

Law Offices

PAUL K. DeGRADO and ASSOCIATES, LLC
2 UNIVERSITY PLAZA, SUITE 400
HACKENSACK, NEW JERSEY 07601
(201) 678-9007

Attorneys for Plaintiff(s)

TADEUSZ CZWAKIEL and ZOFIA CZAWIEL,
Husband and wife,

Plaintiff(s),

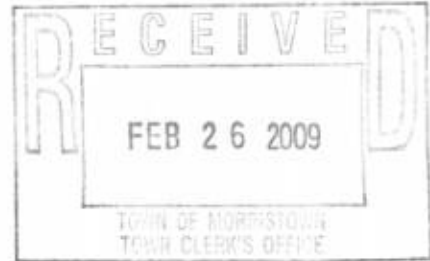
SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION

Docket No. BER-L-1334-09

v.

WM BLANCHARD CO., BENFATTO
MASONRY INC., TOWN OF MORRISTOWN,
PARKING AUTHORITY OF THE TOWN OF
MORRISTOWN, MORRISTOWN EPSTEINS LLC.,
EPSTEINS B RENTALS LLC., JOHN DOE (1-10)
a fictitious Person whose identity is presently
unknown, and XYZ CORPORATION, (1-10) a
fictitious corporation, sole proprietorship, partnership,
limited liability company, and/or limited liability
partnership whose identity is presently unknown,

Defendant(s),



CIVIL ACTION

SUMMONS

From The State of New Jersey, To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the clerk of the Superior Court, Hughes Justice Complex, CN 971, Trenton, New Jersey 08625. A \$110.00 filing fee payable to the Clerk of the Superior Court and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Perez

Jennifer M. Perez
Clerk of the Superior Court

Dated: February 23, 2009

Name of Defendant to be Served:
Address of the Defendant to be Served:

TOWN OF MORRISTOWN
200 South Street, CN 914,
Morristown, NJ 07963-0914

ATLANTIC COUNTY:

Deputy Clerk of the
Superior Court
Civil Division, Direct Filing
1201 Bacharach Blvd., First Fl.
Atlantic City, NJ 08401
LAWYER REFERRAL
(609) 345-3444
LEGAL SERVICES
(609) 348-4200

BERGEN COUNTY:

Deputy Clerk of the
Superior Court
Case Processing Section
Rm 119 Justice Center,
10 Main Street
Hackensack, NJ 07601-0769
LAWYER REFERRAL
(201) 488-0044
LEGAL SERVICES
(201) 487-2166

BURLINGTON COUNTY:

Deputy Clerk of the
Superior Court
Central Processing Office
Attn: Judicial Intake
First Fl., Courts Facility
49 Rancocas Rd.
Mt. Holly, NJ 08060
LAWYER REFERRAL
(609) 261-4862
LEGAL SERVICES
(609) 261-1088

CAMDEN COUNTY:

Deputy Clerk of the
Superior Court
Civil Processing Office
1st Fl., Hall of Records
101 S. Fifth Street
Camden, NJ 08103
LAWYER REFERRAL
(609) 964-4520
LEGAL SERVICES
(609) 964-2010

CAPE MAY COUNTY:

Deputy Clerk of the
Superior Court

Central Processing Office
9 N. Main Street
Box DN 209
Cape May Court House, NJ
08210
LAWYER REFERRAL
(609) 463-0313
LEGAL SERVICES
(609) 465-3001

CUMBERLAND COUNTY:

Deputy Clerk of the
Superior Court
Civil Case Management Office
P.O. Box 615
Broad & Fayette Sts.
Bridgeton, NJ 08302
LAWYER REFERRAL
(609) 692-6207
LEGAL SERVICES
(609) 451-0003

ESSEX COUNTY:

Deputy Clerk of the
Superior Court
237 Hall of Records
465 Dr. Martin Luther King, Jr.
Blvd.
Newark, NJ 07102
LAWYER REFERRAL
(201) 622-6207
LEGAL SERVICES
(201) 624-4500

GLOUCESTER COUNTY:

Deputy Clerk of
the Superior Court
Civil Case Management Office
Attn: Intake - 1st Floor
1 North Broad Street
P.O. Box 129
Woodbury, NJ 08096
LAWYER REFERRAL
(609) 848-4589
LEGAL SERVICES
(609) 848-5360

HUDSON COUNTY:

Deputy Clerk of the
Superior Court
Civil Records Dept.

Brennan Court House - 1st Floor
583 Newark Ave.
Jersey City, NJ 07306
LAWYER REFERRAL
(201) 798-2727
LEGAL SERVICES
(201) 792-6363

HUNTERDON COUNTY:

Deputy Clerk of the
Superior Court
Civil Division
65 Park Avenue
Flemington, NJ 08822
LAWYER REFERRAL
(908) 735-2611
LEGAL SERVICES
(908) 782-7979

MERCER COUNTY:

Deputy Clerk of the
Superior Court
Local Filing Office, Cthse
P.O. Box 8068
175 South Broad St.
Trenton, NJ 08650
LAWYER REFERRAL
(609) 585-6200
LEGAL SERVICES
(609) 695-6249

MIDDLESEX COUNTY:

Deputy Clerk of
the Superior Court
Administration Building
3rd Floor
1 Kennedy Sq.
P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL
(908) 828-0053
LEGAL SERVICES
(908) 249-7600

MONMOUTH COUNTY:

Deputy Clerk of the
Superior Court
71 Monument Park
P.O. Box 1262
Court House, East Wing
Freehold, NJ 07728-1262
LAWYER REFERRAL
(908) 431-5544
LEGAL SERVICES

(908) 866-0020

MORRIS COUNTY:

Deputy Clerk of the
Superior Court
Civil Division
P.O. Box 910
30 Schuyler Pl.
Morristown, NJ 07960-0190
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 285-6911

OCEAN COUNTY:

Deputy Clerk of the
Superior Court
Court House Rm 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL
(908) 240-3666
LEGAL SERVICES
(908) 341-2727

PASSAIC COUNTY:

Deputy Clerk of the
Superior Court
Civil Division, Cthse
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL
(201) 278-9223
LEGAL SERVICES
(201) 345-7171

SALEM COUNTY:

Deputy Clerk of
the Superior Court
92 Market St. P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL
(609) 678-8363
LEGAL SERVICES
(609) 451-0003

SOMERSET COUNTY:

Deputy Clerk of the
Superior Court, Civil Div. Office
New Court House, 3rd Fl.
P.O. Box 3000

Somerville, NJ 08876
LAWYER REFERRAL
(908) 685-2323
LEGAL SERVICES
(908) 231-0840

SUSSEX COUNTY:

Deputy Clerk of the
Superior Court, Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(201) 383-7400

UNION COUNTY:

Deputy Clerk of the
Superior Court, 1st Fl., Cthse
2 Broad Street
Elizabeth, NJ 07207
LAWYER REFERRAL
(908) 353-4715
LEGAL SERVICES
(908) 354-4340

WARREN COUNTY:

Deputy of the
Superior Court, Civil Div.
Office, Cthse
413 Second Street
Belvidere, NJ 07823
LAWYER REFERRAL
(201) 267-5882
LEGAL SERVICES
(908) 475-2010

BERGEN COUNTY COURTHOUSE
SUPERIOR COURT LAW DIV
BERGEN COUNTY JUSTICE CTR RM 415
HACKENSACK NJ 07601-7680

TRACK ASSIGNMENT NOTICE

COURT TELEPHONE NO. (201) 527-2600
COURT HOURS

DATE: FEBRUARY 11, 2009
RE: CZWAKIEL VS WM BLANCHARD CO
DOCKET: BER L -001334 09

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON MARK M. RUSSELLO

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002
AT: (201) 527-2600.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE
WITH R.4:5A-2.

ATTENTION:

ATT: PAUL K. DEGRADO
PAUL DEGRADO
2 UNIVERSITY PLAZA
SUITE 400
HACKENSACK NJ 07601

JUBEE5

SUPERIOR COURT BERGEN COUNTY
FILED

FEB 9 - 2009


DEPUTY CLERK

Law Offices
PAUL K. DeGRADO and ASSOCIATES, LLC
2 UNIVERSITY PLAZA, SUITE 400
HACKENSACK, NEW JERSEY 07601
(201) 678-9007
Attorneys for Plaintiff(s)

TADEUSZ CZWAKIEL and ZOFIA CZAWIEL,
Husband and wife,

Plaintiff(s),

SUPERIOR COURT OF NEW JERSEY
BERGEN COUNTY
LAW DIVISION

Docket No. BER-L- 1334-09

v.

WM BLANCHARD CO., BENFATTO
MASONRY INC., TOWN OF MORRISTOWN,
PARKING AUTHORITY OF THE TOWN OF
MORRISTOWN, MORRISTOWN EPSTEINS LLC.,
EPSTEINS B RENTALS LLC., JOHN DOE (1-10)
a fictitious Person whose identity is presently
unknown, and XYZ CORPORATION, (1-10) a
fictitious corporation, sole proprietorship, partnership,
limited liability company, and/or limited liability
partnership whose identity is presently unknown,

Defendant(s),

CIVIL ACTION

COMPLAINT AND JURY DEMAND

The Plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL husband and wife,
residing at 150 3rd Street, in the Borough of Wood-Ridge, Bergen County, New Jersey, by way
of Complaint against the Defendant(s), WM BLANCHARD CO., BENFATTO MASONRY
INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF
MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and
JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ
CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited
liability company, and/or limited liability partnership whose identity is presently unknown, say:

FIRST COUNT

1. Upon information and belief, at all times hereinafter mentioned, the defendant, WM BLANCHARD CO., was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
2. Upon information and belief, at all times hereinafter mentioned, the defendant, BENFATTO MASONRY INC, was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
3. Upon information and belief, at all times hereinafter mentioned, the defendant, TOWN OF MORRISTOWN, was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
4. Upon information and belief, at all times hereinafter mentioned, the defendant, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
5. Upon information and belief, at all times hereinafter mentioned, the defendant, MORRISTOWN EPSTEINS LLC., was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
6. Upon information and belief, at all times hereinafter mentioned, the defendant, EPSTEINS B RENTALS LLC, was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.

7. Upon information and belief, at all times hereinafter mentioned, the defendant, JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, was the owner of a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
8. Upon information and belief, at all times hereinafter mentioned, the defendant, WM BLANCHARD CO., maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
9. Upon information and belief, at all times hereinafter mentioned, the defendant, BENFATTO MASONRY INC, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
10. Upon information and belief, at all times hereinafter mentioned, the defendant, TOWN OF MORRISTOWN, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.

11. Upon information and belief, at all times hereinafter mentioned, the defendant, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
12. Upon information and belief, at all times hereinafter mentioned, the defendant, MORRISTOWN EPSTEINS LLC, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
13. Upon information and belief, at all times hereinafter mentioned, the defendant, EPSTEINS B RENTALS LLC, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
14. Upon information and belief, at all times hereinafter mentioned, the defendant, JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, maintained, repaired, constructed, managed and/or controlled, individually and/or through its agents, servants, or employees, a certain real property located at 10-18

Maple Avenue, in the Town of Morristown, Morris County, New Jersey.

15. That at all times mentioned herein the Defendant, WM BLANCHARD CO, maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
16. That at all times mentioned herein the Defendant, BENFATTO MASONRY INC., maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
17. That at all times mentioned herein the Defendant, TOWN OF MORRISTOWN, maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
18. That at all times mentioned herein the Defendant, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
19. That at all times mentioned herein the Defendant, MORRISTOWN EPSTEINS LLC, maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
20. That at all times mentioned herein the Defendant, EPSTEINS B RENTALS LLC,

maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.

21. That at all times mentioned herein the Defendant, JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, maintained, managed, controlled and performed construction work on, a certain premises located at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.
22. That at all times mentioned herein, the Defendant, WM BLANCHARD CO., was a New Jersey Limited Liability Company, engaged in the business of constructing and/or repairing of buildings as well as constructing and utilizing scaffolds during said construction.
23. That at all times mentioned herein, the Defendant, BENFATTO MASONRY INC. , was a New Jersey Limited Liability Company, engaged in the business of constructing and/or repairing of buildings as well as constructing and utilizing scaffolds during said construction.
24. That at all times mentioned herein, the Defendant, MORRISTOWN EPSTEINS LLC. , was a New Jersey Limited Liability Company, engaged in the business of constructing and/or repairing of buildings as well as constructing and utilizing scaffolds during said construction.

25. That at all times mentioned herein, the Defendant, EPSTEINS B RENTALS LLC. , was a New Jersey Limited Liability Company, engaged in the business of constructing and/or repairing of buildings as well as constructing and utilizing scaffolds during said construction.
26. That at all times mentioned herein, the Defendant, JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown , was a New Jersey Limited Liability Company, engaged in the business of constructing and/or repairing of buildings as well as constructing and utilizing scaffolds during said construction.
27. That at all times mentioned herein, the Defendant, WM BLANCHARD CO, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.
28. That at all times mentioned herein, the Defendant, BENFATTO MASONRY INC, individually, through its, agents, employees, principals, officers, and/or representatives

entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.

29. That at all times mentioned herein, the Defendant, TOWN OF MORRISTOWN, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.

30. That at all times mentioned herein, the Defendant, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction,

supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.

31. That at all times mentioned herein, the Defendant, MORRISTOWN EPSTEINS LLC, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.

32. That at all times mentioned herein, the Defendant, EPSTEINS B RENTALS LLC, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all

aspects of the project, at the aforementioned property in question.

33. That at all times mentioned herein, the Defendant, JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, individually, through its, agents, employees, principals, officers, and/or representatives entered into a written or oral, contract, agreement, and/or understanding with one or more of the Defendants to provide certain construction and/or work/services including but not limited to: installation, repair, maintenance, construction, supervision, and/or direction of work to be performed at the aforementioned property. That said contract, agreement, and/or understanding included but was not limited to supplying: labor, materials, safety equipment, scaffolding, aerial lifts, safety training, and supervision of all aspects of the project, at the aforementioned property in question.
34. That on or about November 6, 2007, the Plaintiff, TADEUSZ CZWAKIEL, was an employee of the Defendant: BENFATTO MASONRY INC and working in the course of his employment at the aforementioned premises.
35. That at all times mentioned herein, the Defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, JOHN DOE (1-10), and XYZ CORPORATION (1-10), individually, and or through their representatives, agents, servants, and/or employees were under a

duty to supervise, inspect, review, investigate, replace, provide, and repair any and all safety equipment, scaffolds, lifts, hoists, as well as providing, supervising, or reviewing safety training at the aforementioned location, prior to and on or about November 6, 2007.

36. That at all times mentioned herein the Defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, JOHN DOE (1-10), and XYZ CORPORATION (1-10), individually, and or through their representatives, agents servants, and/or employees breached their duties and were negligent, careless, and reckless in failing to provide, supervise, inspect, review, investigate, replace, and repair any and all safety equipment, scaffold, and/or provide safety training to those workers lawfully upon said premises, and more particularly the Plaintiff, TADEUSZ CZWAKIEL.

37. That on or about November 6, 2007, as a result of the Defendant(s)' s negligence, carelessness and recklessness, the Plaintiff, TADEUSZ CZWAKIEL, was caused to sustain serious and severe personal injuries including but not limited to, head injuries, as well as spinal injuries requiring hospitalization, and extensive medical care, when suddenly and without warning, he was caused to fall onto his head, neck, and back when scaffolding or other material broke, collapsed, or gave way, at 10-18 Maple Avenue, in the Town of Morristown, Morris County, New Jersey.

38. That at all times mentioned herein, the Defendants, WM BLANCHARD CO.,

BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, JOHN DOE (1-10), and XYZ CORPORATION (1-10), individually, and or through their representatives, agents, servants, and/or employees were under a duty to supervise, inspect, review, investigate, replace, provide, and repair any and all safety equipment, scaffolds, lifts, hoists, as well as providing, supervising, or reviewing safety training at the aforementioned location, prior to and on or about November 6, 2007.

39. That at all times mentioned herein the Defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, JOHN DOE (1-10), and XYZ CORPORATION (1-10), individually, and or through their representatives, agents servants, and/or employees breached their duties and were negligent, careless, and reckless in failing to provide, supervise, inspect, review, investigate, replace, and repair any and all safety equipment, scaffold, and/or provide safety training to those workers lawfully upon said premises, and more particularly the Plaintiff, TADEUSZ CZWAKIEL.

40. A Notice of Claim was served upon the Defendants, TOWN OF MORRISTOWN and PARKING AUTHORITY OF THE TOWN OF MORRISTOWN on or about December 3, 2007, Via Certified Mail Return Receipt Requested pursuant to N.J.S.A. 59:8-4.

41. More than 180 days months have passed since the service of Plaintiff' s Notice of Claim

and Plaintiff's claim remains unsatisfied.

42. That as a result of the aforementioned accident, the Plaintiff, TADEUSZ CZWAKIEL, sustained serious and permanent personal injuries, including but not limited to: pain and suffering, loss of the use of his body and limbs, loss of income, loss of enjoyment of life, incapacitated him from pursuing his normal employment and daily activities, was forced to incur substantial medical care costs and other pecuniary damages, and will continue to incur same permanently.

43. That at all times herein Defendants violated local, State and Federal laws, statutes, and regulations, including but not limited to OSHA regulations, which contributed and/or caused the accident in question and resulted in injuries to the Plaintiff.

WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

SECOND COUNT

1. Plaintiff(s) repeats and reallege the allegations of the prior Counts as if set forth

herein at length.

2. That at all times mentioned herein, any safety products, materials, construction products, life lines, harnesses, scaffolds, cherry pickers, scissor lifts, and safety documentation or guidance materials were:

- (a) Defective;
- (b) Unsafe;
- (c) Unreasonably dangerous, and
- (d) Not reasonably fit, suitable or safe for its intended uses.

3. As a result of the foregoing, the Plaintiff, TADEUSZ CZWAKIEL, suffered physical harm, severe personal injuries, and other great damages.

4. Based on the foregoing, the Defendants are strictly liable to the Plaintiff.

WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

THIRD COUNT

1. That Plaintiff (s) repeat and reallege the allegations of the prior Counts as if set forth herein at length.

2. That at all times mentioned herein, with regard to any safety products, materials, construction products, life lines, harnesses, scaffolds, cherry pickers, scissor lifts, and safety documentation or guidance materials, the Defendants:

(a) Made representations;

(b) Made express warranties;

(c) Made or by operation of law implied warranties.

3. The aforesaid representations were false.

4. The aforesaid representations were breached.

5. As a result of the foregoing, the Plaintiff, TADEUSZ CZWAKIEL, suffered physical harm, severe personal injuries, and other great damages.

6. Based on the foregoing, the Defendants are strictly liable to the Plaintiff.

WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited

liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

FOURTH COUNT

1. That Plaintiff repeats and re-alleges the allegations of the prior Counts as if set forth at length herein.

2. That at all times mentioned herein the Defendant, BENFATTO MASONRY INC, individually, and/or as an agent, servant, employee, and/or instrumentality of the Defendant(s), WM BLANCHARD CO., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, with its knowledge and/or participation, knowingly, intentionally and with substantial certainty caused the Plaintiff, TADEUSZ CZWAKIEL to sustain severe personal injuries previously set forth herein by failing to provide proper training, safety equipment, proper erection, as well as adequate scaffolding on the premises in question.

WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN

OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

FIFTH COUNT

1. The Plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, repeat and re-allege each and every allegation of the prior Counts as if set forth at length herein.

2. That upon information and belief, the Defendants, WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, JOHN DOE (1-10), and XYZ CORPORATION, (1-10), herein hired an independent and/or sub contractor to perform certain construction work at the aforementioned property.

3. That in selecting said independent contractor Defendants, failed to exercise reasonable care in hiring and selecting a competent and careful contractor to perform the aforementioned work which, unless it was skillfully and carefully performed and supervised, involved a risk of physical harm to the Plaintiff.

4. That in selecting said independent contractor, Defendants, failed to exercise reasonable care in hiring a contractor to perform the duties owed to the Plaintiff at the aforescribed property in that contractor(s) failed to provide adequate safety equipment and training, possess

the knowledge, skill, and experience which a reasonable man would realize that a contractor must possess in order to do the work for which he was hired without creating an unreasonable risk of injury to third parties and more specifically, the Plaintiff, TADEUSZ CZWAKIEL.

5. That as a result of Defendants' failure to exercise reasonable care in hiring said independent/sub contractors at the aforementioned property, the Plaintiff, TADEUSZ CZWAKIEL, was caused to sustain severe and permanent personal injuries as well as other damages as a result of falling from an elevated height when the scaffolding suddenly and without warning broke, collapsed, or gave way, at the aforescribed property, in which Defendants' were careless, reckless and negligent, causing Plaintiff's injuries.

WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

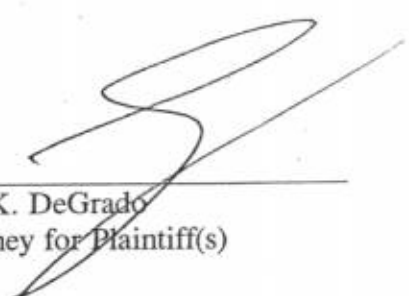
SIXTH COUNT

1. The Plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, repeat and re-allege each and every allegation of the prior Counts as if set forth at length herein.

2. The Plaintiff, ZOFIA CZAWIEL, is the wife of the Plaintiff, TADEUSZ CZWAKIEL, and as such is entitled to the services, financial support and society of said Plaintiff and is responsible for the medical care and expenses incurred on behalf of said Plaintiff.

3. As a direct and proximate result of the injuries sustained by the Plaintiff, TADEUSZ CZWAKIEL, the Plaintiff, ZOFIA CZAWIEL, has been deprived of the services, financial support, and society of her husband and will be responsible to pay medical bills for her injuries.

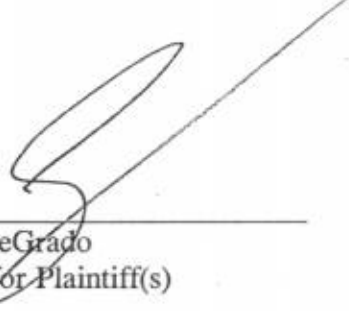
WHEREFORE: the plaintiff(s), TADEUSZ CZWAKIEL and ZOFIA CZAWIEL, demand judgment for damages against the defendant(s), WM BLANCHARD CO., BENFATTO MASONRY INC., TOWN OF MORRISTOWN, PARKING AUTHORITY OF THE TOWN OF MORRISTOWN, MORRISTOWN EPSTEINS LLC., EPSTEINS B RENTALS LLC, and JOHN DOE (1-10), a fictitious person whose identity is presently unknown, and XYZ CORPORATION, (1-10) a fictitious corporation, sole proprietorship, partnership, limited liability company, and/or limited liability partnership whose identity is presently unknown, jointly and severally, together with interest, disbursements, and costs of suit.

By 
Paul K. DeGrado
Attorney for Plaintiff(s)

DATED: February 5, 2009

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues herein.

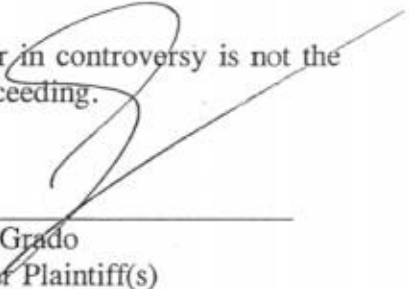
By 
Paul K. DeGrado
Attorney for Plaintiff(s)

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4 Plaintiff hereby designates Paul K. DeGrado as trial counsel.

CERTIFICATION

In accordance with Rule 4:5-1, I hereby certify that the matter in controversy is not the subject of any other action in any Court or of a pending arbitration proceeding.

By 
Paul K. DeGrado
Attorney for Plaintiff(s)

DATED: February 5, 2009



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial Law Division
Civil Part pleadings (not motions) under Rule 4:5-1
**Pleading will be rejected for filing, under Rule 1:5-6(c),
if information above the black bar is not completed or
if attorney's signature is not affixed.**

FOR USE BY CLERK'S OFFICE ONLY

PAYMENT TYPE: CK CG CA

CHG/CK NO.

AMOUNT:

OVERPAYMENT:

BATCH NUMBER:

ATTORNEY/PRO SE NAME Paul K. DeGrado Esq.		TELEPHONE NUMBER (201) 678-9007	COUNTY OF VENUE BERGEN
FIRM NAME (If applicable) LAW OFFICES PAUL K. DEGRADO AND ASSOCIATES, LLC		DOCKET NUMBER (When available) L-1334-09	
OFFICE ADDRESS 2 University Plaza, Suite 400 Hackensack, New Jersey 07601		DOCUMENT TYPE Complaint	
NAME OF PARTY (e.g., John Doe, Plaintiff) TADEUSZ CZWAKIEL and ZOFIA CZWAKIEL, Plaintiffs		CAPTION Czwakiel v. Wm Blanchard Co., et. als.	
CASE TYPE NUMBER (See reverse side for listing) 605	IS THIS A PROFESSIONAL MALPRACTICE CASE? ☐ YES ☒ 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? ☐ YES ☒ NO	IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? ☐ YES ☒ NO	NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY, IF KNOWN ☐ NONE ☒ 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? ☐ YES ☒ NO	IF YES, IS THAT RELATIONSHIP ☐ EMPLOYER-EMPLOYEE ☐ FAMILIAL	☐ FRIEND/NEIGHBOR ☐ BUSINESS	☐ OTHER (explain)
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? ☐ YES ☒ 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? ☐ YES ☒ NO IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION:			
WILL AN INTERPRETER BE NEEDED? ☒ YES ☐ NO			
IF YES, FOR WHAT LANGUAGE: Polish			
ATTORNEY SIGNATURE			



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
- 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
- 603 AUTO NEGLIGENCE — PERSONAL INJURY
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE — PROPERTY DAMAGE
- 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
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Mass Tort (Track IV)

- | | |
|---|--------------------------------|
| 240 REDUX/PHEN-FEN (formerly "DIET DRUG") | 271 ACCUTANE |
| 241 TOBACCO | 272 BEXTRA/CELEBREX |
| 248 CIBA GEIGY | 274 RISPERDAL/SEROQUEL/ZYPREXA |
| 264 PPA | 601 ASBESTOS |
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 619 VIOXX |
| 268 MANUFACTURED GAS PLANT (MGP) | |

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:

☐ Verbal Threshold

☐ Putative Class Action

☒ Title 59

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PAUL K. DeGRADO: ALSO ADMITTED IN NY AND D.C. *
JEFFREY M. HALKOVICH: ALSO ADMITTED IN NY
HOWARD I. GORDON

**Certified Civil Trial Attorney*

861 Manhattan Avenue, Suite 6
Brooklyn, New York 11222
(917) 748-1370
(Please respond to New Jersey office)

January 30, 2009

Clerk
Superior Court of New Jersey (Civil)
Bergen County Courthouse
10 Main Street
Hackensack, New Jersey 07601

Re: Czwakiel v. Wm Blanchard Co., et als.

Dear Sir/Madam:

Enclosed please find the following:

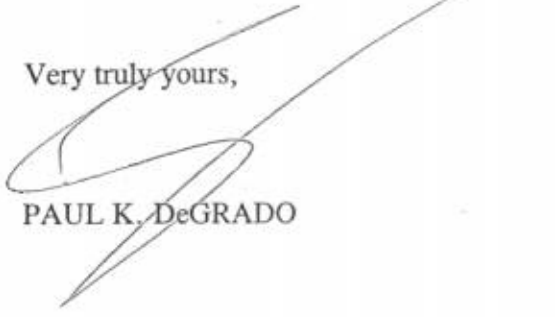
0+1 COMPLAINT AND JURY DEMAND

0+1 Case information Statement

0+1 Our check in the amount of \$200.00.

Please file and return additional copy stamped "Filed" to this office in the enclosed envelope.

Very truly yours,


PAUL K. DeGRADO

Enc.
BT