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Attorneys for Plaintiff, Bunny Shore

RECEIVED and
FILED
DEC 09 2011
ATLANTIC COUNTY
LAW DIVISION

BUNNY SHORE,

PLAINTIFF,

v.

NEW JERSEY TRANSIT CORPORATION
and JOHN DOE (BUS DRIVER),

DEFENDANTS.

SUPERIOR COURT OF NEW JERSEY
ATLANTIC COUNTY ~ LAW DIVISION

DOCKET NO.: ATL-L-10325-11

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiff, Bunny Shore, residing at 100 Berkley Square Condo Apartment 20L, in the City of Atlantic City, County of Atlantic and State of New Jersey, by way of Complaint against the Defendant, says:

COUNT ONE

1. At all times relevant hereto, the Defendant, New Jersey Transit Corporation, was and now is a corporation duly authorized to conduct business under the laws of the State of New Jersey and employed John Doe as a New Jersey Transit Bus Driver.

2. On or about December 14, 2009, in the late evening, Plaintiff, Bunny Shore, was boarding a New Jersey Transit bus in the city of Philadelphia, County of Philadelphia and State of Pennsylvania, heading to Atlantic City, New Jersey.

3. At the aforementioned time and place, Defendant, John Doe (Bus Driver, tall African American, about sixty (60) years of age), an employee of New Jersey Transit Corporation, yelled at Plaintiff to get off bus and buy a ticket from the machine. Defendant, John Doe (Bus Driver) forced Plaintiff to back of the bus while yelling obscenities at her namely "degenerate gamblers are all the same."

4. As the bus reached its destination of the Atlantic City Bus Terminal, New Jersey, Defendant, John Doe (Bus Driver) followed Plaintiff off of the bus following her around yelling and screaming obscenities at her namely "those Jews are all alike, liar, thief, degenerate."

5. As a direct and proximate result of the wanton, recklessness, willfulness, negligence and intentional conduct of the Defendant, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer severe emotional distress, temporary and permanent injuries, including, but not limited to: Post traumatic stress disorder, depressive disorder; and was otherwise severely and permanently injured.

6. Subsequent to this incident the Plaintiff timely filed a Tort Claims Notice in March 2010 with N.J.S.A. 59:1-1, et seq.

7. Plaintiff's counsel requested the name of the employee bus driver Defendant, New Jersey Transit Corporation who disparaged and yelled at Plaintiff.

8. This request was via correspondence following filing the Tort Claims Notice.

9. Despite the request Defendant, New Jersey Transit Corporation did not produce the bus driver's name of the Philadelphia to Atlantic City route on the special date and time. The driver's description was provided to Defendant, New Jersey Transit Corporation again in Supplemental Tort Claim Notice as to description, bus route, time, and place.

10. Defendant, New Jersey Transit Corporation has failed to produce the driver's name therefore; he is named John Doe in this complaint.

11. Defendant, John Doe was an employee of Defendant, New Jersey Transit Corporation. Defendant, John Doe (Bus Driver) while acting in the course of his employ for Defendant, New Jersey Transit Corporation when he defamed, disparaged, and discriminated against Plaintiff about her religious beliefs and affiliation.

12. Defendant, New Jersey Transit Corporation is responsible for its employee's actions under Respondeat Superior.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT TWO

1. Plaintiff hereby incorporates by reference all of the allegations of the First Count of the within Complaint as if set forth herein at length.

2. Due to the wanton, carelessness, recklessness, negligence, and intentional conduct of the Defendant, New Jersey Transit, Bus Operator, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer and continues to suffer from the numerous and diverse psychological injuries inflicted upon her.

3. As a direct and proximate result of this incident, Plaintiff, Bunny Shore, has suffered great and intense pain continuously from the time of the incident and has undergone much mental anguish because of the incident. Plaintiff, Bunny Shore's life was endangered by the acts of Defendant and Plaintiff, Bunny Shore, was greatly frightened by the outburst of obscenities. The fright occasioned by the peril to Plaintiff and the suffering caused by the incident have made Plaintiff highly nervous, irritable, emotionally unsteady and insecure; and the nervousness, irritability, emotional unsteadiness and insecurity are permanent.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT THREE

1. Plaintiff hereby incorporates by reference all of the allegations of the First and Second Counts of the within Complaint as if set forth herein at length.

2. Defendant, John Doe (Bus Driver) was at all time relevant hereto employed by Defendant, New Jersey Transit Corporation, as a Bus Driver.

3. At the aforementioned time and place, Atlantic City Bus Terminal, Defendant, John Doe (Bus Driver), an employee of New Jersey Transit Corporation, when he closed the bus doors and approached Plaintiff in an aggressive manner and forced her into a seat screaming and yelling obscenities at her.

5. As a direct and proximate result of the wanton, recklessness, willfulness, intentional, and harmful conduct of the Defendant, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer severe and permanent injuries, including, but not limited to: Post traumatic stress disorder, depressive disorder; and was otherwise severely and permanently injured.

6. As a direct and proximate result of this incident, Plaintiff, Bunny Shore, has suffered much mental anguish because of the incident. Plaintiff, Bunny Shore's life was endangered by the acts of Defendant and Plaintiff, Bunny Shore, was greatly frightened by the closing of the bus doors and being forced into a seat. The fright occasioned by the peril to Plaintiff and the suffering

caused by the incident have made Plaintiff highly nervous, irritable, emotionally unsteady and insecure; and the nervousness, irritability, emotional unsteadiness and insecurity are permanent.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT FOUR

1. Plaintiff hereby incorporates by reference all of the allegations of the First, Second, and Third Counts of the within Complaint as if set forth herein at length.

2. Due to the wanton, carelessness, recklessness, negligence, harmful, and intentional conduct of the Defendant, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer and continues to suffer from the numerous and diverse psychological injuries inflicted upon her.

3. As a direct and proximate result of this incident, Plaintiff, Bunny Shore, has suffered much mental anguish because of the incident. Plaintiff, Bunny Shore's life was endangered by the acts of Defendant and Plaintiff, Bunny Shore, was greatly frightened by the assault and battery. The fright occasioned by the peril to Plaintiff and the suffering caused by the incident have made

Plaintiff highly nervous, irritable, emotionally unsteady and insecure; and the nervousness, irritability, emotional unsteadiness and insecurity are permanent.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT FIVE

1. Plaintiff hereby incorporates by reference all of the allegations of the First through Four Counts of the within Complaint as if set forth herein at length.

2. At the aforementioned time and place, The Atlantic City Bus Terminal, Defendant, John Doe (Bus Driver) unlawfully confined Plaintiff in the bus by closing the bus doors and not allowing her to exit.

3. Plaintiff pled with the Defendant, John Doe (Bus Driver) to open the doors, he responded "when I am good and ready I will let you off the bus." Plaintiff asked to see a manager, Defendant continued to yell and scream at her "Those Jews are all alike."

4. Defendant, John Doe (Bus Driver) actions described herein constitute intentional infliction of emotional distress.

5. Defendant, John Doe's (Bus Driver) actions described herein constitute negligent infliction of emotional distress.

6. Defendant, John Doe's (Bus Driver) actions described herein constitute false imprisonment.

7. Defendant, John Doe's (Bus Driver) statements and actions as described herein constitute slander and defamation of character.

8. As a direct and proximate result of the wanton, recklessness, willfulness, intentional, and harmful conduct of the Defendant, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer severe and permanent injuries, including, but not limited to: Post traumatic stress disorder, depressive disorder; and was otherwise severely and permanently injured.

9. As a direct and proximate result of this incident, Plaintiff, Bunny Shore, has suffered much mental anguish because of the incident. Plaintiff, Bunny Shore's life was endangered by the acts of Defendant and Plaintiff, Bunny Shore, was greatly frightened by the unlawful confinement. The fright occasioned by the peril to Plaintiff and the suffering caused by the incident have made Plaintiff highly nervous, irritable, emotionally unsteady and insecure; and the nervousness, irritability, emotional unsteadiness and insecurity are permanent.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT SIX

1. Plaintiff hereby incorporates by reference all of the allegations of the First through Five Counts of the within Complaint as if set forth herein at length.

2. Due to the wanton, carelessness, recklessness, negligence, and intentional conduct of the Defendant, John Doe (Bus Driver), Plaintiff, Bunny Shore, was caused to suffer and continues to suffer from the numerous and diverse psychological injuries inflicted upon her.

3. As a direct and proximate result of this incident, Plaintiff, Bunny Shore, has suffered much mental anguish because of the incident. Plaintiff, Bunny Shore's life was endangered by the acts of Defendant and Plaintiff, Bunny Shore, was greatly frightened by the unlawful confinement and false imprisonment. The fright occasioned by the peril to Plaintiff and the suffering caused by the incident have made Plaintiff highly nervous, irritable, emotionally unsteady and insecure; and the nervousness, irritability, emotional unsteadiness and insecurity are permanent.

WHEREFORE, Plaintiff, Bunny Shore, demands Judgment against the Defendant, John Doe (Bus Driver), for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT SEVEN

1. Plaintiff hereby incorporates by reference all of the allegations of the First through Six Counts of the within Complaint as if set forth herein at length.

2. Defendant, New Jersey Transit Corporation was responsible for the hiring, training, assignment and supervision of Defendant John Doe (Bus Driver).

3. Defendant, New Jersey Transit Corporation, knew or should have known of the conduct of its employee, Defendant, John Doe (Bus Driver). Defendant, New Jersey Transit Corporation was negligent in its hiring, training, assignment and supervision of Defendant, John Doe (Bus Driver).

4. Defendant, New Jersey Transit Corporation, was negligent in its hiring, training, supervision, and assignments of John Doe, Bus Driver on the Philadelphia to Atlantic City route of December 14, 2009.

5. As a direct and proximate result of the carelessness, recklessness and negligence of the Defendant, New Jersey Transit Corporation, Plaintiff, Bunny Shore, was caused to suffer severe and permanent injuries, including, but not limited to: Post traumatic stress disorder, depressive disorder; and was otherwise severely and permanently injured.

6. Defendant, New Jersey Transit Corporation, is responsible for the actions of its employees carried out in the course of their employment and lawfully responsible under Respondeat Superior.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, New Jersey Transit Corporation, for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

COUNT EIGHT

1. Plaintiff hereby incorporates by reference all of the allegations of the First through Seven Counts of the within Complaint as if set forth herein at length.

2. Defendant, New Jersey Transit Corporation was negligent in their hiring, training, assignment and or supervision of Defendant, John Doe (Bus Driver).

3. Due to the negligence, carelessness, and recklessness of the Defendant, New Jersey Transit Corporation, Plaintiff, Bunny Shore, was caused to suffer and continues to suffer from the numerous and diverse psychological injuries inflicted upon her.

4. As a direct and proximate result of the carelessness, recklessness and negligence of the Defendant, New Jersey Transit Corporation, Plaintiff, Bunny Shore, was caused to suffer severe and permanent injuries, including,

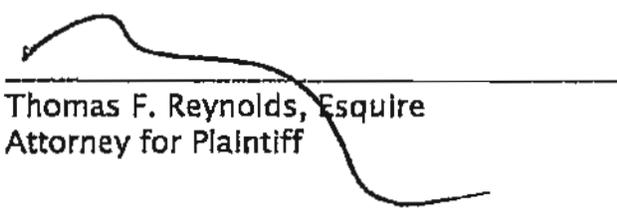
but not limited to: Post traumatic stress disorder, depressive disorder; and was otherwise severely and permanently injured.

WHEREFORE, Plaintiff, Bunny Shore, demands judgment against the Defendant, New Jersey Transit Corporation, for damages together with interest, costs of suit, attorney's fees and such other relief as the Court deems just and equitable.

Respectfully Submitted:

Law Offices of Reynolds & Scheffler, LLC

By:


Thomas F. Reynolds, Esquire
Attorney for Plaintiff

Dated: December 8, 2011

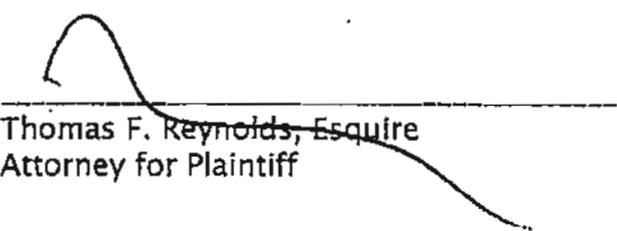
DEMAND FOR JURY TRIAL

Plaintiff, Bunny Shore, hereby demands trial by jury as to all issues.

Respectfully Submitted:

Law Offices of Reynolds & Scheffler, LLC

By:


Thomas F. Reynolds, Esquire
Attorney for Plaintiff

Dated: December 8, 2011

CERTIFICATION PURSUANT TO R. 4:5-1

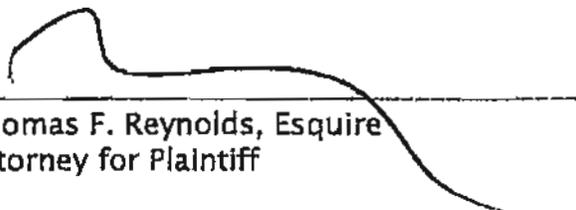
1. I hereby certify that, to my knowledge, the matter in controversy is not the subject of any other pending action in any Court or of a pending proceeding.

2. To my knowledge, no other action or arbitration procedure is contemplated.

3. I have no knowledge at this time of the names or any other parties who should be joined in this action. The complaint will be amended to name John Doe (Bus Driver) when Defendant, New Jersey Transit Corporation identifies its employee/bus driver.

Respectfully Submitted:
Law Offices of Reynolds & Scheffler, LLC

By:


Thomas F. Reynolds, Esquire
Attorney for Plaintiff

Dated: December 8, 2011

NOTICE OF DESIGNATION OF TRIAL ATTORNEY

Pursuant to R. 4:25-4, Thomas F. Reynolds, Esquire of the Law Offices of Reynolds & Scheffler, LLC, is hereby designated as trial counsel for the Plaintiff, Bunny Shore, in the above-captioned matter.

Respectfully Submitted:
Law Offices of Reynolds & Scheffler, LLC .

By: _____

Thomas F. Reynolds, Esquire
Attorney for Plaintiff

Dated: December 8, 2011

RELEASE

1. The Releasor(s), Bunny Shore, is referred to as "I" or "me", and the Releasees, New Jersey Transit Corporation, are referred to as "You".

2. Release. I release and give up any and all claims and rights which I may have against you. This releases all claims, including those of which I am not aware and those not mentioned in this Release. This Release applies to claims resulting from anything which has happened up to now and which may happen in the future, and specifically, as full payment and satisfaction for any and all claims resulting from:

Personal injuries and damages sustained, including but not limited to (if applicable), medical expenses, pain and suffering, income loss, loss of spousal services and/or loss of consortium arising out of an incident which occurred on or about December 14, 2009 which was the subject of a suit captioned Shore, Bunny v. New Jersey Transit Corporation, et al., venued in the Superior Court of New Jersey, ATLANTIC County, Docket No. ATL-L-10325-11 and in any other litigation arising out of the same occurrence.

Any and all claims and/or liens, past current and/or future arising out of this settlement or asserted against the proceeds of this settlement and agree that they are to be satisfied by me, including but not limited to any Medicare or Medicaid claims and/or liens, Worker's Compensation claims and/or liens, Social Security claims and/or liens, hospital/healthcare insurer claims and/or liens, physician or attorney claims and/ liens, or any of the statutory, equitable, common law or judgment claims and/or liens.

I further release all claims which might otherwise have been brought in the future by my Estate or my family members under Mauro v. Raymark Industries, 116 N.J. 126 (1989) and Alfone v. Sarno, 87 N.J. 99 (1981) for past, present, or future losses, damages, or injuries. This includes all possible future claims for wrongful death.

PREPARED BY:

Randall B. Weaver
DEPUTY ATTORNEY GENERAL