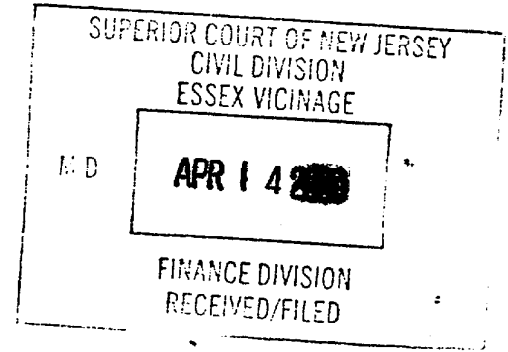


Baxter v. State of New Jersey, No. ESX-L-3813-00 (Superior Court, N.J., filed April 14, 2000)



GULKIN, HOCK & LEHR, P.A.
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Attorneys for Plaintiff

EARL BAXTER and BETTY BAXTER, :
his wife :
Plaintiff :

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY

vs. :

DOCKET NO. L 3813 - 00

STATE OF NEW JERSEY and its agents, :
servants and/or employees; U.S. NUCLEAR :
REGULATORY COMMISSION, its :
agents, servants and/or employees, UNITED :
STATES GOVERNMENT, its agents :
servants and/or employees, RICHARD W. :
MCKINLEY and JOHN DOES, 1-5 :

CIVIL ACTION

COMPLAINT

Defendants :

The plaintiffs, Earl Baxter and Betty Baxter, his wife, residing at 12 Dodd Terrace in the City of East Orange, County of Essex and State of New Jersey by way of complaint against the defendants, say:

1. On or about April 17, 1998, plaintiff, Earl Baxter was operating his vehicle travelling on South Clinton Street in the City of East Orange, County of Essex and State of New Jersey when the vehicle owned by defendant, the U.S. Government and operated by defendant, Richard W. McKinley, ran a stop sign impacting with the plaintiff's vehicle causing plaintiff's vehicle to spin and go up onto

the sidewalk.

2. At all times aforesaid, the defendants named herein were careless, reckless, negligent and grossly negligent in the ownership, operation, leasing, maintenance, management, control, supervision, servicing, repair, inspection and/or use of their motor vehicle(s) and as a direct and proximate result of the foregoing acts and/or omissions, any or all, proximately caused the motor vehicle accident as herein described, thereby proximately causing the plaintiff, Earl Baxter, to sustain severe and traumatic bodily injuries.

3. As a direct and proximate result of the foregoing, plaintiff, Earl Baxter was violently tossed about the inside of the vehicle, sustained injuries causing severe and permanent disability, permanent significant disfigurement, permanent loss of bodily function, or loss of body member in whole or in part, permanent consequential limitation of use of a body organ, or member; and/or medically determined injury or impairment of the non-permanent nature which prevented injured plaintiff from performing substantially all the material acts which constitute that person's usual and customary daily activities for not less than 90 days during the 180 days immediately following the occurrence of the injury or impairment; and has otherwise been restricted in his bodily movements, conduct, activities and functions, past, present and future; has incurred or in the future will incur expenses for the treatment of said injuries, has been disabled and in the future will be disabled and unable to perform his usual functions, and employment, has been caused and in the future will be caused great pain and suffering, to his great loss and damage, was, still is and will in the future be required to incur expenses for the medical care required for the relief of said injuries.

WHEREFORE, plaintiff, Earl Baxter, demands judgment against the defendants as aforesaid, individually, jointly and/or severally, for damages, together with attorneys' fees, interest and costs of suit.

SECOND COUNT

1. The plaintiff, Earl Baxter, repeats the allegations of the First Count as if set forth herein and at length.

2. Plaintiff, Betty Baxter, is the lawful wife of plaintiff, Earl Baxter.

3. As a direct and proximate result of the injuries sustained by her husband due to the negligence of the defendants in the within accident, plaintiff, Betty Baxter, was caused to lose the comfort and consortium of her husband, was deprived of this society and services, and was required to provide special services and care to him and was required to incur medical expenses for the treatment of her husband's injuries.

WHEREFORE, plaintiff, Betty Baxter, demands judgment against the defendants, as aforesaid, individually, jointly and/or severally for damages, together with interest, attorneys' fees, and costs of suit.

JURY DEMAND

The plaintiffs hereby demand a trial by jury of all issues herein.

CERTIFICATION

Pursuant to Rule 4:5-1, I hereby certify that the within matter is not the subject of any other Court or arbitration proceeding nor is any other Court or arbitration proceeding presently contemplated.

I hereby certify that the within pleading was served within the time prescribed by the Rules of Court.

GULKIN, HOCK & LEHR, P.A.
Attorneys for Plaintiff

By: _____

GARY M. LEHR, ESQ.

DATED: April 14, 2000

GULKIN, HOCK & LEHR, P.A.
354 EISENHOWER PARKWAY
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(973) 740-8600
Attorneys for Plaintiffs

EARL BAXTER and BETTY BAXTER, his wife	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION: ESSEX COUNTY
Plaintiff	:	
vs.	:	DOCKET NO. ESX-L-3813-00
STATE OF NEW JERSEY and its agents, servants and/or employees; U.S. NUCLEAR REGULATORY COMMISSION, its agents, servants and/or employees, UNITED STATES GOVERNMENT, its agents servants and/or employees, RICHARD W. MCKINLEY and JOHN DOES, 1-5	:	CIVIL ACTION
	:	SUMMONS
Defendants	:	

FROM THE STATE OF NEW JERSEY, TO THE ABOVE NAMED DEFENDANT(S):

To the Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the County listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, CN-971, Trenton, New Jersey 08625. A filing fee* payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to the plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter

a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided:



DONALD F. PHELAN
Clerk of Superior Court

Dated: April 26, 2000

Name of Defendant to Be Served: U.S. NUCLEAR REGULATORY COMMISSION, its
agents, servants and/or employees,

Address of Defendant to be Served: Mail Stop O-15B-18
Washington, DC 20555-0001

*\$105.00 for Chancery Division Cases or \$110 for Law Division Cases