



Appendix XII-B1

	CIVIL CASE INFORMATION STATEMENT (CIS)		Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA		CHG/CK NO.	
					AMOUNT:	
					OVERPAYMENT:	
				BATCH NUMBER:		
ATTORNEY / PRO SE NAME Nonee Lee Wagner, Deputy Attorney General		TELEPHONE NUMBER (609) 376-3300		COUNTY OF VENUE Hudson		
FIRM NAME (if applicable) Gurbir S. Grewal, Attorney General of New Jersey			DOCKET NUMBER (when available)			
OFFICE ADDRESS Division of Law, Richard J. Hughes Justice Complex 25 Market Street, P.O. Box 114 Trenton, New Jersey 08625-114			DOCUMENT TYPE Verified Complaint			
			JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
NAME OF PARTY (e.g., John Doe, Plaintiff) State of New Jersey by the Commissioner of Transportation		CAPTION State of New Jersey, by the Commissioner of Transportation vs. CinelliScrap Metals, Inc., a New Jersey Corporation, et al				
CASE TYPE NUMBER (See reverse side for listing) 301	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.				
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS				
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN				
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.						
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION						
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS				
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No						
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION						
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION				
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IF YES, FOR WHAT LANGUAGE?				
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 <i>Rule 1:38-7(b)</i> .						
ATTORNEY SIGNATURE: <i>Nonee Lee Wagner</i>						

Side 2



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|---|---|
| <ul style="list-style-type: none"> 271 ACCUTANE/ISOTRETINOIN 274 RISPERDAL/SEROQUEL/ZYPREXA 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL 282 FOSAMAX 285 STRYKER TRIDENT HIP IMPLANTS 286 LEVAQUIN 287 YAZ/YASMIN/OCELLA 289 REGLAN 290 POMPTON LAKES ENVIRONMENTAL LITIGATION 291 PELVIC MESH/GYNECARE | <ul style="list-style-type: none"> 292 PELVIC MESH/BARD 293 DEPUY ASR HIP IMPLANT LITIGATION 295 ALLODERM REGENERATIVE TISSUE MATRIX 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS 297 MIRENA CONTRACEPTIVE DEVICE 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR 300 TALC-BASED BODY POWDERS 601 ASBESTOS 623 PROPECIA 624 STRYKER LFIT CoCr V40 FEMORAL HEADS |
|---|---|

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

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Trenton, New Jersey 08625-0114
Attorney for Plaintiff,
State of New Jersey, by the
Commissioner of Transportation

By: Nonee Lee Wagner
Attorney I.D. #: 026612001
Deputy Attorney General
(609) 376-3000

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - HUDSON COUNTY
DOCKET NO. HUD-L- -19

STATE OF NEW JERSEY, by the
COMMISSIONER OF TRANSPORTATION

Plaintiff,

vs.

CINELLI SCRAP METALS, INC., a
New Jersey corporation; WELLS
FARGO BANK, NATIONAL
ASSOCIATION, successor to
Wachovia custodian for Plymouth
Park Tax Services, LLC, a
Delaware limited liability
company; STATE OF NEW JERSEY,
DEPARTMENT OF TREASURY; and CITY
OF JERSEY CITY, in the County of
HUDSON, a Municipal Corporation
of New Jersey,

Defendants.

Civil Action
(In Condemnation)

VERIFIED COMPLAINT

Plaintiff, State of New Jersey, by the Commissioner of Transportation, having its principal office at 1035 Parkway Avenue, Trenton, New Jersey 08625 says:

1. The office of Commissioner of Transportation was created and now exists pursuant to N.J.S.A. 27:1A-1 et seq., with all the functions, powers, and duties heretofore vested in the State Highway Commissioner pursuant to N.J.S.A. 27:1-1 et seq., as amended and supplemented.

2. Plaintiff is authorized by N.J.S.A. 27:7-22 et seq., to acquire lands or rights therein by gift, devise or purchase, or by condemnation in the manner provided in N.J.S.A. 20:3-1 et seq., and is authorized by N.J.S.A. 27:7A-1 et seq., to acquire, either by purchase or condemnation, property rights, easements and access rights.

3. Plaintiff has determined to acquire for public use for Department of Transportation purposes either a fee simple or lesser interest, or both, in the land and premises hereinafter described, pursuant to N.J.S.A. 27:7-22 et seq.

4. The interests in the land and premises sought to be condemned are more particularly described in an exhibit attached hereto and made a part hereof, and marked "Exhibit A", wherein reference is made to map marked "Exhibit B", a copy of which is

also attached hereto and made a part hereof, and upon which map the said land and premises are designated.

5. Plaintiff has been unable to acquire said interest in the land and premises through bona fide negotiations with the property owner.

6. The amount of compensation offered by plaintiff to the property owner is \$68,000, which amount assumes that the property is free of contamination or has been remediated. This amount was calculated in the manner set forth in "Exhibit C", attached hereto and made a part hereof.

7. Plaintiff hereby reserves any and all rights it has or may have to recover in a separate action or by any administrative means, against defendant property owner or any third parties, for release of the funds retained in the Superior Court Trust Fund and for reimbursement of all costs of remediation and/or cleanup of contamination and/or removal of solid waste and/or sanitary landfill closure that have been or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession pursuant to N.J.S.A. 20:3-19. Plaintiff further reserves the right to seek, at its sole discretion, any and all available legal, administrative and equitable remedies to compel defendants to remediate and/or clean up the property in accordance with applicable state and federal statutory and

regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the subject property. Pursuant to N.J.S.A. 58:10-23.11g.d(4), plaintiff is not liable for the cleanup and removal costs of any discharge which occurred or began prior to New Jersey Department of Transportation's ownership. Plaintiff does not accept any liability for pre-existing contamination and/or solid waste, whether now known or subsequently discovered.

8. Plaintiff has caused the subject property to be inspected for the existence of contamination and/or solid waste and has found no indication of contamination and/or solid waste which would require that further investigation or other affirmative action be undertaken in accordance with New Jersey Department of Environmental Protection guidelines and regulations. Plaintiff has provided notice to the owner of record of the property as to the results of the above-referenced inspection (Exhibit C). The owner of record has not provided to plaintiff any information that would necessitate further investigation of the subject property. However, due to the present use of the subject property, its environmental history, and/or the presence of underground storage tanks and/or piping, there exists a reasonable possibility that there may be some type of contamination which may require further investigation and/or remediation.

Notwithstanding the results of plaintiff's inspection, plaintiff does not accept liability for any pre-existing contamination or solid waste, whether now known or subsequently discovered. Furthermore, plaintiff has valued the property as if it has been remediated in accordance with applicable regulatory requirements and subject to the imposition of any conditions as to use except as noted in the appraisal and subject to paragraph 7 above. Plaintiff reserves the right to amend the complaint if additional or higher levels of contamination or solid waste are subsequently discovered within the subject property and to move for appropriate relief under law and equity, including but not limited to, seeking an order that the Clerk of the Superior Court shall not release any funds remaining on deposit until additional or higher levels of contamination are remediated and/or cleaned up by the owner of record or until any solid waste is properly removed or closure is performed by the owner of record in accordance with applicable state and federal standards, and to move for any other relief, including administrative relief, which may be necessary to protect plaintiff's rights and interests.

9. The owner of record of the said land and premises is Cinelli Scrap Metals, Inc., a New Jersey corporation, Agent: Glenn Cinelli, 170 Changebridge Road, Montville, New Jersey, 07045.

10. Other persons and corporations appearing of record to have an interest in the said land and premises and persons and corporations who have or may claim to have an interest therein as are known to the plaintiff are as follows:

(a) Wells Fargo Bank, National Association, successor to Wachovia custodian for Plymouth Park Tax Services, LLC, a Delaware limited liability company, 1488 Pennington Road, Ewing, New Jersey, 08618, by reason of a Certificate of Tax Sale No. 2005-0696, dated June 23, 2005 and recorded August 26, 2005 in Book 13251 of Mortgages, Page 193;

(b) State Of New Jersey, Department Of Treasury, Gurbir S. Grewal, Attorney General, Attention: Chief, Deputy Attorney General, Division of Law, Debt Recovery Section, Richard J. Hughes Justice Complex, 25 Market Street, PO Box 119, Trenton, New Jersey 08625-0112, by reason of Corporate Franchise Taxes vs. Cinelli Scrap Metals, Inc., a new Jersey Corporation;

(c) City Of Jersey City, in the County of Hudson, a Municipal Corporation of New Jersey, Clerk: Robert Byrne, 280 Grove Street, Jersey City, New Jersey, 07302, by reason of certain taxes and assessments, duly levied and assessed, and by further reason of farmland roll-back taxes assessed or to be assessed;

WHEREFORE, plaintiff demands judgment against the defendants that it is duly vested with and has duly exercised its authority to acquire the property being condemned and for an Order Appointing Commissioners to fix the compensation required to be paid, in accordance with N.J.S.A. 20:3-12, and preserving the reservations in paragraphs 7 and 8 of this complaint.

GURBIR S. GREWAL
Attorney General of New Jersey
Attorney for Plaintiff

By: *Nonee Lee Wagner*
Nonee Lee Wagner
Deputy Attorney General

DATED: *September 11, 2019*

GSB/fh; 1&9-5-E9A, DA9B

CERTIFICATION

VICTOR AKPU, of full age, hereby certifies:

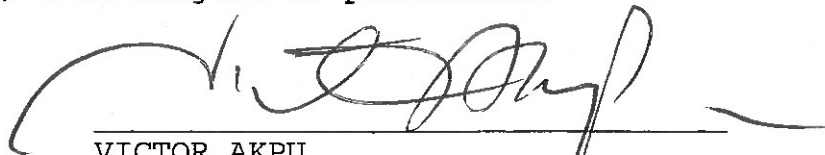
1. I am the Director of the Division of Right of Way and Access Management, of the plaintiff, State of New Jersey, Department of Transportation.

2. I have read the foregoing complaint and am familiar with the contents thereof.

3. The matters and statements set forth in said complaint are true to my knowledge and belief based upon my review of the official file of the Division of Right of Way and Access Management, Department of Transportation.

4. I further certify in accordance with R. 4:5-1 that there are no other proceedings either pending or contemplated with respect to the matter in controversy in this action and that no other parties should be joined in the action except those persons or entities which may appear in a title search updated to the filing and recording of the lis pendens.

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.



VICTOR AKPU
DIRECTOR, DIVISION OF RIGHT OF WAY
AND ACCESS MANAGEMENT

DATED:

9/9/19