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Attorneys for Plaintiff [REDACTED]

[REDACTED]

Plaintiff,

v.

**VENTNOR CITY, VENTOR CITY
DEPARTMENT OF COMMUNITY
RECREATION AND EDUCATION,
VENTNOR CITY DEPARTMENT OF
PUBLIC WORKS, JOHN DOE 1-10 &
ABC CORPORATIONS 1-10,**

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – ATLANTIC COUNTY

DOCKET NO. ATL-L-

Civil Action

**COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL ATTORNEY,
DEMAND FOR INSURANCE
INFORMATION, NOTICE TO PRODUCE,
DEMAND FOR ANSWERS TO UNIFORM C
AND C(1) INTERROGATORIES AND
SUPPLEMENTAL INTERROGATORIES**

Plaintiff, [REDACTED] an individual residing in the City of Philadelphia, State of Pennsylvania, by way of Complaint says:

FIRST COUNT

1. On or about July 14, 2022, the Plaintiff, [REDACTED] was legally and lawfully upon the premises located at 5600 Atlantic Avenue, City of Ventnor, County of Atlantic, State of New Jersey, more commonly known as Ventnor City Pickle Ball Courts.

2. At the aforesaid time and place, it is contended those premises were owned, leased, operated, controlled, supervised, managed, maintained, repaired, and inspected by the defendant(s), VENTNOR CITY, VENTOR CITY DEPARTMENT OF COMMUNITY RECREATION AND

EDUCATION, VENTNOR CITY DEPARTMENT OF PUBLIC WORKS, JOHN DOES 1-10, and ABC CORPORATIONS 1-10.

3. As a direct and proximate result of the negligence of the defendants, and through their agents, servants and employees, in the manner in which they negligently, recklessly, and/or palpably unreasonably owned, operated, supervised, constructed, maintained, controlled and/ or repaired the premises in question, and created and/or allowed to persist, and/or failed to warn of or correct, a dangerous condition on those premises, the plaintiff, [REDACTED] was caused to fall and suffer severe injuries; she was caused to suffer great pain and will in the future be caused to suffer great pain; she was caused to incur medical expenses and will in the future be caused to incur medical expenses; and she was caused to suffer permanent injuries.

WHEREFORE, plaintiff, [REDACTED] demands judgment against the defendants, VENTNOR CITY, VENTOR CITY DEPARTMENT OF COMMUNITY RECREATION AND EDUCATION, VENTNOR CITY DEPARTMENT OF PUBLIC WORKS, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, jointly, severally or in the alternative for damages, interest, and costs of suit.

SECOND COUNT

1. The plaintiff repeats the allegations contained in the First Count as if the same were more fully set forth herein and made a part hereof.

2. At the time and place aforesaid, it is contended that the defendants, John Does 1-10 and ABC Corporations 1-10, entities whose identities are presently unknown, owned, supervised, constructed, maintained, controlled and/or repaired said premises.

3. As a direct and proximate result of the negligent, reckless, and/or palpably unreasonable conduct of the defendants, John Does 1-10 and ABC Corporations 1-10, and through their agents, servants and employees, in the manner in which they owned, supervised, constructed, controlled, maintained, and/or repaired the premises in question, the plaintiff, J [REDACTED] was caused to fall and suffer severe injuries; he was caused to suffer great pain and will in the future be caused to suffer great pain; he was caused to incur medical expenses and will in the future be caused to incur medical expenses; and he was caused to suffer permanent injuries.

WHEREFORE, plaintiff, [REDACTED] demands judgment against the defendants, VENTNOR CITY, VENTOR CITY DEPARTMENT OF COMMUNITY RECREATION AND EDUCATION, VENTNOR CITY DEPARTMENT OF PUBLIC WORKS, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, jointly, severally or in the alternative for damages, interest, and costs of suit.

THIRD COUNT

1. The plaintiff repeats the allegations contained in the First and Second Count as if the same were more fully set forth herein and made a part hereof.

2. The plaintiff alleges that there was a breach of regulations and that constitutes a statutory tort.

3. As a direct and proximate result of the negligent, reckless, and/or palpably unreasonable conduct of the defendants in the manner in which they owned, operated, constructed, controlled, supervised, maintained, inspected, and repaired the subject premises, the plaintiff was caused to suffer injuries to his body; was caused to suffer great pain and will in the future be caused to suffer

great pain; was caused to incur medical expenses and will in the future be caused to incur medical expenses, was caused to suffer serious, severe and permanent injuries.

WHEREFORE, plaintiff, [REDACTED] demands judgment against the defendants, VENTNOR CITY, VENTOR CITY DEPARTMENT OF COMMUNITY RECREATION AND EDUCATION, VENTNOR CITY DEPARTMENT OF PUBLIC WORKS, JOHN DOES 1-10, and ABC CORPORATIONS 1-10, JOHN DOES 1-10 and ABC CORPORATIONS 1-10, jointly, severally, or in the alternative for damages, interest, and costs of suit.

SUPPLEMENTAL INTERROGATORIES

1. Who owned the Ventnor City Pickle Ball Courts located at 5600 Atlantic Avenue, in Ventnor, on July 14, 2022?
2. Do answering Defendants contend they were unaware of the court condition circled on Exhibit A prior to July 14, 2022?
3. Prior to July 14, 2022, had Defendants received any complaints about the condition circled on Exhibit A, or the surface of the Ventnor City Pickle Ball Courts?
4. If the answer to #3 above is in the affirmative, set forth the date of the complaint and the identity and contact information of the party making the complaint?
5. Do the answering Defendants contend that the area circled in Exhibit A was safe for Pickle Ball play on July 14, 2022?
6. In the event answering Defendants allege they were not responsible for maintaining the area circled in Exhibit A on July 14, 2022, please provide the name and address of any and all persons and/or entities responsible for maintaining said property on the date of the accident?

7. Prior to July 14, 2022, were there any protocols and/or procedures for inspection of the Ventnor pickle ball courts to ensure they were clear of hazards?
8. If the answer to #7 above is in the affirmative, please detail all such protocols and/or procedures along with dates the courts were inspected and by whom.

NOTICE TO PRODUCE

Pursuant to Rule 4:18-1, the Plaintiffs hereby demand that the defendants produce the following documentation within thirty (30) days as prescribed by the Rules of court. Additionally, please be advised that the following requests are ongoing and continuing in nature and the defendants are therefore required to continuously update their responses thereto as new information or documentation comes into existence.

1. True, accurate and complete copies of any and all records, contracts, invoices, or other documentation concerning any repairs, alterations and/or maintenance which were performed on the area depicted in the photograph marked as **Exhibit A** at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey, at any time.
2. True, accurate and complete copies of any and all calls, complaints, or other requests, concerning the area depicted in the photograph marked as **Exhibit A** at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey, at any time.
3. True, accurate and complete copies of any and all incident reports, accident reports, or other documentation concerning the happening of the plaintiff's accident at the Ventnor City

Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey, on July 14, 2022.

4. True, accurate and complete copies of any and all incident reports, accident reports, or other documentation concerning the happening of any other accidents involving the Ventnor City Pickle Ball Courts as well as the area circled on **Exhibit A** at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey.
5. True, accurate and complete copies of any and all legal pleadings and/or discovery, or other documentation concerning any other accident involving the Ventnor City Pickle Ball Courts as well as the area on **Exhibit A** at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey.
6. True, accurate and complete copies of any and all documentation concerning any inspections which were performed on the area circled on **Exhibit A** at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey.
7. True, accurate and complete copies of any and all photographs depicting the condition of the the Ventnor City Pickle Ball Courts as well as the area where plaintiff [REDACTED] fell (circled on the photograph marked as **Exhibit A**) at the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey, at any time.
8. True, accurate and complete copies of any and all video tapes, audio tapes, or other electronic recordings concerning anything relevant to the happening of this accident or injuries, including, but not limited to, video recordings of either the happening of the plaintiff's accident or the location of his accident depicted on **Exhibit A**, located at, the Ventnor City Pickle Ball Courts, located at 5600 Atlantic Avenue, Ventnor City, New Jersey, both before and after his accident of July 14, 2022.

9. The amounts of any and all insurance coverage covering the defendants, including but not limited to primary insurance policies, secondary insurance policies, PUPs (Personal Umbrella Policies) and/or umbrella insurance policies. For each such policy of insurance, supply a copy of the declaration page therefrom.

10. Copies of any and all documentation or reports, including but not limited to police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

11. Copies of duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches or other reproductions, descriptions or accounts concerning the individual involved in the incident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

12. Copies of any and all signed or unsigned statements, documents, communications, and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronic means, made by any party to this action, any witness, or any other individual, businesses, corporation, investigative authority or other entity concerning anything relevant to the incident in question.

13. Copies of any and all documentation, including but not limited to, any contracts between the owner of the property or product involved in the incident in question and any of the parties involved in this matter.

14. Copies of any and all contracts between any of the parties involved in the incident in question.

15. Copies of any and all documentation concerning any lease agreements between the lessor(s) and the lessee(s) concerning the incident in question.
16. Copies of any and all documentation, including but not limited to safety manuals, statutes, rules, regulations, books and/or industry standards which refer to, reflect or otherwise relate to the incident in question or any potential defense to the action in question.
17. Copies of any and all permits applied for by the parties to the action in question concerning the product in question, the accident scene, or anything else relevant to the happening of the accident in question.
18. Copies of any and all permits received by the parties to the action in question concerning the product in question, the accident scene, or anything else relevant to the happening of the accident in question.
19. Copies of any and all discovery received from any other parties to the action in question.
20. Copies of any and all reports on the plaintiff received by the defendants, or any other party to this suit, from either the Central Index Bureau (C.I.B.) or from any other source.
21. Copies of any and all medical information and/or documentation concerning the plaintiffs in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.
22. Copies of any and all records of any type subpoenaed by the defendants or received from any other source concerning the plaintiffs or the incident in question.

23. A list of employees present at the job site/accident site, their names, addresses and job titles.

24. Copies of any and all documents including contracts and by-laws regarding the ownership, operation, management, maintenance and repair of the subject premises in effect on the date of the incident.

25. Please be advised that the plaintiffs hereby object to the taking of any photographs, x-rays or other reproductions concerning the plaintiffs or the plaintiff's injuries at the time of the defense examination.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is hereby made that defendants disclose to plaintiffs' attorney whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment and provide plaintiffs' attorney with true copies of such insurance agreements or policies including but not limited to any and all declaration sheets. This demand shall be deemed to include and cover not only primary coverage but also any and all excess catastrophe and umbrella policies.

JURY DEMAND

PLEASE TAKE NOTICE, that the Plaintiffs pursuant to R. 4:35-1, demand a trial by jury as to all issues.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE, that attorney Robert Y. Cook, Esquire is hereby designated as trial counsel in the above captioned litigation for the firm of Levinson Axelrod, pursuant to R. 4:25-4.

CERTIFICATION PURSUANT TO R. 4:5-1

I HERBY CERTIFY that this matter is not the subject matter of any other suit, pending or contemplated in any other court or arbitration proceeding.

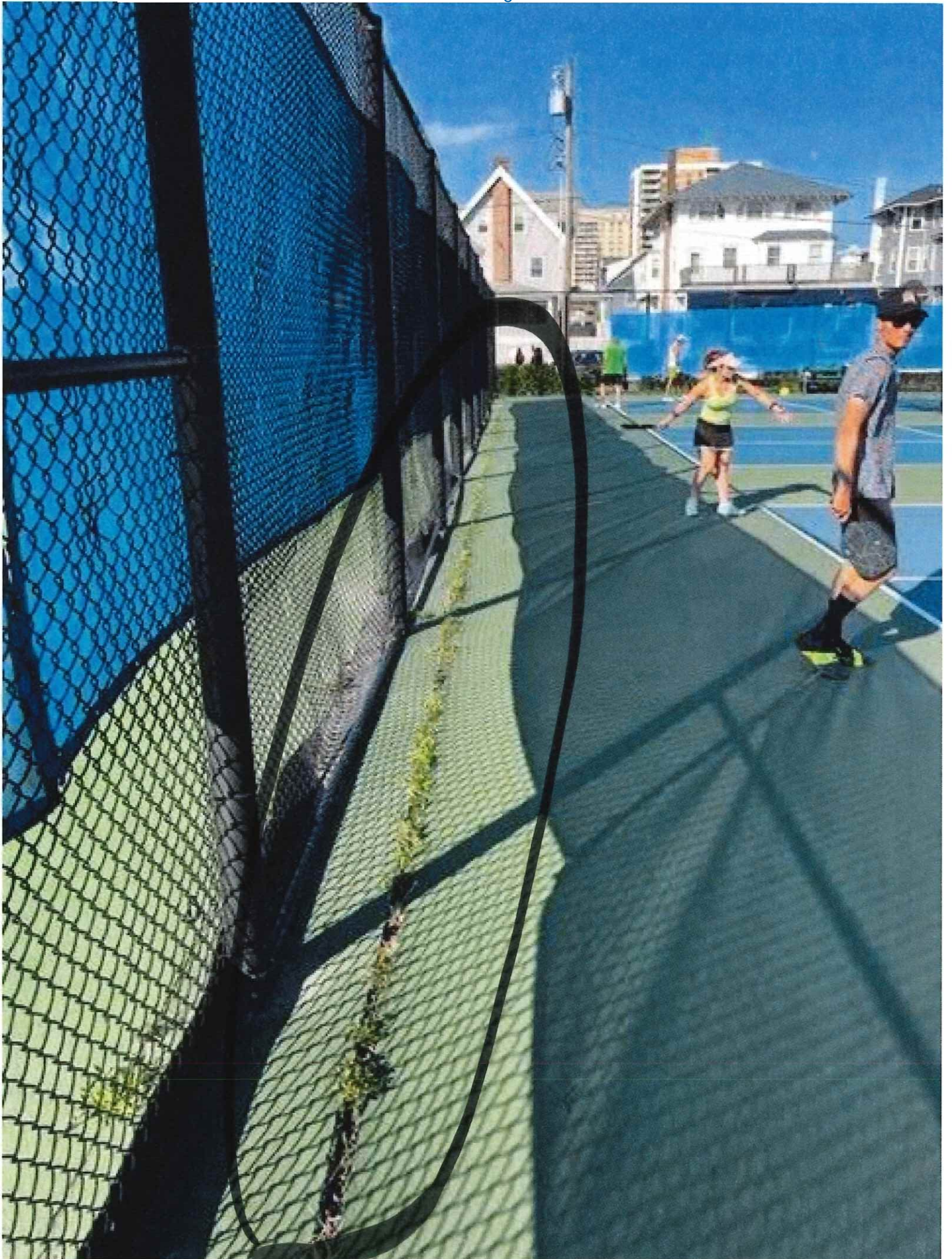
Attorneys for Plaintiff

LEVINSON AXELROD, P.A.


ROBERT Y. COOK, Esq.

DATED: March 27, 2023

EXHIBIT A



Civil Case Information Statement

Case Details: ATLANTIC | Civil Part Docket# L-000555-23

Case Caption: [REDACTED] VS VENTNOR CITY

Case Initiation Date: 03/27/2023

Attorney Name: ROBERT Y COOK

Firm Name: LEVINSON AXELROD

Address: 654 LACEY RD

FORKED RIVER NJ 08731

Phone: 6099711177

Name of Party: PLAINTIFF : [REDACTED]

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: PERSONAL INJURY

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: [REDACTED] ? NO

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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? 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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? YES Consumer Fraud? NO

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 *Rule* 1:38-7(b)

03/27/2023

Dated

/s/ ROBERT Y COOK

Signed