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Attorneys for Plaintiffs
By: Timothy J. McNamara, Esquire

LISSETTE RIVERA, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, Deceased, and LISSETTE RIVERA, individually,

Plaintiffs,

v.

BOROUGH OF LAWNESIDE; WAYNE R. BRYANT COMMUNITY CENTER A/K/A (also known as) THE LAWNESIDE COMMUNITY CENTER; MARK K. BRYANT; JESSIE G. HARRIS; DWIGHT A. WILSON; CLINTON HIGGS, JR.; WILLA COLETRANE; MARY ANN WARDLOW; STEPHEN C. MOORE; WALTER A. LACEY; CLIFFORD L. STILL, SR.; JOHN DOES 1-10, fictitious designation; and ROBERT ROES 1-10, fictitious designation,

Defendants.

SUPERIOR COURT OF NEW JERSEY
 CAMDEN COUNTY
 LAW DIVISION

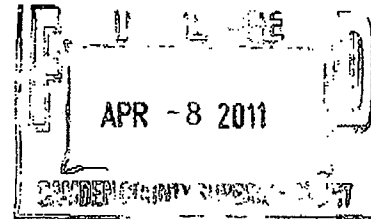
DOCKET NO.

J-1832-11

CIVIL ACTION

COMPLAINT AND JURY DEMAND

DEMAND FOR ANSWERS
 TO INTERROGATORIES



Plaintiffs, Lissette Rivera, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, deceased, and Lissette Rivera, individually, residing at 932 B North 20th Street, in the City of Camden, County of Camden, and State of New Jersey, by way of Complaint, say:

FIRST COUNT

1. Sergio Rivera, died intestate on April 13, 2009, in the County of Camden, and State of New Jersey.

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2. On June 3, 2009, Lissette Rivera applied to the Surrogate of Camden County for a grant of Letters of Administration ad Prosequendum and Letters of Administration of the Estate of Sergio Rivera, deceased.

3. Sergio Rivera, left surviving, his parents, Lissette Rivera and Shilo Battle, and his siblings, Sierra Rivera and Simanni Rivera, all of whom suffered loss of advice, guidance, counsel, companionship and other pecuniary damage as a result of the death of the plaintiff's decedent and this action is instituted for Lissette Rivera, Sierra Rivera and Simanni Rivera's benefit.

4. This action is commenced within two years of the death of Sergio Rivera.

5. On or about April 12, 2009, plaintiff's decedent, Sergio Rivera, was invited as a member of the public to attend a party which was authorized by defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; and John Does 1-10, fictitious designation.

6. At present, the identity(ies) of Defendants, John Does 1-10, is unknown. As such, John Does 1-10, is a fictitious designation, representing one or more individual(s), sole proprietorship(s), association(s), limited partnership(s), general partnership(s), limited liability company(ies), and/or corporation(s), which in any way owned, possessed, controlled or maintained any part of the premises known as Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center.

7. The party was open to young people as well as other members of the public for a fee and was authorized by defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K.

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Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; and John Does 1-10, fictitious designation, on premises/property located at 323 East Charleston Avenue, Lawnside, New Jersey.

8. Defendants, Robert Roes 1-10, fictitious designations, were at all times pertinent hereto acting as the servants, agents, and/or employees of defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; and John Does 1-10, fictitious designation.

9. At all times pertinent hereto, defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, owned or leased, operated, managed, maintained, controlled and/or supervised property/premises located at 323 East Charleston Avenue, in Lawnside, County of Camden and State of New Jersey.

10. At all times pertinent hereto, defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, held themselves out to members of the public as providing a safe and secure environment for social outings, dances and parties.

11. At all times pertinent hereto, defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, were charged with the responsibility of insuring the safety of guests attending the aforesaid social outings, dances and parties and failed to do so.

12. On or about April 12, 2009, members of the public, including many young people, were permitted to enter the property/premises located at 323 East Charleston Avenue, Lawnside, New Jersey, which were inadequately supervised by defendants. This dangerous situation created and induced unruly and aggressive behavior on the part of members of the public in attendance.

13. On or about April 12, 2009, a disturbance erupted at the aforesaid property/premises. Thereafter, the young unruly crowd became boisterous, and prone to violent action, all of which conduct defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, knew or should have known. Subsequently, young unruly persons started fighting and engaging in other violent action with patrons attending the party. Plaintiffs' decedent, Sergio Rivera, was forcefully and violently attacked by assailants and one of the assailants shot him, causing his death. Plaintiff, Sergio Rivera was caused to suffer bodily injuries which resulted in a permanent loss of a bodily function and resulted in his death.

14. The negligence of defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, also consisted of the following:

a) In permitting a young unruly crowd to enter into and remain on the premises even though defendants knew or had reason to know that they should not have rented out this premises for this party to take place;

b) In permitting a young unruly crowd to enter into and remain on the premises when defendants knew or had reason to know that on prior occasions that young and unruly crowds had become boisterous, and prone to violent action toward patrons attending parties at this location;

c) In permitting a young unruly crowd to enter into and remain on the premises without first ensuring that no member of this young unruly crowd was armed with any weapons which could harm patrons attending the dance;

d) In permitting a young unruly crowd to remain on the premises after they had become boisterous, and had engaged in violent action towards the patrons on April 12, 2009:

e) In failing to aid or attempting to aid plaintiff's decedent, Sergio Rivera, while he was being assaulted, shot, and violently attacked by assailants;

f) In failing to immediately contact emergency medical personnel to render aid to plaintiff's decedent, Sergio Rivera, after he was assaulted, shot and violently attacked by assailants;

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g) In failing to immediately contact police personnel to aid or attempt to aid plaintiff's decedent, Sergio Rivera, while he was being assaulted, shot, and violently attacked by assailants; and

h) In failing to exercise reasonable care and caution to protect plaintiff's decedent, Sergio Rivera, from the assault, shooting, and violent attack of the assailants.

15. Plaintiff's decedent left surviving him those who suffered a loss of advice, guidance, counsel, companionship and pecuniary damages by the wrongful causing of his death, and this action is brought within the time pursuant to statutes in such cases made and provided.

16. Subsequent to plaintiff decedent's death, plaintiffs have been caused and will be caused to pay large sums of money for medical and funeral expenses, in excess of three thousand and six hundred dollars (\$3,600.00), and have been caused to lose large sums of money due to plaintiff's decedent's inability to work and have suffered loss of advice, guidance, counsel, companionship, and pecuniary damages as a result of the death of plaintiff's decedent.

17. Plaintiffs have complied with all conditions set forth in N.J.S.A. 59:8-1, et al.

WHEREFORE, plaintiff, Lissette Rivera, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, deceased, demands judgment against defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, jointly, individually, and in the alternative on the First Count for damages, interest and costs of suit.

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SECOND COUNT

1. The allegations of the First Count are incorporated herein by reference.

2. As a result of the (a) negligence and/or (b) breach of warranties and/or (c) creation and maintenance of a nuisance, by defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, plaintiff's decedent, Sergio Rivera, suffered severe, painful bodily injuries, said injuries eventuating in his death, suffered great pain, physical and mental suffering and was prevented from attending to his lawful affairs and occupation and incurred diverse expenses for hospital and medical attention and for funeral services.

WHEREFORE, plaintiff, Lissette Rivera, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, deceased, demands judgment against defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, jointly, individually, and in the alternative on the Second Count for damages, interest and costs of suit.

THIRD COUNT

1. At all times mentioned herein plaintiff, Lissette Rivera was the natural parent of Sergio Rivera, deceased and Sierra Rivera and Simanni Rivera were his siblings.

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2. The allegations of the First and Second Counts are incorporated herein by reference.

3. As a result of the negligence of the foregoing defendants, plaintiffs, Lissette Rivera, Sierra Rivera and Simanni Rivera have been deprived of the services, earnings, companionship, care, guidance, counsel and advice of Sergio Rivera, deceased.

WHEREFORE, plaintiffs, Lissette Rivera, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, deceased, and Lissette Rivera, individually, demands judgment against defendants, Borough of Lawnside; Wayne R. Bryant Community Center A/K/A (also known as) The Lawnside Community Center; Mark K. Bryant; Jessie G. Harris; Dwight A. Wilson; Clinton Higgs, Jr.; Willa Coletrane; Mary Ann Wardlow; Stephen C. Moore; Walter A. Lacey; Clifford L. Still, Sr.; John Does 1-10, fictitious designation; and Robert Roes 1-10, fictitious designation, jointly, individually, and in the alternative on the Third Count for damages, interest and costs of suit.

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Attorneys for Plaintiffs

By: [Signature]
TIMOTHY J. MCNAMARA, ESQUIRE

Dated: April 8, 2011

JURY DEMAND

Plaintiffs, Lissette Rivera, Administrator ad Prosequendum and Administrator of the Estate of Sergio Rivera, deceased, and Lissette Rivera, individually, hereby demand a trial by jury as to all issues.

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