

Plaintiff or Filing Attorney Information:

Name MARY A. KELLY
NJ Attorney ID Number _____
Address P.O. Box 41, 421 Cambridge Ave
Cape MAY Point, NJ 08212
Telephone Number 201.659.0988

NOV 20 10 52

MARY A. KELLY,
Plaintiff,
v.
Cape May County BOARD
OF ELECTIONS,
Defendant(s).

Superior Court of New Jersey
Division _____ County _____
Part _____
Docket No: _____
(to be filled in by the court)

Civil Action
Complaint

Plaintiff, MARY A Kelly, residing at
(your name)
421 Cambridge Avenue, City of Cape May Point
(your address) (your city or town)
County of Cape May.
(your county)

State Of New Jersey, complaining of defendant, states as follows:

1. On November 3, 2020, ^{+ hereafter} Cape May County Board of ^{Elections} Defendant
(name of person being sued)
(Summarize what happened that resulted in your claim against the defendant. Use additional pages if necessary.)
collected, counted AND Reviewed BALLOTS FROM
Cape MAY Point Registered voters. Some ballots
were questioned during a "cure letter" process.
I seek a recount due to possible human error
IN the count of ballots, particularly due to the

The defendant in this action resides at 10 Mechanic Street, Cape May Courthouse,
(defendant's address)
In the County of Cape MAY, State of New Jersey. NJ 08210
(name of county where defendant lives)

2. Plaintiff is entitled to relief from defendant under the above facts.

Continuation of Complaint in Mary A. Kelly vs. Cape May County Board of Elections, item 1

the unique circumstances surrounding the expansion of mail-in ballots due to Covid-19.

In addition, despite poll worker identification and communication to the Board of Election in previous elections that voters who have moved from Cape May Point needed to be removed from the voter registration list, or at minimum, should have to provide additional identification to verify their residence, some such non-residents are listed as having casts votes in the November election. It is possible that those voters did provide additional information during the cure letter process or otherwise.

Nonetheless, with unusually limited challenger opportunities due to the significant Covid-19 changes in voting procedures, and the significant expansion of mail- in ballots, a recount is warranted.

3. The harm that occurred as a result of defendant's acts include: (list each item of damage and injury)

1. With only 1 vote difference between two of the candidates, and the possibility of human error in the vote count, an UNFORTUNATE CIRCUMSTANCE, with a 4-year consequence, could occur.
- 2.

3.

Wherefore, plaintiff requests judgment against defendant for damages, together with attorney's fees, if applicable, costs of suit, and any other relief as the court may deem proper.

Dated:

11/20/2020

Signature:

Mary Kelly

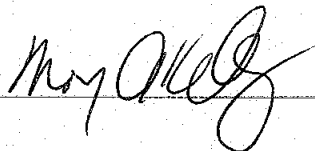
CERTIFICATION OF NO OTHER ACTIONS

I certify that the dispute about which I am suing is not the subject of any other action pending in any other court or a pending arbitration proceeding to the best of my knowledge and belief. Also, to the best of my knowledge and belief no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this complaint, I know of no other parties that should be made a part of this lawsuit. In addition, 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 stated in this original certification.

Dated: _____

11/20/2020

Signature: _____




OPTIONAL: If you would like to have a judge decide your case, do not include the following paragraph in your complaint. If you would prefer to have a jury to decide your case, please sign your name after the following paragraph.

JURY DEMAND

The plaintiff demands trial by a jury on all of the triable issues of this complaint, pursuant to New Jersey Court *Rules* 1:8-2(b) and 4:35-1(a).

Dated: _____

Signature: _____

	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		<i>For Use by Clerk's Office Only</i> Payment type: <input type="checkbox"/> ck <input type="checkbox"/> cg <input type="checkbox"/> ca Chg/Ck Number: Amount: Overpayment: Batch Number:	
	Attorney/Pro Se Name MARY A. KELLY		Telephone Number 201.587.3700	
	Firm Name (if applicable)		County of Venue CAPE MAY	
	Office Address PO Box 41, 421 Cambridge Avenue CAPE MAY POINT		Docket Number (when available) Document Type Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of Party (e.g., John Doe, Plaintiff) MARY A. KELLY		Caption CIVIL ACTION: Petition for Election RECOUNT/Borough of CAPE MAY POINT		
Case Type Number (See reverse side for listing) 999		Are sexual abuse claims alleged? <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:53A-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 type="checkbox"/> None <input checked="" 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 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 type="checkbox"/> No				
Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition. THIS ACTION IS A PETITION TO SEEK A RECOUNT BY THE CAPE MAY COUNTY BOARD OF ELECTIONS OF THE BOROUGH OF CAPE MAY POINT MUNICIPAL ELECTION				
♿ 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: Mary A Kelly, PRO SE				

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 | 506 PIP Coverage |
| 175 Forfeiture | 510 UM or UIM Claim (coverage issues only) |
| 302 Tenancy | 511 Action on Negotiable Instrument |
| 399 Real Property (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction) | 512 Lemon Law |
| 502 Book Account (debt collection matters only) | 801 Summary Action |
| 505 Other Insurance Claim (including declaratory judgment actions) | 802 Open Public Records Act (summary action) |
| | 999 Other (briefly describe nature of action) |

RECOUNT OF MUNICIPAL ELECTION

Track II - 300 days discovery

- | | |
|---|---|
| 305 Construction | 603Y Auto Negligence – Personal Injury (verbal threshold) |
| 509 Construction (other than Conscientious Employees Protection Act (CEPA) or Law Against Discrimination (LAD)) | 610 Personal Injury |
| 599 Contract/Commercial Transaction | 610 Auto Negligence – Property Damage |
| 603N Auto Negligence – Personal Injury (non-verbal threshold) | 621 UM or UIM Claim (includes bodily injury) |
| | 699 Tort – Other |

Track III - 450 days discovery

- | | |
|------------------------------|--|
| 005 Civil Rights | 608 Toxic Tort |
| 301 Condemnation | 609 Defamation |
| 602 Assault and Battery | 616 Whistleblower / Conscientious Employee Protection Act (CEPA) Cases |
| 604 Medical Malpractice | 617 Inverse Condemnation |
| 606 Product Liability | 618 Law Against Discrimination (LAD) Cases |
| 607 Professional Malpractice | |

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

- | | |
|---|--|
| 156 Environmental/Environmental Coverage Litigation | 514 Insurance Fraud |
| 303 Mt. Laurel | 620 False Claims Act |
| 508 Complex Commercial | 701 Actions in Lieu of Prerogative Writs |
| 513 Complex Construction | |

Multicounty Litigation (Track IV)

- | | |
|---|--|
| 271 Accutane/Isotretinoin | 601 Asbestos |
| 274 Risperdal/Seroquel/Zyprexa | 623 Propecia |
| 281 Bristol-Myers Squibb Environmental | 624 Stryker LFIT CoCr V40 Femoral Heads |
| 282 Fosamax | 625 Firefighter Hearing Loss Litigation |
| 285 Stryker Trident Hip Implants | 626 Ability |
| 286 Levaquin | 627 Physiomes Mesh Flexible Composite Mesh |
| 289 Reglan | 628 Taxotere/Docetaxel |
| 291 Pelvic Mesh/Gynecare | 629 Zostavax |
| 292 Pelvic Mesh/Bard | 630 Proceed Mesh/Patch |
| 293 DePuy ASR Hip Implant Litigation | 631 Proton-Pump Inhibitors |
| 295 AlloDerm Regenerative Tissue Matrix | 632 HealthPlus Surgery Center |
| 296 Stryker Rejuvenate/ABG II Modular Hip Stem Components | 633 Prolene Hernia System Mesh |
| 297 Mirena Contraceptive Device | |
| 299 Olmesartan Medoxomil Medications/Benicar | |
| 300 Talc-Based Body Powders | |

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 Consumer Fraud