals, sole proprietorships, partnerships, corporations, or any other entities that owned, controlled, and/or maintained the property at 178 McKishen Road), for all damages allowable under the Wrongful Death and Survival Acts, including compensatory and punitive damages, attorneys' fees, interest, and costs of suit.

DISCOVERY DEMAND – INTERROGATORIES
(E-DISCOVERY PREFERRED)

Plaintiff hereby demands that each defendant answer Uniform Form C Interrogatories, Form C(1) Interrogatories, and the 10 Supplemental Interrogatories below within the time proscribed by the Rules. In lieu of mailing hard copies, plaintiff's counsel will accept electronic transmission of all answers to interrogatories that are sent to Ldevoto@rossettidevoto.com.

DEFINITIONS

The following definitions shall apply in answering Form C, C(1), Supplemental Interrogatories, and Requests for Production of Documents:

A. "Address" means the present or last known street name and number, city or town, state and zip code.

B. "Document" or "documents" means the original and any identical or non-identical copy, regardless of origin or location, of any writing or record of any type or description including, but not limited to, the original and any copy, of any book, pamphlet, periodical, letter, memorandum, telegram, report, record, study, inter-office or intra-office communication, handwritten or other note, e-mail, working paper, chart, paper, graph, index, tape, disc, datasheet or data processing card, or any other written, recorded, electronic, transcribed, punched, taped, filed or graphic matter, however produced or reproduced, to which defendants have or have had access.

C. "Identify", "identity", or "identification" means, when used in reference to:

1.) A natural person, his or her:

- (a) full name;
- (b) home address;
- (c) business address; and
- (d) present or last known position, business affiliation, and job description.

2.) A company, corporation, association, partnership, or any legal entity other than a natural person:

- (a) its full name;
- (b) a description of the type of organization or entity;
- (c) the address of its principal place of business;
- (d) the jurisdiction of its incorporation or organization; and
- (e) the date of its incorporation or organization.

3.) A document:

- (a) its description (for example, letter, memorandum, report, etc.);
- (b) its title;
- (c) its date;
- (d) the number of pages thereof;
- (e) the subject matter;
- (f) the identity of its author, signer, and any person who participated in its preparation;
- (g) the identity of its addressee or recipient;
- (h) the identity of each person to whom copies were sent and each person by whom copies were received;
- (i) its present location; and
- (j) the identity of its custodian. (If any such document was, but is no longer, in the possession of or subject to the control of defendants, state what disposition was made of it and when.)

D. The term "defendant," "the defendant", "you", or "your" as used herein shall mean the person or entity to whom these interrogatories are directed and/or its agents, servants, employees, or representatives.

E. The term "occurrence" or "incident" or "accident" shall mean the acts, omissions or other circumstances that took place on **May 2, 2022 at the intersection of McKishen Road and Buck Road in Pittsgrove Township, Salem County, New Jersey** and which form the allegations against you in the Complaint.

SUPPLEMENTAL INTERROGATORIES

S1. Was any written report of the crash or any circumstances relating to the crash made by the defendant or to the defendant or any servant, agent or employee of the defendant and, if so, set forth the substance of the report and attach a copy hereto.

S2. Did the police or any governmental authority make a report of the accident and, if so, set forth the substance of the report and attach a copy hereto.

S3. Does the defendant have possession of any photographs, motion pictures, videotapes, or surveillance reports of the plaintiff on the day of the crash and, if so, identify the contents of each and attach a copy hereto.

S4. Please state in detail each and every action taken by each of the defendants after the crash?

S5. On the date of the crash, did the defendant reside with any person related by blood, marriage or adoption who was the named insured on a general liability insurance policy, a motor vehicle liability policy or a personal catastrophe liability umbrella and, if so, set forth the name and address of the insurer and attach a copy of each policy?

S6. When did you first become aware of the obstruction to the stop sign on McKishen Road at the intersection of Buck Road in Pittsgrove Township?

S7. Did you advise, or were you advised, (as the case may be) to take any corrective action in connection with the overgrown vegetation that obstructed the stop sign on McKishen Road at the intersection of Buck Road in Pittsgrove Township?

S8. Did you take any corrective action in connection with the overgrown vegetation that obstructed the stop sign on McKishen Road at the intersection of Buck Road in Pittsgrove Township?

S9. Please set forth all prior motor vehicle collisions that occurred at the intersection of McKishen Road and Buck Road in the past 7 years?

S10. State the name of all persons, companies, contractors, and landscapers that were hired, employed or engaged by you to maintain the property at 178 McKishen Road, Pittsgrove Township, New Jersey for the 5 years preceding May 2, 2022?

DISCOVERY DEMAND - DOCUMENTS (E-DOCUMENTS PREFERRED)

Plaintiff hereby demands that each defendant answer and produce the requested documents below pursuant to R. 4:18-2 and within the time proscribed by the Rules. You may supply any documents electronically by e-mailing them to plaintiff's counsel at Ldevoto@rossettidevoto.com. Plaintiff does not wish to inspect any documents and you are instructed to provide the actual documents.

1. The originals, clear copies, or the negatives of any photographs, films, or videotape of anything relating to this matter including, but not limited to, the area involved in this crash or occurrence, the vehicles involved, or of any of the parties; or of any other matter or things involved in this crash or occurrence or relevant to the claims or defenses asserted.
2. All property damage estimates or bills for property damage repair or replacement rendered for any object belonging to any of the parties to this action or to any other persons involved in this crash or occurrence.

3. The original or a legible copy of any and all statements, reports, or memoranda setting forth factual information disclosed in any and all investigations, inspections, tests, or surveys regarding the claims or defenses involved in this action; excepting impression or opinions of counsel.
4. Each and every policy of insurance under which any insurance company or indemnitor may be liable to the party/parties upon whom this demand is served for payment of all or part of the amounts of a judgment or award entered in this matter against that party or against any person for whose acts that party is alleged to be responsible.
5. As to each policy requested in the preceding paragraph, the Declaration Sheet pertaining to this crash or occurrence.
6. Any statements which may have been given to anyone by the party upon whose behalf this demand is served.
7. All written statements by persons claiming to be eyewitnesses or claiming to have been at or near the scene of the crash or occurrence immediately prior or immediately subsequent thereto or claiming to have knowledge of any fact or matter pertaining to the nature or extent of plaintiff's damages or losses; including but not limited to all statements given by any party to this action or by any employee.
8. The original or a legible copy of any written accident report concerning this crash or occurrence signed by or prepared by any party to this action.
9. All stenographic, video, voice or other recording of statements, or transcripts from persons claiming to be eyewitnesses or claiming to have been at or near the scene of the crash or occurrence immediately prior or immediately subsequent thereto or claiming to have knowledge of any fact or matter pertaining to the nature or extent of plaintiff's damages or losses or from of any of the parties to this action.
10. All diagrams, pictures, or sketches of the scene and/or manner in which this crash occurred.
11. Any and all reports and records from any and all government agency or police department pertaining to the crash or occurrence in question.
12. Reports of each and every expert witness who is proposed to testify at trial on behalf of the party upon whom this demand is served.
13. The complete C.V. of each expert who is proposed to testify at trial on behalf of the party upon whom this demand is served.

14. All written records prepared by you and/or in your possession, custody, or control, concerning the subject crash.
15. A true and correct copy of any defendant's Instagram profile, including, but not limited to, any and all photographs, comments, and/or messages exchanged through said profile relating to the subject crash.
16. Please produce an electric native copy of the information available on each page of any defendant's Facebook account (if you maintain one) for the period of time beginning one year before the incident up to and including the present.
17. All contracts between you and any persons, contractors, companies, and landscapers employed or engaged by you to maintain the property at, on, or adjacent to 178 McKishen Road, Pittsgrove Township, New Jersey for the 5 years preceding May 2, 2022.
18. Any work orders, invoices, receipts, estimates, correspondence, emails, contracts and the like whose purpose was for the maintenance, trimming, and removing vegetation, including trees, at, on, or adjacent to the property at 178 McKishen Road, Pittsgrove Township, New Jersey for the 5 years preceding May 2, 2022.
19. All police reports for all motor vehicle accidents that occurred at the intersection of McKishen Road and Buck Road Pittsgrove Township, New Jersey for the past 7 years.
20. Any property maintenance letters, citations, violation notices, and fines sent by or received by you in connection with the property at 178 McKishen Road, Pittsgrove Township, New Jersey.
21. The names and addresses of all persons who complained, including by writing, email, text, social media, and orally, about the condition of the stop sign, vegetation, and/or roadway at the intersection of McKishen Road and Buck Road in Pittsgrove Township.

STATEMENT OF DAMAGES

The nature of plaintiff's damages is unliquidated and difficult to ascertain at this stage of the litigation. You may accept this initial demand for damages from each defendant as being the limits of the sum of each defendant(s) insurance policies.

DEMAND FOR COPIES OF ALL SUBPOENAED DOCUMENTS
(E-DOCUMENTS PREFERRED)

Plaintiff hereby demands that copies of all subpoenaed documents by each defendant be produced to plaintiff without further notification within 10 days of receipt. The documents may be supplied electronically by sending them to Ldevoto@rossettidevoto.com. This is a continuing demand.

DEMAND FOR COMPLIANCE WITH RULES 1:5-1(a) AND 4:17-4(c)

TAKE NOTICE that the undersigned attorney, counsel for the plaintiff, hereby demands, pursuant to the provisions of Rules 1:5-1(a) and 4:17-4(a), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories, and responses thereto upon the undersigned, and further

TAKE NOTICE that this is a continuing demand.

NOTICE OF OTHER ACTIONS

Pursuant to the provisions of R. 4:5-1, I hereby certify as follows:

1. The matter in controversy is neither the subject of any other action pending in any other court nor of a pending arbitration proceeding.
2. It is not anticipated that the matter in controversy will become the subject of any other action pending in any other court or of a pending arbitration proceeding.
3. All parties who should have been joined in this action have been so joined.

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

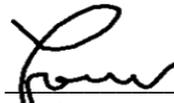
DESIGNATION OF TRIAL ATTORNEY

PLEASE TAKE NOTICE that pursuant to the provisions of the Rules Governing the Courts of the State of New Jersey, Louis J. DeVoto, Esquire, is hereby designated as the attorney who will try this case.

DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE that plaintiff demands a trial by jury as to all issues pursuant to the Rules of this Court.

ROSSETTI & DEVOTO, PC
Attorneys for Plaintiff



Louis J. DeVoto

Dated: February 14, 2024