

Lesnevich, Marzano-Lesnevich, Trigg,
 O’Cathain & O’Cathain LLC
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Attorneys for the Plaintiffs

	:	SUPERIOR COURT OF NEW JERSEY
MARY INJURED, and	:	BERGEN COUNTY: LAW DIVISION
JOHN INJURED (<i>her husband</i>)	:	
<i>Plaintiffs,</i>	:	DOCKET NO.:
	:	
v.	:	COMPLAINT and JURY DEMAND
	:	
DAVID TRUCK DRIVER;	:	
TRANSPORTATION COMPANY,	:	
LLC; JOHN DOES 1-5 and ABC	:	
CORPORATIONS 1-5	:	
<i>Defendants.</i>	:	
	:	

Plaintiffs, Mary Smith and John Smith, complaining of the Defendants, through their attorneys,

Lesnevich, Marzano-Lesnevich, Trigg, O’Cathain & O’Cathain LLC, state:

1. Plaintiff Mary Injured resides at 0 Main Street, Big Town, New Jersey.
2. Plaintiff John Injured resides at 0 Main Street, Big Town, New Jersey.
3. Defendant David Truck Driver resides at 0 Broadway, Small Town, New Jersey.
4. Defendant Transportation Company, LLC is a corporation organized and existing pursuant to the laws of the State of New Jersey with a place of business at 0 Washington, Truck Town, New Jersey.
5. “John Does 1-5” are fictitious names of persons not yet known to Plaintiff who are responsible for the underlying incident.

6. “ABC Corporations 1-5” corporations and other entities not yet known to Plaintiff who are responsible for the underlying incident.

COUNT ONE
(Negligence by Defendant David Truck Driver)

7. Plaintiffs repeat and reiterate paragraphs 1 through 6.
8. On January 32, 2018 at approximately 1:00 p.m., Plaintiff Mary Injured was driving her vehicle southbound on Clinton Drive in Busy Town, New Jersey.
9. On or about the same time, Defendant David Truck Driver (hereinafter “Defendant Driver”) was operating a commercial vehicle southbound on Clinton Drive directly behind the vehicle operated by Plaintiff Mary Injured. Defendant Driver was in the course of his employment with Defendant Transportation Company, LLC. The commercial vehicle was owned by Defendant Transportation Company, LLC.
10. Shortly thereafter, Plaintiff Mary Injured came to a stop for a red light at the intersection with 1st Avenue. At that time, Defendant Driver failed to come to a stop and rear ended the vehicle operated by Plaintiff Mary Injured.
11. Defendant Driver had a duty to operate his vehicle in a safe and careful manner.
12. Defendant Driver breached his duty by driving the vehicle in a negligent manner. As a result of this breach, it was foreseeable that Defendant Driver would cause severe injuries to Plaintiff Mary Injured.
13. As a result of Defendant Driver’s negligence, Plaintiff Mary Injured suffered serious and permanent injuries. These injuries have caused Plaintiff considerable pain & suffering and will cause additional pain and suffering into the future.

WHEREFORE, Plaintiff Mary Injured demands judgment against Defendant David Truck Driver for damages, cost of suit, and interest.

COUNT TWO
(Negligence of Defendant Transportation Company, LLC)

14. Plaintiffs repeat and reiterate paragraphs 1 through 13.
15. When Defendant Driver negligently caused the injuries to Plaintiff Mary Injured, he was acting within the scope of his employment. Defendant Transportation Company, LLC employed Defendant Driver.
16. Defendant Transportation Company, LLC is vicariously liable for the negligence of its employee, Defendant Driver.
17. As a result of Defendant Driver's negligence, Plaintiff Mary Injured suffered serious and permanent injuries. These injuries have caused Plaintiff Mary Injured considerable pain & suffering and will cause additional pain and suffering into the future.

WHEREFORE, Plaintiff Mary Injured demands judgment against Defendant Transportation Company, LLC for damages, cost of suit, and interest.

COUNT THREE
(Per Quod Claim)

18. Plaintiffs repeat and reiterate paragraphs 1 through 17.
19. As a result of the carelessness and negligence of Defendants as aforesaid and the resulting injuries and disabilities suffered by Plaintiff Mary Injured, her husband, John Injured, has been caused to expend money for her care and treatment, and has been caused to suffer the loss of society, services, and consortium, all to his detriment.

WHEREFORE, Plaintiff John Injured demands judgment against Defendants for damages, cost of suit, and interest.

**LESNEVICH, MARZANO-LESNEVICH, TRIGG,
O’CATHAIN & O’CATHAIN LLC**
Attorneys for the Plaintiffs

By: _____
Domhnall O’Cathain, Esq.

Dated: July 33, 2018

JURY DEMAND

Demand is hereby made for a jury trial on all issues.

TRIAL ATTORNEY DESIGNATION

Domhnall O’Cathain, Esq. is hereby designated as trial attorney.

DEMAND PURSUANT TO RULE 4:17-1(b)(2)

Pursuant R. 4:17-1(b) (2) and any other applicable New Jersey Rules of Court, Plaintiffs demand certified answers to Uniform Interrogatories.

DEMAND FOR DISCOVERY OF INSURANCE INFORMATION

Pursuant to the applicable New Jersey Rules of Court, Plaintiff hereby demands discovery of any and all applicable policies and/or amendments for the accidents described in this Complaint within thirty (30) days of receipt of this Complaint.

**LESNEVICH, MARZANO-LESNEVICH, TRIGG,
O’CATHAIN & O’CATHAIN LLC**
Attorneys for the Plaintiffs

By: _____
Domhnall O’Cathain, Esq.

Dated: July 33, 2018

CERTIFICATION PURSUANT TO R. 4:5-1

Pursuant to Rule 4:5-1, counsel for the Plaintiff hereby certifies that to the best of his knowledge, the within matter in controversy is not the subject of any other action pending in any other Court.

Counsel for the Plaintiff further certifies that to the best of his knowledge, the within matter in controversy is not the subject of any pending arbitration proceeding, nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action.

**LESNEVICH, MARZANO-LESNEVICH & TRIGG,
O’CATHAIN & O’CATHAIN LLC**
Attorneys for the Plaintiffs

By: _____
Domhnall O’Cathain, Esq.

Dated: July 33, 2018