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Attorneys for Plaintiff, WENDY SUE CLARK

WENDY SUE CLARK, : SUPERIOR COURT OF NEW JERSEY
 Plaintiff(s), : MIDDLESEX COUNTY
 : LAW DIVISION (CIVIL)

vs. :

DOCKET NO.: MID-L- 8748-09

PORT AUTHORITY OF NEW :
 YORK & NEW JERSEY; : CIVIL ACTION
 CITY OF NEWARK; JET BLUE :
 AIRWAYS; SCHINDLER : COMPLAINT AND JURY DEMAND
 ELEVATOR CORP./SCHINDLER:
 ENTERPRISES; DENNIS :
 FACKELMAN, ESQ. & :
 VASTOLA, FACKELMAN, :
 SULLIVAN & SPENGLER LAW :
 FIRM; JOHN DOES #1-20 AND :
 ABC CORPS. #1-20 (Fictitious :
 Persons or Business Entities), :
 Defendant(s). :

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 MIDDLESEX COUNTY

The Plaintiff, WENDY SUE CLARK, by way of Complaint against Defendants, PORT AUTHORITY OF NEW YORK & NEW JERSEY; CITY OF NEWARK, JET BLUE AIRWAYS, SCHINDLER ELEVATOR CORP./SCHINDLER ENTERPRISES; DENNIS FACKELMAN, ESQ. & VASTOLA, FACKELMAN, SULLIVAN & SPENGLER LAW FIRM; and JOHN DOES #1-20 and ABC CORPS. #1-20 (Fictitious Persons or Business Entities), Individually, Jointly and/or Severally, and intended to include their agents, servants, employees and/or representatives, alleges and says:

THE PARTIES

1. The Plaintiff, WENDY SUE CLARK, is an individual who resides at 316 Second Street, in the Borough of Middlesex, County of Middlesex, and State of New Jersey (hereinafter referred to as "Plaintiff").

2. The Defendant, PORT AUTHORITY OF NEW YORK & NEW JERSEY, is, on information and belief, a governmental agency and/or entity, and a Non-Profit Corporation of the State of New Jersey, whose registered agent is Robert Hayes, having an address of 241 Erie Street, Jersey City, New Jersey 07310 (hereinafter the "PORT AUTHORITY"). The PORT AUTHORITY also maintains offices at 225 Park Avenue South, 13th Floor, New York, New York 10003.

3. The Defendant, CITY OF NEWARK, is a municipal corporation of the State of New Jersey, whose principal place of business is located at 920 Board Street, Newark, New Jersey 07102 (hereinafter referred to as "CITY").

4. The Defendant, JET BLUE AIRWAYS, is, on information and belief, a Foreign Profit Corporation, whose registered agent is National Registered Agents, Inc. of New Jersey, having an address of 118-29 Queens Boulevard, Forest Hills, New York 11375 (hereinafter referred to as "JET BLUE AIRWAYS").

5. The Defendant, SCHINDLER ELEVATOR CORP./SCHINDLER ENTERPRISES, is, on information and belief, a New Jersey Corporation, having offices located at 20 Whippany Road, Suite 225, Morristown, New Jersey (hereinafter referred to as "SCHINDLER").

6. The Defendant, DENNIS FACKELMAN, ESQ., is a New Jersey attorney, licensed to practice law in the State of New Jersey, and is an

owner/principal and/or employee of Defendant, VASTOLA, FACKELMAN, SULLIVAN & SPENGLER LAW FIRM, having offices located at The Atrium at Middlesex, 495 Union Avenue, Middlesex, New Jersey (hereinafter individually and collectively referred to herein as "FACKELMAN DEFENDANTS").

7. The Defendants, JOHN DOES #1-20 and ABC CORPS. #1-20, Fictitious Names, represent persons or business entities, whose identities are presently unknown to the Plaintiff, who caused and/or contributed to the Plaintiff's injuries and/or damages as hereinafter set forth.

ALLEGATIONS COMMON TO ALL COUNTS

8. On or about October 25, 2007, at approximately 1:25PM, the Plaintiff, WENDY SUE CLARK, was lawfully traversing upon, in and/or around the JET BLUE AIRWAYS terminal located at Newark International Airport, Terminal A, Newark, New Jersey.

9. On the date and at the time and place stated above, the Plaintiff was descending on an escalator, referred to as Stair #3 in an incident report prepared by the PORT AUTHORITY annexed as Exhibit "A" hereto, from the main floor of the JET BLUE AIRWAYS terminal (customer counters) to the floor between it (departure gates).

10. While Plaintiff was descending on the escalator aforementioned, her foot got stuck on a step on the escalator, causing Plaintiff to lose her balance and fall, striking her left knee with great force. The escalator then failed to stop causing Plaintiff to sustain a laceration to her left leg, permanent scarring, and other painful, permanent and diverse personal injuries, as hereinafter described.

FIRST COUNT

(Negligence as to Defendant, PORT AUTHORITY)

11. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 10 of the within Complaint, as if the same were more specifically set forth at length herein.

12. At all times relevant, and on information and belief, the PORT AUTHORITY is responsible to inspect, maintain, control, supervise, operate, repair, and/or service the Newark International Airport, its terminals and all facilities located thereon, including the escalator in question, in order to ensure the safety and well-being of the public.

13. At all times relevant, and on information and belief, the PORT AUTHORITY is responsible and is charged with overseeing, supervising and implementing policies and procedures concerning inspection, maintenance, repairs, operation and service of all systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public.

14. At all times relevant, and on information and belief, the PORT AUTHORITY is responsible to and is charged with hiring, screening, supervising, training and/or engaging its employees, representatives or other outside persons or business agencies/entities, to routinely and adequately inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public.

15. On the date, time and place aforesaid, the Defendant, PORT AUTHORITY, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately inspect, maintain, control, operate, supervise, repair, and/or service the Newark International Airport, its terminals and all facilities located thereon, and particularly the escalator in question, causing, creating and/or contributing to the creation of a faulty/hazardous condition to exist, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

16. On the date, time and place aforesaid, the Defendant, PORT AUTHORITY, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately oversee, supervise, and/or implement policies and procedures concerning proper and routine inspection, maintenance, repairs, operation and/or service of all systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

17. On the date, time and place aforesaid, the Defendant, PORT AUTHORITY, did not negligently, recklessly and/or carelessly hire, screen, supervise, train and/or engage its employees, representatives or other outside persons or business agencies/entities, to inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

18. As a direct and proximate result of the negligence, recklessness and/or carelessness of the Defendant, PORT AUTHORITY, the Plaintiff, WENDY

SUE CLARK, was seriously and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future will suffer great emotional stress, duress, pain and anguish, and will be required to expend large sums of money for medical care and attention, and has been and will in the future be disabled and prevented from attending to her necessary affairs and business.

19. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendant, PORT AUTHORITY, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendant, PORT AUTHORITY, and all other named Defendants, Individually, Jointly and/or Severally, for damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

SECOND COUNT

(Negligence as to Defendant, CITY)

20. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 19 of the within Complaint, as if the same were more fully set forth at length herein.

21. At all times relevant, and on information and belief, the CITY owns the real property on which the Newark International Airport is located.

22. On the date, time and place aforesaid, the Defendant, CITY, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately inspect, maintain, control, supervise, repair, operate and/or service the Newark International Airport, its terminals and all facilities located thereon, and particularly the escalator in question, causing, creating and/or contributing to the creation of a faulty/hazardous condition to exist, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

23. On the date, time and place aforesaid, the Defendant, CITY, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately oversee, supervise and/or implement policies and procedures concerning the proper and adequate inspection, maintenance, repairs, operation and/or service of all systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

24. On the date, time and place aforesaid, the Defendant, CITY, did so negligently, recklessly and/or carelessly hire, screen, supervise, train and/or engage its employees, representatives or other outside persons or business agencies/entities, to inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

25. As a direct and proximate result of the negligence, recklessness and/or carelessness of the Defendant, CITY, the Plaintiff, WENDY SUE CLARK,

was seriously and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future will suffer emotional stress and duress, pain and anguish, and will be required to expend large sums of money for medical care and attention, and has been and will in the future be disabled and prevented from attending to her necessary affairs and business.

26. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendant, CITY, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendant, CITY, and all other named Defendants, Individually, Jointly and/or Severally, for damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

THIRD COUNT

(Negligence as to Defendant, JET BLUE AIRWAYS)

27. The Plaintiff repeats and reiterates the allegations contained in Paragraphs 1 through 26 of the within Complaint, as if the same were more specifically set forth at length herein.

28. At all times relevant, and on information and belief, the Defendant, JET BLUE AIRWAYS, is responsible to inspect, maintain, control, supervise, operate, repair, and/or service the subject escalator within its terminal at Newark International Airport, in order to ensure the safety and well-being of the public.

29. At all times relevant, and on information and belief, JET BLUE AIRWAYS is responsible and is charged with overseeing, supervising and implementing policies and procedures concerning inspection, maintenance, repairs, operation and service of all systems and facilities located at or in its termination at Newark International Airport, including the escalator in question, in order to ensure the safety and well-being of the public.

30. At all times relevant, and on information and belief, JET BLUE AIRWAYS is responsible to and is charged with hiring, screening, supervising, training and/or engaging its employees, representatives or other outside persons or business agencies/entities, to routinely and adequately inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in its terminal at the Newark International Airport, including the escalator in question, in order to ensure the safety and well-being of the public.

31. On the date, time and place aforesaid, the Defendant, JET BLUE AIRWAYS, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately inspect, maintain, control, operate, supervise, repair, and/or service the escalator located within its terminal at the Newark International Airport, thus causing, creating and/or contributing to the creation of a faulty/hazardous condition to exist, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

32. On the date, time and place aforesaid, the Defendant, JET BLUE AIRWAYS, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately oversee, supervise, and/or implement policies and

procedures concerning proper and routine inspection, maintenance, repairs, operation and/or service of all systems and facilities located within its terminal at or in the Newark International Airport, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

33. On the date, time and place aforesaid, the Defendant, JET BLUE AIRWAYS, did not negligently, recklessly and/or carelessly hire, screen, supervise, train and/or engage its employees, representatives or other outside persons or business agencies/entities, to inspect, maintain, repair, operate and/or service all of the systems and facilities located within its terminal at or in the Newark International Airport, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

34. As a direct and proximate result of the negligence, recklessness and/or carelessness of the Defendant, JET BLUE AIRWAYS, the Plaintiff, WENDY SUE CLARK, was seriously and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future will suffer great emotional stress, duress, pain and anguish, and will be required to expend large sums of money for medical care and attention, and has been and will in the future be disabled and prevented from attending to her necessary affairs and business.

35. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendant, JET BLUE AIRWAYS, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendant, JET BLUE AIRWAYS, and all other named Defendants, Individually, Jointly and/or Severally, for damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

FOURTH COUNT

(Negligence as to Defendant, SCHINDLER)

36. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 35 of the within Complaint, as if the same were more fully set forth at length herein.

37. At all times relevant, and on information and belief, SCHINDLER is responsible to routinely and adequately inspect, maintain, control, supervise, operate, repair, and/or service the Newark International Airport, its terminals and all facilities located thereon, including the escalator in question, in order to ensure the safety and well-being of the public.

38. At all times relevant, and on information and belief, SCHINDLER is responsible and is charged with overseeing, supervising and implementing policies and procedures concerning the proper inspection, maintenance, repairs, operation and/or service of all systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public.

39. At all times relevant, and on information and belief, SCHINDLER is responsible to and is charged with hiring, screening, supervising, training and/or

engaging its employees, representatives or other outside persons or business agencies/entities, to routinely and/or properly inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public.

40. On the date, time and place aforesaid, the Defendant, SCHINDLER, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately inspect, maintain, control, operate, supervise, repair, and/or service the Newark International Airport, its terminals and all facilities located thereon, and particularly the escalator in question, causing, creating and/or contributing to the creation of a faulty/hazardous condition to exist, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

41. On the date, time and place aforesaid, the Defendant, SCHINDLER, negligently, recklessly and/or carelessly failed and/or refused to properly and adequately oversee, supervise, and/or implement policies and procedures concerning the proper inspection, maintenance, repairs, operation and/or service of all systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

42. On the date, time and place aforesaid, the Defendant, SCHINDLER, did so negligently, recklessly and/or carelessly hire, screen, supervise, train and/or engage its employees, representatives or other outside persons or business agencies/entities, to inspect, maintain, repair, operate and/or service all

of the systems and facilities located at or in the Newark International Airport, its terminals, and particularly the escalator in question, which resulted in Plaintiff's injuries and damages as hereinafter set forth.

43. As a direct and proximate result of the negligence, recklessness and/or carelessness of the Defendant, SCHINDLER, the Plaintiff, WENDY SUE CLARK, was seriously and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future will suffer emotional stress and duress, pain and anguish, and will be required to expend large sums of money for medical care and attention, and has been and will in the future be disabled and prevented from attending to her necessary affairs and business.

44. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendant, SCHINDLER, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and/or severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendant, SCHINDLER, and all other named Defendants, Individually, Jointly and/or Severally, for damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

FIFTH COUNT

(Negligence/Products Liability as to Defendant, SCHINDLER)

45. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 44 of the within Complaint, as if the same were more fully set forth at length herein.

46. Upon information and belief, the subject escalator, and/or any of its parts, sub-parts, components and/or appurtenances or equipment relating thereto, was negligently installed on the subject premises by Defendant, SCHINDLER, and/or was either negligently manufactured, fabricated, distributed, supplied and/or placed in the stream of commerce by said Defendant, SCHINDLER.

47. Upon information and belief, the Defendant, SCHINDLER, was responsible for furnishing and/or installing the subject escalator, and/or any of its parts, sub-parts, components and/or appurtenances or equipment relating thereto, at the site in question.

48. Upon information and belief, the subject escalator, and/or any of its parts, sub-parts, components and/or appurtenances or equipment relating thereto, was either negligently manufactured, distributed, supplied, produced and/or designed, violated express and/or implied warranties, was not reasonably fit, suitable and/or safe for the purposes intended, and/or did not contain adequate warnings or instructions, and/or was otherwise dangerous.

49. The Defendant, SCHINDLER, and/or its employees, agents, representatives and/or assigns, were negligent, reckless and/or careless in the

construction, manufacture, distribution, production, design and/or installation of the subject escalator, and/or any of its parts, sub-parts, components and/or appurtenances or equipment relating thereto, which negligence, recklessness and/or carelessness caused Plaintiff, WENDY SUE CLARK, to sustain the injuries and damages as aforesaid.

50. As a direct and proximate result of all of the foregoing, the subject escalator failed to stop upon Plaintiff's fall.

51. As a direct and proximate result of the negligence of the Defendant, SCHINDLER, all as aforesaid, the Plaintiff, WENDY SUE CLARK, was seriously and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future will suffer emotional stress and duress, pain and anguish, and will be required to expend large sums of money for medical care and attention, and has been and will in the future be disabled and prevented from attending to her necessary affairs and business.

52. Further, the Defendant, SCHINDLER, and/or its employees, agents, representatives and/or assigns, parent or subsidiary companies, knew or should have known the that escalator, and/or any of its parts, sub-parts, components, apparatus and/or equipment relating thereto, was defective, however, the Defendant knowingly concealed the defect and/or allowed the above-described product to enter into the stream of commerce.

53. The Defendant, SCHINDLER, engaged in an unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation and/or the knowing concealment, suppression or omission of

a material fact, to wit: that the escalator, and/or any of its parts, sub-parts, components, apparatus and/or equipment relating thereto, was defective.

54. Defendant, SCHINDLER, intended that others would real upon such concealment or suppression or omission, in connection with the sale and/or distribution and/or use of their product(s).

55. As a result, the Defendant is liable to the Plaintiff pursuant to the New Jersey Products Liability Act.

56. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendant, SCHINDLER, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and/or severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendant, SCHINDLER, and all other named Defendants, Individually, Jointly and/or Severally, for compensatory and punitive damages, damages under the New Jersey Products Liability Act, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

FIFTH COUNT

(Negligence as to FACKELMAN DEFENDANTS)

57. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 56 of the within Complaint, as if the same were more fully set forth at length herein.

58. The Plaintiff, WENDY SUE CLARK, consulted with the FACKELMAN DEFENDANTS, Individually, Jointly and/or Severally, who are members of the New Jersey Bar and practicing attorneys in the State of New Jersey, concerning the alleged negligence contained within this Complaint, and the injuries sustained by Plaintiff as a result thereof.

59. On information and belief, the FACKELMAN DEFENDANTS informed the Plaintiff that she did not have a good and/or viable claim for damages as against the PORT AUTHORITY by reason of either contributory negligence on Plaintiff's part, and/or the fact that the accident/injury occurred on "Federal Land", barring and/or limiting any action against the PORT AUTHORITY, as certain immunities are provided to Defendant, PORT AUTHORITY. Notwithstanding, and on information and belief, the FACKELMAN DEFENDANTS advised that they would continue to pursue such claims on Plaintiff's behalf.

60. On information and belief, the FACKELMAN DEFENDANTS did not inform Plaintiff of any potential claim of negligence that she may have against the CITY, as the Owner of the premises where the accident/injury in question occurred.

61. Moreover, on information and belief, the FACKELMAN DEFENDANTS did not issue proper notice upon the CITY in accordance with the New Jersey Tort Claims Act, N.J.S.A. 59:8-1, which is a condition precedent to bringing forth any action against the CITY for the injuries and damages sustained by Plaintiff.

62. Further, and on information and belief, the FACKELMAN DEFENDANTS did not advise the Plaintiff of any potential claim for damages that

the Plaintiff may have against the manufacturer, designer, distributor, supplier and/or installer of the escalator in question, or of any of its parts, sub-parts, components, and/or appurtenances or equipment relating thereto, or the maintenance/repair company for the same, against whom no immunities afforded to the PORT AUTHORITY or the CITY may or would apply.

63. At no time did the FACKELMAN DEFENDANTS advise the Plaintiff that they did not intend to represent her interests fully in relation to the subject matter, including the filing of a lawsuit as to all relevant parties.

64. Further, the FACKELMAN DEFENDANTS failed to institute a lawsuit as against the PORT AUTHORITY within the time and manner as prescribed by N.J.S.A. 32:1-163 et. seq., and/or failed to notify the Plaintiff of the requirements of that statute, thereby barring and/or limiting the Plaintiff's right to recover for her injuries and/or damages that the Plaintiff sustained by virtue of the accident/injury in question against all relevant parties.

65. The FACKELMAN DEFENDANTS, Individually, Jointly and/or Severally, was/were obliged to exercise care, skill and diligence but failed in all said requisites by omitting to provide adequate notice to the CITY as required by N.J.S.A. 59: 8-1, et seq. as a condition precedent to the bringing of an action; and further failed to file a lawsuit as against the PORT AUTHORITY as required by the provisions of N.J.S.A. 32:1-163 et seq., in the time and manner prescribed by that statute.

66. By reason of the said fault and neglect of the FACKELMAN DEFENDANTS, Individually, Jointly and/or Severally, the Plaintiff, WENDY SUE

CLARK, is/may be unable to recover against the PORT AUTHORITY, CITY or other named Defendants herein, and has lost or may lose all claims for the recovery of damages for the said injuries/damages she sustained in the subject accident.

67. As a direct and proximate result of the carelessness, negligence and/or recklessness of the FACKELMAN DEFENDANTS, Individually, Jointly and/or Severally, the Plaintiff, WENDY SUE CLARK, is/may be unable to maintain a claim for her severe, painful and permanent injuries and has been and will in the future be compelled to expend large sums of money in an effort to cure said injuries, and/or was otherwise damaged.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the FACKELMAN DEFENDANTS, and all other named Defendants, Individually, Jointly and/or Severally, for damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

SIXTH COUNT

(Claims against JOHN DOES #1-20 and ABC CORPS. #1-20)

68. The Plaintiff repeats and reiterates the allegations contained at Paragraphs 1 through 67 of the within Complaint, as if the same were more fully set forth at length herein.

69. The Defendants, JOHN DOES #1-20 AND ABC CORPS. #1-20, Fictitious Names, represent persons or business entities, whose identities are presently unknown to the Plaintiff, who caused and/or contributed to the Plaintiff's injuries and/or damages as hereinafter set forth.

70. Specifically, JOHN DOES #1-20 and ABC CORPS. #1-20, are intended to represent individuals, corporations, limited liability companies, or other business entities, foreign and domestic, profit and non-profit, representing the employees, representatives, assigns, parent or affiliate, or subsidiaries of each of the aforementioned Defendants, and/or represent other persons or other entities responsible to:

- (a) Inspect, maintain, control, supervise, operate, repair, and/or service the Newark International Airport, its terminals and all facilities located thereon, including the escalator in question, in order to ensure the safety and well-being of the public;
- (b) oversee, supervise, and implement policies and procedures concerning inspection, maintenance, repairs, operation, and/or service of all systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public;
- (c) hire, screen, supervise, train and/or engage its employees, representatives or other outside persons or business agencies/entities, to routinely and adequately inspect, maintain, repair, operate and/or service all of the systems and facilities located at or in the Newark International Airport, its terminals, including the escalator in question, in order to ensure the safety and well-being of the public.

71. Further, the said JOHN DOES #1-20 and ABC CORPS. #1-20, represent persons or entities who negligently installed the escalator, or any of its parts, sub-parts, components, apparatus and/or equipment relating thereto, on the subject premises by Defendant, and/or the persons or entities who either negligently manufactured, fabricated, distributed, supplied and/or placed in the stream of commerce the escalator, or any of its sub-parts, components, apparatus, and/or equipment relating thereto, which caused and/or contributed to Plaintiff's injuries and damages as contained herein.

72. The said JOHN DOES #1-20 and ABC CORPS. #1-20 also are intended to represent maintenance/repair companies, management companies, manufacturers, wholesalers, distributors, installers, and/or suppliers, of the escalator in question, and/or any of its parts, sub-parts, components, apparatus and/or equipment relating thereto, and/or other persons or entities, who caused and/or contributed to the Plaintiff's injuries and/or damages as contained herein, as may be later determined.

73. As a result of the negligence, recklessness and carelessness of all of the Defendants, Jointly and/or Severally, the Plaintiff was caused to suffer injuries and/or damages as hereinbefore described.

74. The negligent, reckless and/or careless actions and/or inaction on the part of the Defendants, JOHN DOES #1-20 and/or ABC CORPS. #1-20, Individually, Jointly and/or Severally, which resulted in Plaintiff's injuries and/or damages as herein set forth, were independent of and/or in conjunction with the

negligent, reckless and/or careless actions and/or inaction of all other Defendants named herein, jointly and/or severally.

WHEREFORE, the Plaintiff, WENDY SUE CLARK, demands judgment against the Defendants, JOHN DOES #1-20 and ABC CORPS. #1-20, and all other named Defendants, Individually, Jointly and/or Severally, for compensatory and punitive damages, interest, attorney's fees and costs of suit, and such other and further relief as the Court deems just and appropriate.

DEMAND FOR DISCOVERY OF INSURANCE COVERAGE

Pursuant to R. 4:10-2(b), demand is hereby made that the Defendants disclose to Plaintiff's 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 that may be entered in this litigation matter. Defendants must provide to Plaintiff's attorney 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.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that PATRICK J. BRADSHAW, ESQ. is hereby designated as trial counsel in the above-captioned litigation for the firm pursuant to R. 4:25-4.

JURY DEMAND

Plaintiff demands a Trial by jury as to all issues contained in the within Complaint.

CERTIFICATION

PATRICK J. BRADSHAW, ESQ., of full age, hereby certifies as follows:

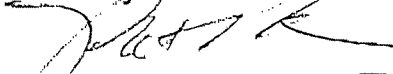
1. I am an attorney at law of the State of New Jersey, and a partner of the law firm of Kelso & Bradshaw, Esqs., attorneys for and on behalf of the Plaintiff, WENDY SUE CLARK, in the within matter.
2. The matter in controversy is not the subject of any action pending in this or any other Court, nor is it the subject of any pending arbitration or worker's compensation claim petition.
3. I know of no party who should be joined in this action who has not already been joined.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

KELSO & BRADSHAW, ESQS.
Attorneys for Plaintiff

Dated: October 22, 2009

By:



PATRICK J. BRADSHAW, ESQ.

EXHIBIT "A"



CASE # 12041
 THE PORT AUTHORITY OF NY & NJ

PATRON ACCIDENT OR PROPERTY DAMAGE REPORT (Other than Vehicles or P.A. Employees) PA0146/04
CONFIDENTIAL REPORT TO MANAGER, CLAIMS ADMINISTRATION

<input type="checkbox"/> N.Y. <input checked="" type="checkbox"/> N.J.	<input checked="" type="checkbox"/> Patron Accident	<input type="checkbox"/> Property Damage	(1-1)
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Facility N.	Exact Location of Accident: (When helpful, attach a diagram to this form only, on plain paper) MOTOR STAIR #3 NEAR A-1 SCREENING POINT	Terminal #	Maint. W.O. No.
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Accident Date 10/25/07	Day of Week Thursday	Time 1:25 <input type="checkbox"/> am <input checked="" type="checkbox"/> pm	To Whom Reported? P.O.J. BASIL	Date Reported 10/25/07	Time 1:25 <input type="checkbox"/> am <input checked="" type="checkbox"/> pm	Other Job No. 07-12011
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Full Name Wendy S. Clark	Address (Home) Middlesex NJ 08846	Home Phone # 732-968-6851	Business Phone # 908-711-0211	Sex <input type="checkbox"/> M <input checked="" type="checkbox"/> F	Age 31
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Occupation	Name & Address of Employer
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<input type="checkbox"/> Stationary Stairs <input checked="" type="checkbox"/> Motor Stairs	Going <input type="checkbox"/> Up <input checked="" type="checkbox"/> Down	Getting <input type="checkbox"/> On <input type="checkbox"/> Off	Riding <input checked="" type="checkbox"/>	Motor Stair Stopped? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Stair No. 3	By Whom	How Long After Fall
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Time Restarted	<input type="checkbox"/> AM <input type="checkbox"/> PM	Restarted By	Stationary Stair #	Injured Was Going <input type="checkbox"/> Up <input checked="" type="checkbox"/> Down
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Cognition of Area
Dry

Medical Data	<input type="checkbox"/> No Treatment	<input checked="" type="checkbox"/> First Aid At Scene By EMT PATRESSO #105 (RWS)	If rendered first aid elsewhere, state where, by whom and names of those present
	Ambulance called? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If Yes, time called 1:27 <input type="checkbox"/> am <input checked="" type="checkbox"/> pm	Arrived 1:45 <input type="checkbox"/> am <input checked="" type="checkbox"/> pm
	Name and City of Hospital Injured Taken To (if any)	Trinitas Hospital	
	Doctor's Name and Address	Nature and Extent of Injury (Include Part Injured) laceration to left leg	

Property Damage	Item(s) Damaged and Description of Damage	None

Did You Witness Accident? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, describe fully. In any event, tell what the injured and/or witness(es) said. Give the exact statement in person's own words, identifying individual(s) making statement, to whom statement was made, and in whose presence.
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Above aided states while riding the escalator she got her foot stuck causing her to fall. The above aided suffered lacerations to her left leg.

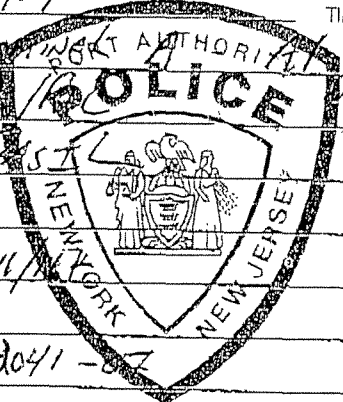
(SEE INSTRUCTIONS)

NAMES OF ADDITIONAL WITNESSES MAY BE INCLUDED IN AVAILABLE SPACE OR ON AN ADDITIONAL SHEET

Witness No. 1	Full Name and Address							
	Phone No.	Relationship to Injured	Accompanied Injured?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Work at Facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	P.A. Employee?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Witness No. 2	Full Name and Address							
	Phone No.	Relationship to Injured	Accompanied Injured?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Work at Facility	<input type="checkbox"/> Yes <input type="checkbox"/> No	P.A. Employee?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Total P.A. Damage	<input checked="" type="checkbox"/> None <input type="checkbox"/> \$ 100 or less <input type="checkbox"/> Over \$ 100	Signature of Person Reporting Accident P.O. John Basil #2506				Date 10/25/07		
COMPLETE THIS SECTION ONLY IN CASES OF ACTUAL OR PROBABLY PERSONAL INJURY								
Who Reported Accident?	Wendy Clark		Did Injured Wear Glasses?	Type of Glasses				
			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Bi-Focal <input type="checkbox"/> Tinted Glasses <input type="checkbox"/> Other:				
Who Assisted Injured Off Stairs or Point Where Found?	Injured walked to chair							
How Were You Called To Scene?	<input type="checkbox"/> Phone <input type="checkbox"/> Public Address <input checked="" type="checkbox"/> Other: Radio							
What Was Your Post Assignment?	Relief G							
Other P.A. Personnel At Scene: Names & Titles	No							
Where Did You First See Injured? In Which Position?	Sitting on chair							
Did You Attempt To Get Identity of Witness?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Weather Conditions <input type="checkbox"/> Wet <input type="checkbox"/> Dry <input type="checkbox"/> Snowing <input checked="" type="checkbox"/> Raining					
Any Apparent Disability Other Than From Fall?	No							
What Did Injured Allegedly Cause Fall?	Foot got stuck on stair							
Kind Of Shoes Worn By Injured:	<input type="checkbox"/> High Heels <input type="checkbox"/> Medium Heels <input type="checkbox"/> Flat Heels <input type="checkbox"/> Galoshes <input checked="" type="checkbox"/> Other: sneakers							
What Did Injured Carry?	Nothing							
Was Injured Traveling Alone?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IF No, Who Accompanied? Brother Jeffrey Clark							
Any Evidence of Alcohol?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Describe: <input type="checkbox"/> Speech <input type="checkbox"/> Odor <input type="checkbox"/> Gait <input type="checkbox"/> Other:							
If Taken to First Aid, How?	<input checked="" type="checkbox"/> Walking <input type="checkbox"/> Wheel Chair <input type="checkbox"/> Stretcher <input type="checkbox"/> Other:							
How Departed From First Aid?	<input checked="" type="checkbox"/> Walking <input type="checkbox"/> Wheel Chair <input type="checkbox"/> Stretcher <input type="checkbox"/> Other:							
Was Injured Familiar With Terminal?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown <input type="checkbox"/> Does Not Apply				Was Injured Using Handrail?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/> Does Not Apply		
Did City Police Respond?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Identify:							
To Be Completed By Supervisor	If the following section cannot be completed immediately, forward this report as is, and when this information is obtained it should be forwarded as a supplement to the report.							
Personnel Assigned to Area	Area Last Cleaned by B.A.				At <input type="checkbox"/> am <input type="checkbox"/> pm			
Inspected Motor Stairs, Stationary Stairs At	<input type="checkbox"/> am <input type="checkbox"/> pm				How?			
Condition	Signature of B.A.							
	Area Last Inspected by B.A.				At <input type="checkbox"/> am <input type="checkbox"/> pm			
Last Coating of Area (If Applicable)	Condition							
Signature	Date		Signature of Person Making Inspection			Date		
INSTRUCTIONS								
1. Print in Black Ink				5. Forward this form to Manager, Claims Administration				
2. Identify all witnesses				6. If P.A. Property is damaged, prepare Maintenance Work Order Form PA 2302. Write "Accident Damage" in description of job. Also indicate M.W.O. number in appropriate box on reverse side of this form.				
3. Check all appropriate boxes								
4. Submit promptly additional information, as available, to Manager, Claims Administration.								

Port Authority Police Department Service Card

DATE: 10/25/07 TIME: 1325 HRS
LOCATION: TERMINAL AUTHORITY YARD
POST #: G-1A
OFFICER: BASTIEN
SHIELD: 2506
REPORT TYPE: 141
OTHER: _____
CASE #: 10041-07



4/3/2007

Port Authority Police
Newark Liberty International Airport
Building 1
Newark, New Jersey 07114

Phone Numbers

Main: (973) 961-6230
Detectives: (973) 961-6300
Reports: (973) 961-6315



THE PORT AUTHORITY
OF NY & NJ