

186. Decedent fell within the class of person this code was intended to protect, thus entitling the Plaintiffs here to adopt such laws as the standard of care for measuring the Defendants' conduct.

187. Thus, the Plaintiffs here assert a claim that, as a matter of law, the conduct of the Defendants amounted to negligence *per se* and gross negligence *per se*.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT IX - PRODUCT LIABILITY (STRICT LIABILITY)

PLAINTIFFS V. DHS SYSTEMS, LLC, DHS SYSTEMS, CORP., DHS TECHNOLOGIES, LLC, DHS INTERNATIONAL, LLC, REEVES EMERGENCY MANAGEMENT SYSTEMS, LLC, & REEVES MANUFACTURING, INC. & ABC CORPORATIONS 1-5

188. All preceding paragraphs are incorporated here by reference.

189. Defendants, DHS and Reeves, by and through their agents, servants, workers, contractors, suppliers, distributors and employees, breached N.J.S.A. 2A: 58C-2 by designing, manufacturing, distributing and selling a product designed in a defective manner as follows:

- a. designing, assembling, manufacturing, selling, supplying and distributing a product in a defective condition;
- b. designing, assembling, manufacturing, selling, supplying and distributing a product that was unreasonably dangerous to the user;

c. designing, assembling, manufacturing, selling, supplying and distributing a product which was not reasonably fit, suitable or safe for its intended and represented purpose;

d. designing, assembling, manufacturing, selling, supplying and distributing a product which lacked all necessary safety features to protect users of said product;

e. failing to know of prior accidents and injuries with the product and failing to correct and prevent the same accidents and injuries from reoccurring;

f. designing, assembling manufacturing, selling, supplying and distributing a product which could and should be designed more safely;

g. designing, assembling, manufacturing, selling, supplying and distributing a product without simple and cost-effective safety devices;

h. designing, assembling, manufacturing, selling, supplying and distributing a product with parts and/or safety devices that could cause serious injury and death;

i. failing to provide appropriate safety devices with this product;

j. designing, assembling, manufacturing, selling, supplying and distributing a product wherein it was foreseeable that someone would be injured based on the product design, assembly, installation and lack/supply of safety features;

k. violating applicable state, local and/or industry standards;

l. failing to adequately and properly test said product after its design and/or assembly;

m. failing to investigate, retain, and analyze prior accident information;

n. failing to place proper and adequate warnings on the product;

o. failing to warn about known issues regarding the functioning of the stretcher; and

p. failing to warn users of the product of the lack of the proper use of the product.

190. At all relevant times hereto, the subject stretcher was used and employed for the purpose for which it was designed and manufactured, and was used in a foreseeable manner.

191. As a direct and proximate result of the defective, dangerous, and unsafe condition of the subject stretcher, Michael Anthony Burris suffered severe and permanent injuries, endured great pain and suffering, and eventually died from injuries sustained in the incident of July 31, 2010.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT X - NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC., d/b/a and/or MILLVILLE RESCUE SQUAD, JOHN BUTSCHKY, ROSS HOFFMAN, EDWIN ANSARA, WILLIAM STADNICK III, JULIO PUMAREJO, TROY PAYEUR, ROBERT SMITH, CHARLES BENNETT, JR., KAREN MORENO, ERIC STORMES, SHERRIE D. COOMBS & ABC CORPORATIONS 6-10

192. All preceding paragraphs are incorporated here by reference.

193. Delita Sherman Burris, and her and Decedent Michael Anthony Burris' minor daughters, Mai'lyia Burris (D/O/B 9/21/2008) and Mihanna Burris (D/O/B 5/22/2010), were

present at the scene of the incident, and as such, personally witnessed their husband and father suffer severe injury and asphyxiation, and endure severe pain.

194. As a direct result of witnessing their husband and father suffer severe injury and asphyxiation, and endure severe pain due to the negligent, grossly negligent, reckless, and other liability producing conduct of Defendants and their wanton and willful disregard for the safety of Michael Burris, as aforesaid, Plaintiffs Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris were caused to suffer severe emotional distress.

195. The negligence of Defendants proximately caused fright, emotional trauma and emotional distress to Plaintiffs Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris.

196. At the time of the above described incident, Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris were within sight and sound of the actions of Defendants and the treatment of Decedent.

197. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris witnessed Decedent being handcuffed, shackled, restrained, assaulted, and suffocated as a result of the careless, reckless, negligent and other liability producing conduct of the Defendants as related above.

198. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris, witnessed Decedent experience excruciating pain and loss of oxygen as a result of Defendants' conduct.

199. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris were present for the arrival and departure of the responders.

200. As the result of the conduct of the Defendants, the minor Plaintiffs have lost the care, comfort and society of their father, much to their detriment and loss.

201. As a direct and proximate result of these traumatic events, Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris, suffered shock to their nerves and nervous system, sustained grievous mental pain and suffering, all of which resulted in severe depression, anxiety, and an acute nervous condition.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XI - INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS
PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC
SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-
MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE
INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC.,
d/b/a and/or MILLVILLE RESCUE SQUAD, JOHN BUTSCHKY, ROSS HOFFMAN,
EDWIN ANSARA, WILLIAM STADNICK III, JULIO PUMAREJO, TROY PAYEUR,
ROBERT SMITH, CHARLES BENNETT, JR., KAREN MORENO, ERIC STORMES,
SHERRIE D. COOMBS & ABC CORPORATIONS 6-10

202. All preceding paragraphs are incorporated here by reference.

203. Delita Shermane Burris, and her and Decedent Michael Anthony Burris' minor daughters, Mai'lyia Burris (D/O/B 9/21/2008) and Mihanna Burris (D/O/B 5/22/2010), were present at the scene of the incident, and as such, personally witnessed their husband and father suffer severe injury and asphyxiation, and endure severe pain.

204. As a direct result of witnessing their husband and father suffer severe injury and asphyxiation, and endure severe pain due to the conduct of the Defendants, as aforesaid, Delita

Shermane Burris, Mai'lyia Burris, and Mihanna Burris were caused to suffer severe emotional distress.

205. The intentional actions of Defendants proximately caused fright, emotional trauma and emotional distress to Plaintiffs Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris.

206. At the time of the above described incident, Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris were within sight and sound of the actions of Defendants and the treatment of Decedent.

207. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris witnessed Decedent being handcuffed, shackled, restrained, assaulted, and suffocated as a result of the intentional conduct of the Defendants as related above.

208. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris, witnessed Decedent experience excruciating pain and loss of oxygen as a result of Defendants' intentional conduct.

209. Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris were present for the arrival and departure of the responders.

210. As the result of the intentional conduct of the Defendants, the minor Plaintiffs have lost the care, comfort and society of their father, much to their detriment and loss.

211. As a direct and proximate result of these traumatic events, Plaintiffs, Delita Shermane Burris, Mai'lyia Burris, and Mihanna Burris suffered shock to their nerves and

nervous system, sustained grievous mental pain and suffering, all of which resulted in severe depression, anxiety, and an acute nervous condition.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XII - ASSAULT AND BATTERY

PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC., d/b/a and/or MILLVILLE RESCUE SQUAD, JOHN BUTSCHKY, ROSS HOFFMAN, EDWIN ANSARA, WILLIAM STADNICK III, JULIO PUMAREJO, TROY PAYEUR, ROBERT SMITH, CHARLES BENNETT, JR., KAREN MORENO, ERIC STORMES, SHERRIE D. COOMBS & ABC CORPORATIONS 6-10

212. All preceding paragraphs are incorporated here by reference.

213. At all relevant times, the employees of the Count XI Defendant entities were acting as representatives, agents and/or officers of Defendants.

214. Without warning or provocation, Defendants, acting within the course and scope of their employment, seriously injured Decedent when they intentionally restrained him, handcuffed him, shackled him, and forced him onto a stretcher in the prone position, causing serious pain and suffocation.

215. As a result of Defendants' willful, wanton, deliberate, and unprovoked conduct, Decedent was caused to suffer an immediate and reasonable apprehension of a harmful or offensive contact with his body and was caused to sustain a harmful and offensive contact to his body.

216. As a further result of Defendants' willful, wanton, deliberate, and unprovoked conduct, Decedent was caused to suffer serious injuries and death.

217. The intentional physical abuse upon Decedent by Defendants, while Decedent was in and around his own home and refused medical attention, was done with actual malice toward Decedent and with willful and wanton indifference to and deliberate disregard for the safety and well-being of Decedent.

WHEREFORE, Plaintiff's demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XIII - FALSE IMPRISONMENT

PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC., d/b/a and/or MILLVILLE RESCUE SQUAD, JOHN BUTSCHKY, ROSS HOFFMAN, EDWIN ANSARA, WILLIAM STADNICK III, JULIO PUMAREJO, TROY PAYEUR, ROBERT SMITH, CHARLES BENNETT, JR., KAREN MORENO, ERIC STORMES, SHERRIE D. COOMBS & ABC CORPORATIONS 6-10

218. All preceding paragraphs are incorporated here by reference.

219. At the time and place aforesaid, the Defendants had knowledge that the Mr. Burris had refused medical attention.

220. Despite this knowledge, the responders on site proceeded to handcuff Mr. Burris, shackle his legs, and place him face down in the prone position on a stretcher.

221. The acts of Defendants directly and/or indirectly resulted in the confinement of Decedent, prior to his death, through the use of personal restraint, handcuffs, shackles, and stretchers.

222. Decedent was conscious and aware of the confinement and/or harmed by it.

223. Defendants did not act reasonably, and/or did not act in good faith.

224. As a direct and proximate cause of the careless, negligent, reckless, willful and/or wanton misconduct and disregard, outrageous conduct, and other liability producing conduct of Defendants, as aforesaid, Decedent sustained serious permanent injuries, asphyxiation, and death, directly resulting from the conduct of Defendants.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XIV - INVASION OF PRIVACY

PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC., d/b/a and/or MILLVILLE RESCUE SQUAD, JOHN BUTSCHKY, ROSS HOFFMAN, EDWIN ANSARA, WILLIAM STADNICK III, JULIO PUMAREJO, TROY PAYEUR, ROBERT SMITH, CHARLES BENNETT, JR., KAREN MORENO, ERIC STORMES, SHERRIE D. COOMBS & ABC CORPORATIONS 6-10

225. All preceding paragraphs are incorporated here by reference.

226. At the time and place aforesaid, the Defendants had knowledge that the Decedent had refused medical attention.

227. Despite this knowledge, the police on site proceeded to handcuff Mr. Burris, shackle his legs, and place him face down in the prone position on a stretcher.

228. As a direct and proximate result of this invasion of privacy, Plaintiffs aver that the actions taken by Defendants after Decedent refused medical care constituted an invasion of privacy, which caused damage to Decedent.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XV- AGENCY

PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC., d/b/a and/or MILLVILLE RESCUE SQUAD & ABC CORPORATIONS 6-10

229. All preceding paragraphs are incorporated here by reference.

230. At all relevant times, the employees of the Count XIV Defendant entities were agents of Count XIV Defendant entities.

231. At all times relevant hereto, these employees were acting within the course and scope of their agency with the Count XIV Defendant entities.

232. The Count XIV Defendant entities are liable under the theory of Agency.

233. The conduct of the Count XIV Defendant entities caused and contributed to cause the injuries and damages aforementioned, for which the Plaintiffs make claim.

234. At all times relevant hereto, upon information and belief, the employees of the Count XIV Defendant entities were agents of medical care.

235. The Defendants' conduct caused and contributed to cause the Plaintiffs' and Plaintiffs' Decedent's injuries and damages averred above.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XVI - VICARIOUS LIABILITY/ RESPONDEAT SUPERIOR
PLAINTIFFS V. MILLVILLE POLICE DEPARTMENT, DEPARTMENT OF PUBLIC
SAFETY, CITY OF MILLVILLE; THE CITY OF MILLVILLE, UNDERWOOD-
MEMORIAL HOSPITAL, UNDERWOOD-MEMORIAL HOSPITAL MOBILE
INTENSIVE CARE UNIT, MILLVILLE RESCUE SQUAD, INC.,
d/b/a and/or MILLVILLE RESCUE SQUAD & ABC CORPORATIONS 6-10

236. All preceding paragraphs are incorporated here by reference.

237. Delita Shermene Burris, and her and Decedent Michael Anthony Burris' minor daughters, Mai'lyia Burris (D/O/B 9/21/2008) and Mihanna Burris (D/O/B 5/22/2010), were present at the scene of the incident, and as such, personally witnessed their husband and father suffer severe injury and asphyxiation, and endure severe pain.

238. At all times relevant hereto, the employees of the Count XV Defendant entities were servants and/or workers of Defendants.

239. At all times relevant hereto, the employees of the Count XV Defendant entities were acting within the course and scope of their employment with Defendants.

240. Defendants are liable under the theory of Respondeat Superior.

241. The conduct of these Defendants caused and contributed to cause the injuries and damages aforementioned, which are incorporated by reference here.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

COUNT XVII - PUNITIVE DAMAGES
PLAINTIFFS V. ALL DEFENDANTS

242. All preceding paragraphs are incorporated here by reference.

243. The facts averred above and all reasonable inferences which can be drawn from these facts, demonstrates conduct so outrageous as to rise to the level of intentional, willful, wanton, and/or reckless conduct.

244. The facts averred above, and all reasonable inferences which can be drawn from those facts, demonstrates reckless indifference to the rights, health, safety and welfare of Plaintiffs and Plaintiffs' Decedent.

245. The facts averred above, and all reasonable inferences which can be drawn from those facts, demonstrate that the Defendants knew or had reason to know of facts which created a high risk of physical harm to Plaintiffs and Plaintiffs' Decedent.

246. The facts averred above, and all reasonable inferences which can be drawn from those facts, demonstrate that the Defendants proceeded to act in conscious disregard of or indifference to the known risk of serious harm to Plaintiffs and Plaintiffs' Decedent.

WHEREFORE, Plaintiffs demand judgment against the Defendants for such damages as may be permitted pursuant to applicable law, together with interest, costs and attorney's fees.

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