

**EXHIBIT A**

ESSEX COUNTY - CIVIL DIVISION  
SUPERIOR COURT OF NJ  
465 MARTIN LUTHER KING JR BLVD  
NEWARK NJ 07102

COURT TELEPHONE NO. (973) 693-5529  
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: NOVEMBER 23, 2015  
RE: HUNTER VS DEMATIC USA  
DOCKET: ESX L -008093 15

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 FRANCINE A. SCHOTT

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002  
AT: (973) 776-9300.



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: JOSEPH D. CRONIN  
JOSEPH D. CRONIN  
CRONIN LAW FIRM LLC  
1500 JOHN F KENNEDY BLVD SUITE 1020  
PHILADELPHIA PA 19102-1741

JUGBONE

**Appendix XII-B1**

 <p align="center"><b>CIVIL CASE INFORMATION STATEMENT (CIS)</b></p> <p align="center">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> <b>Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</b></p>		FOR USE BY CLIENTS ONLY PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA CHG/CK NO. _____ AMOUNT: _____ OVERPAYMENT: _____ BATCH NUMBER: _____			
		ATTORNEY / PRO SE NAME Joseph D. Cronin, Esquire	TELEPHONE NUMBER (215) 751-9001	COUNTY OF VENUE Essex <input type="checkbox"/>	
		FIRM NAME (if applicable) The Cronin Firm		DOCKET NUMBER (when available) L-8093-15	
		OFFICE ADDRESS 1500 JFK Boulevard Suite 1010 Philadelphia, PA 19102		DOCUMENT TYPE Complaint  JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) Plaintiff, Reshonda Hunter, Administrator of the Estate of Ronald Smith, et al.		CAPTION Reshonda Hunter, et al. v. Dematic USA, et al.			
CASE TYPE NUMBER (See reverse side for listing) 605	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known)  <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN			
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>					
<b>CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION</b>					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION  This is a wrongful death case.					
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: _____ 11-19-15					

SUPERIOR COURT  
 CIVIL DIVISION  
 COXEN VICTORIA  
 FINANCE DIVISION  
 RECEIVED 8/FIL  
 06  
 NOV 19 2015

Side 2



# 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 (coverage issues only)
- 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
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (Includes bodily injury)
- 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
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

### Multicounty Litigation (Track IV)

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>271 ACCUTANE/ISOTRETINOIN</li> <li>274 RISPERDAL/SEROQUEL/ZYPREXA</li> <li>278 ZOMETHA/AREZIA</li> <li>279 GADOLINIUM</li> <li>281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL</li> <li>282 FOSAMAX</li> <li>285 STRYKER TRIDENT HIP IMPLANTS</li> <li>286 LEVAQUIN</li> <li>287 YAZ/YASMIN/OCELLA</li> <li>288 PRUDENTIAL TORT LITIGATION</li> </ul> | <ul style="list-style-type: none"> <li>289 REGLAN</li> <li>290 POMPTON LAKES ENVIRONMENTAL LITIGATION</li> <li>291 PELVIC MESH/GYNECARE</li> <li>292 PELVIC MESH/BARD</li> <li>293 DEPUY ASR HIP IMPLANT LITIGATION</li> <li>295 ALLODERM REGENERATIVE TISSUE MATRIX</li> <li>296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS</li> <li>297 MIRENA CONTRACEPTIVE DEVICE</li> <li>601 ASBESTOS</li> <li>623 PROPECIA</li> </ul> |
|---|---|

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  Putative Class Action  Title 59

**THE CRONIN FIRM**  
By: Joseph D. Cronin, Esquire  
Attorney I.D. No.: 03503-1991  
Two Penn Center Plaza  
1500 JFK Boulevard, Suite 1010  
Philadelphia, PA 19102  
(215) 751-9001  
*Attorneys for Plaintiff*

**RESHONDA HUNTER, Administrator** :  
*Ad Prosequendum*, of the Estate of :  
**RONALD SMITH, deceased,** :  
207 Court Street, Apt. 1-A :  
Newark, New Jersey, 07013, and :  
all heirs Individually, *i.e.*, Reshonda :  
Hunter, Rashaan Hunter, Dorian :  
Smith and Leia Smith, :  
:

*Plaintiffs,* :

v. :

**DEMATIC USA** :  
507 Plymouth Avenue NE :  
Grand Rapids, MI 49505; :

**DEMATIC CORPORATION** :  
150 Allen Road, Suite 103 :  
Basking Ridge, NJ 07920; :

**AMAZON.COM, INC.** :  
410 Terry Avenue North :  
Seattle, WA 98109; :

**AMAZON FULFILLMENT** :  
**SERVICES, INC.** :  
410 Terry Avenue North :  
Seattle, WA 98109; :

**GENCO I, INC. d/b/a GENCO;** :  
100 Papercraft Park :  
Pittsburgh, PA 15238; :

and :

**JOHN DOES #s 1-10, ABC Corps #s 1-10** :  
**Defendants.** :

**SUPERIOR COURT OF NEW JERSEY**  
**ESSEX COUNTY**  
**LAW DIVISION**

CIVIL ACTION NO.:

*L-8093-15*

**COMPLAINT AND JURY DEMAND,**  
**DESIGNATION OF TRIAL COUNSEL,**  
**DEMAND FOR INSURANCE INFORM-**  
**ATION, DEMAND FOR DISCOVERY,**  
**DEPOSITION NOTICES and**  
**CERTIFICATION**

2015 NOV 19 P 5:21  
SUPERIOR COURT OF NJ  
CIVIL DIVISION  
ESSEX COUNTY  
CLERK'S OFFICE

Plaintiff, Reshonda Hunter, Administrator *ad Prosequendum*, of the Estate of Ronald Smith, deceased, residing in the City of Newark, Essex County, New Jersey, and by herself Individually as an heir, along with her co-heirs/co-Plaintiffs, Rashaan Hunter, Dorian Smith and Leia Smith, by and through their attorneys, The Cronin Firm, hereby file this Complaint against Defendants Dematic Corporation; Dematic USA; Amazon Fulfillment Services, Inc.; Amazon.com, Inc.; Genco I, Inc.; and John Does Nos. 1-10, ABC Corps 1-10, and in support thereof, aver as follows:

**THE PARTIES**

1. Plaintiff, Reshonda Hunter ("Plaintiff"), is a citizen of the State of New Jersey and an adult individual who resides at 207 Court Street, Apt. 1-A, Newark, New Jersey, 07013. On or about September 4, 2014, Letters of Administration *Ad Prosequendum* were issued by the Essex County Surrogate to the Plaintiff Reshonda Hunter thereby authorizing and empowering her to bring the survival action herein in her name as Administrator of said Estate, and thereby authorizing and empowering her to bring the wrongful death action herein in her name as the deceased's Administrator *ad Prosequendum* as the nominal representative of the Wrongful Death Act's beneficiaries; she herein brings this case on behalf of the Estate Ronald Smith, Plaintiff's father, herself, and all next of kin (they are named herein immediately below), the other 3 children of the late Ronald Smith and she makes claim for all such Plaintiffs for all recoverable damages under the law. (The sealed original of the aforesaid Letters of Administration *Ad Prosequendum* are attached hereto as Exhibit "A.")

2. Plaintiff, Rashaan Hunter is a citizen of the State of New Jersey and an adult individual who resides at 31 Monticello Ave, Apt. 3, Jersey City, New Jersey, 07304.

3. Plaintiff, Dorian Smith is a citizen of the State of New Jersey and an adult individual who resides at 537 13<sup>th</sup> Ave, Newark, New Jersey, 07013.

4. Plaintiff, Leia Smith is a citizen of the State of New Jersey and an adult individual who resides at 537 13<sup>th</sup> Ave, Newark, New Jersey, 07013.

5. Plaintiff's decedent, Ronald Smith (hereinafter "Plaintiff's decedent" or "Smith"), whose injuries and death give rise to the claims presented herein, was at the time of his death a citizen of the State of New Jersey and resided at 29 E. Highland Avenue, Orange, New Jersey, 07050.

6. Defendant Dematic USA is an international corporation with its principal place of business located at 507 Plymouth Avenue NE, Grand Rapids, MI 49505; it has an office in the State of New Jersey located at 150 Allen Road, Suite 103, Basking Ridge, NJ 07920.

7. Defendant Dematic Corporation is a subsidiary of Dematic USA (Defendants Dematic Corporation and Dematic USA shall be referred to herein jointly as "Dematic") with an office in the State of New Jersey located at 150 Allen Road, Suite 103, Basking Ridge, NJ 07920.

8. Defendant Amazon.com, Inc. is a Delaware corporation with its principal place of business located at 410 Terry Avenue North, Seattle, Washington 98109.

9. Defendant Amazon Fulfillment Services, Inc., is a subsidiary of Amazon.com, Inc. with its principal place of business located at 410 Terry Avenue North, Seattle, Washington 98109 (Defendants Amazon.com, Inc. and Defendant Amazon Fulfillment, Inc. shall be referred to herein jointly as "Amazon").

10. Defendant Genco I, Inc. d/b/a Genco ("Genco"), a corporation organized and existing under the laws of the State of Delaware, with its principal place of business located at 100 Papercraft Park, Pittsburgh, Pennsylvania 15238.

11. Defendant John Does Nos. 1-10, inclusive, are fictitious entities or persons and are pleaded pursuant to Rule 4:26-4, to temporarily suffice for the presently undetermined entities and/or persons which are subsidiaries, corporations, parent corporations, partnerships, public entities, holding corporations and/or business entities of any nature and their agents, servants, employees, contractors, subcontractors, independent contractors, workers, engineers, planners, designers, installers, inspectors, architects or other affiliated corporations or individuals of the aforesaid Defendants and/or any and all entities, persons or companies, whose acts of negligence that may have caused and/or contributed to the injuries and damages more particularly described herein and/or that were involved in any way and or responsible for the accident and death of the decedent, Ronald Smith, as more fully described below, including but not limited to the design, manufacture, testing, installing, inspecting, servicing, repair, redesign or other act or failure to act under New Jersey's product liability laws with respect to the equipment, machinery, conveyor, sorter, palletizer, etc. used at the Amazon warehouse located at 301 Blair Road, Avenel, New Jersey, 07001 (the "Facility"). Their true names or capacities are not known at this time, and as such, Plaintiff will seek leave of Court to amend the Complaint to state the true names and capacities of the fictitious named defendants when they have been ascertained.

12. Defendant ABC Corps. 1-10, inclusive, are fictitious entities or persons and are pleaded pursuant to Rule 4:26-4, to temporarily suffice for the presently undetermined entities and/or persons which are subsidiaries, corporations, parent corporations, partnerships, public



entities, holding corporations and/or business entities of any nature and their agents, servants, employees, contractors, subcontractors, independent contractors, workers, engineers, planners, designers, installers, inspectors, architects or other affiliated corporations or individuals of the aforesaid Defendants and/or any and all entities, persons or companies, whose acts of negligence that may have caused and/or contributed to the injuries and damages more particularly described herein and/or that were involved in any way and or responsible for the accident and death of the decedent, Ronald Smith, as more fully described below, including but not limited to the design, manufacture, testing, installing, inspecting, servicing, repair, redesign or other act or failure to act under New Jersey's product liability laws with respect to the equipment, machinery, conveyor, sorter, palletizer, etc. used at the Amazon warehouse located at 301 Blair Road, Avenel, New Jersey, 07001 (the "Facility"). Their true names or capacities are not known at this time, and as such, Plaintiff will seek leave of Court to amend the Complaint to state the true names and capacities of the fictitious named defendants when they have been ascertained.

#### **JURISDICTION AND VENUE**

13. The jurisdiction of this Court is invoked pursuant to the New Jersey Rules of Court. This Court has jurisdiction due to the nature of the action and the amount in controversy.

14. Venue is properly set in this Court under Rule 4:3-2(a), as Plaintiff resides and the decedent, Ronald Smith, resided in Essex County.

#### **FACTS COMMON TO ALL COUNTS**

15. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth herein.

16. Dematic, at all relevant times, designed, manufactured and/or installed, serviced, sold and distributed general merchandising equipment, including conveyors, sortation and palletizing systems among other products.

17. At all relevant times, Amazon was involved in the sale, marketing, including online marketing, and/or distribution of products, and used warehouse and distribution centers throughout the United States, including the Amazon warehouse located at 301 Blair Road, Avenel, New Jersey, 07001 (the "Facility").

18. Dematic, at all relevant times, provided product related services to its customers, including but not limited to Amazon at the Avenel Facility, including providing field service, consultancy, training, engineering, servicing, upgrading, design and implementation of storage, pallet and sortation systems.

19. At all relevant times, Genco was a third-party logistics company for Amazon that operated the Facility.

20. At all relevant times, Abacus - The Corporate Services Company ("Abacus") was a staffing agency in charge of hiring, firing and payroll for certain temporary employees at the Avenel Facility.

21. Amazon owned, controlled and maintained all of the equipment in the Facility.

22. On or about December 4, 2013, Plaintiff's decedent, who was employed by Abacus, was working as a temporary warehouse worker at the Avenel Facility, working on the distribution of packages for Amazon.

23. On or about the same date and time, Smith was caused to be seriously injured when he was caught in a conveyor belt and crushed while performing sorting operations at the Avenel Facility.

24. Specifically, the conveyor belt, which was approximately 15-18 feet above the ground, became jammed and Smith went to clear the jam.

25. Smith's arm became stuck in the conveyor belt and the conveyor belt twisted his body, pushed him between two machines – the space between the two machines was less than six inches wide – and dragged him at least eight feet until he eventually fell over the side and landed on the concrete ground approximately 15-18 feet below the conveyor belt.

26. Smith sustained serious and fatal injuries, including but not limited to head injuries and a broken hip.

27. Workers at the Avenel Facility attempted to revive Smith by performing CPR on him until the paramedics arrived.

28. Smith was taken to Robert Wood Johnson Hospital in Rahway New Jersey, where he passed away.

29. The autopsy performed on Smith listed the official cause of death as multiple blunt force impact injuries.

30. As a result of Smith's death, the Occupational Safety and Health Administration ("OSHA") issued citations for safety violations at the Facility to, *inter alia*, Genco and Abacus.

31. On or about September 4, 2014, Letters of General Administration were issued by the Essex County Surrogate to Plaintiff pursuant to the order of the Superior Court of New Jersey, Chancery Division-Probate Part, County of Essex, appointing Plaintiff as general administrator of the estate of Ronald Smith, deceased, for the purpose of being appointed administrator *ad prosequendum* in order to prosecute this claim on behalf of the Estate of Ronald Smith, deceased, for his death.

32. By this action, Plaintiff seeks to recover all damages to which the Estate of Ronald Smith is entitled as a result of his wrongful death by Defendants as alleged herein.

**COUNT I – WRONGFUL DEATH**  
**(Plaintiffs v. Defendants)**

33. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

34. Defendants owed a duty to Smith, including but not limited to the following:
- a. Properly training Smith on how to use the subject conveyor belt;
  - b. Inspecting and maintaining the subject conveyor belt to ensure that it was in proper working order;
  - c. Installing proper safety features on the subject conveyor belt that would have prevented Smith from becoming stuck in the conveyor belt;
  - d. Designing and locating the subject conveyor belt in a safe place, such that one would not fall 15-18 feet if there is an accident with the conveyor belt;
  - e. Designing the subject conveyor belt in such a way that personnel using it, such as Ronald Smith, could not get stuck in the conveyor belt;

f. Installing appropriate, accessible kill switches that would have allowed Smith to stop the conveyor belt when he got caught in it; and

g. Ensuring that more than one person worked on or near the subject conveyor belt, such that another employee(s) would have seen Smith become stuck in the subject conveyor belt and could have rendered assistance.

35. Defendants were negligent in that they breached said duties to Smith by failing to take the said measures and precautions and allowing Smith to work in a dangerous work environment.

36. As a result of Defendants' negligence, Smith suffered a horrible fate, becoming caught in the conveyor belt and dragged approximately eight feet before he fell 15-18 feet and landed on a concrete floor, with fellow workers attempting to resuscitate him, then emergency medical personnel attempting to revive him, all to no avail, as Smith was declared deceased at the hospital after the accident.

**WHEREFORE**, Plaintiffs demand judgment in her favor against Defendants, individually and/or jointly and severally, for compensatory damages together with interest, counsel fees, costs of suit and such other relief as the Court deems just and equitable.

**COUNT II – SURVIVAL ACTION**  
**(Plaintiffs v. Defendants)**

37. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

38. As a result of the aforementioned actions and/or inactions on the part of defendants, Smith was caused to live in great pain from the time of the incident until the time of his death. During that time, he endured great pain and suffering, and loss of enjoyment of life.

**WHEREFORE**, Plaintiffs demand judgment in her favor against Defendants, individually and/or jointly and severally, for compensatory damages together with interest, counsel fees, costs of suit and such other relief as the Court deems just and equitable.

**COUNT III – STRICT PRODUCT LIABILITY**  
**(Plaintiffs v. Dematic and Amazon)**

39. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

40. The conveyor, palletizer, sortation and/or other equipment ("conveyor system") in use at the Avenel Facility was designed, developed, manufactured, assembled, marketed, supplied, distributed, sold, serviced, redesigned and/or placed in the stream of commerce by Dematic and Amazon, and their employees, agents and representatives owed the operators, users and/or bystanders of its equipment a duty of reasonable care.

41. At the time of its distribution, the above conveyor system was defective and negligently designed in that it was not reasonably fit, suitable or safe for its intended and reasonably foreseeable purposes and uses.

42. More specifically, and without limitation, the conveyor system failed to include safe and appropriate guards or other safeguards to protect users, workers and/or bystanders from foreseeable risk of injury.

43. In addition, the conveyor system was defective due to the failure to provide adequate warnings and/or instructions regarding the risks and dangers of the equipment during intended and reasonably foreseeable uses and by failing to adequately test the design from a safety standpoint.

44. In addition, the conveyor system was defective from a manufacturing standpoint in that it failed to conform to customer specifications and/or omitted required and/or expected safety features required by the standard of reasonable care.

45. As a direct and proximate result of the above, Smith suffered a horrible fate, becoming caught in the conveyor belt and dragged approximately eight feet before he fell 15-18 feet and landed on a concrete floor, with fellow workers attempting to resuscitate him, then emergency medical personnel attempting to revive him, all to no avail, as Smith was declared deceased at the hospital after the accident.

**WHEREFORE**, Plaintiffs demand judgment in her favor against Dematic and Amazon, individually and/or jointly and severally, for compensatory damages together with interest, counsel fees, costs of suit and such other relief as the Court deems just and equitable.

**COUNT IV – PUNITIVE DAMAGES**  
**(Plaintiffs v. Dematic and Amazon)**

46. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as though fully set forth herein.

47. Dematic and Amazon were aware of, or culpably indifferent, to unnecessary risks of injury to end users when they designed, manufactured, engineered, assembled, sold, distributed, serviced and/or modified the conveyor system and/or its components.

48. Dematic and Amazon refused to take timely steps to reduce the danger to an acceptable level, despite having information and knowledge about similar past accidents and injuries.

49. Dematic's and Amazon's concerted action was willful, wanton and in conscious disregard for the safety of the operators, users and/or bystanders of the conveyor system.

**WHEREFORE**, Plaintiff demands judgment in her favor against Dematic and Amazon, individually and/or jointly and severally, for punitive damages together with interest, counsel fees, costs of suit and such other relief as the Court deems just and equitable.

**COUNT V – POST-SALE NEGLIGENCE**  
**(Plaintiff v. Dematic and Amazon)**

50. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as though fully set forth herein.

51. Dematic and Amazon and their currently unidentified employees, agents and servants were negligent in their performance of post-sale service, repair, maintenance, modification and/or alterations to the conveyor system and failed to take timely action to recall, repair, correct, modify and/or warn its operators, users and/or bystanders of the dangers.

52. As a direct and proximate result of the above, Smith suffered a horrible fate, becoming caught in the conveyor belt and dragged approximately eight feet before he fell 15-18 feet and landed on a concrete floor, with fellow workers attempting to resuscitate him, then emergency medical personnel attempting to revive him, all to no avail, as Smith was declared deceased at the hospital after the accident.

**WHEREFORE**, Plaintiffs demand judgment in her favor against Dematic and Amazon, individually and/or jointly and severally, for compensatory damages together with interest, counsel fees, costs of suit and such other relief as the Court deems just and equitable.

**STATEMENT OF OTHER PROCEEDINGS**

Pursuant to the provisions of Rule 4:5-1(b)(2), I certify that the matter in controversy is not the subject of any other action or arbitration proceeding, now or contemplated, and that no other parties should be joined in this action.



**JURY DEMAND**

Plaintiff hereby demands a trial by jury as to all issues triable.

**DISCOVERY DEMAND**

Plaintiffs hereby demand answers to Form C and C4 Interrogatories from each Defendant within the time prescribed by the New Jersey Court Rules.

**DEPOSITION NOTICES**

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PLEASE TAKE NOTICE that in accordance with the Rules of Civil Practice and Procedure, testimony will be taken by deposition upon oral argument before a person authorized by the laws of the State of New Jersey to administer oaths on **February 19, 2016 at 10:00 a.m.** at the offices of **Budd Larner, P.C., 150 John F. Kennedy Parkway, Short Hills, New Jersey**, or other locations agreed on by the parties, with respect to any and all matters relevant to the subject matter involved in this action, at which time and place you will please produce the following person(s) whose testimony is to be taken:

- 1) Representative(s) of Amazon with knowledge:
  - a. regarding the purchase, design, manufacture, assembly, distribution set-up, modification, re-design, or post-sale events of the machinery system that caused injury and/or death to Ronald Smith as set forth above; and
  - b. regarding the investigation and/or injuries and/or death occurring to Ronald Smith.
  
- 2) Representative(s) of Dematic with knowledge:
  - a. regarding the purchase, design, manufacture, assembly, distribution set-up, modification, re-design, or post-sale events of the machinery system that caused injury and/or death to Ronald Smith as set forth above; and

- b. regarding the investigation and/or injuries and/or death occurring to Ronald Smith.
- 3) Representatives of Genco with knowledge:
- a. regarding the purchase, design, manufacture, assembly, distribution set-up, modification, re-design, or post-sale events of the machinery system that caused injury and/or death to Ronald Smith as set forth above; and
  - b. regarding the investigation and/or injuries and/or death occurring to Ronald Smith.
- 

**DEMAND FOR INSURANCE INFORMATION**

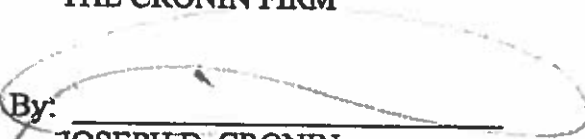
Pursuant to Rule 4:10-2(b), Plaintiffs hereby demand copies of the declaration pages of any and all insurance agreements by which any person or entity carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

**DESIGNATION OF TRIAL COUNSEL**

Joseph D. Cronin, Esquire, is hereby designated as trial counsel for Plaintiff for purposes of this matter.

Respectfully submitted,

THE CRONIN FIRM

By:   
JOSEPH D. CRONIN  
*Attorneys for Plaintiff*

Date: November 19, 2015

# EXHIBIT “A”

State of New Jersey  
Essex County Surrogate's Court

**THEODORE N. STEPHENS II**  
**SURROGATE**

Hall of Records, Room 206  
Newark, New Jersey 07102  
Phone: 973-621-4900  
Fax: 973-621-2654

**Natalynn Dunson-Harrison**  
**DEPUTY SURROGATE**

In the matter of the Estate of:

**Ronald Smith**

**AKA:**

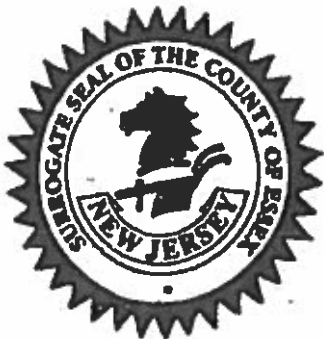
}

**LETTERS ADMINISTRATION**  
**AD PROSEQUENDUM**

I, Theodore N. Stephens II, Surrogate of Essex County and State of New Jersey, **Do Hereby Certify** that on September 4, 2014, administration ad prosequendum of decedent, who died intestate, late of the County of Essex and State of NJ was granted by the Surrogate of the County of Essex to Reshonda Hunter of who is duly authorized to bring an action, institute a proceeding or make a claim in his name as such administrator ad prosequendum as is the statute such case provided.

**DO NOT ACCEPT WITHOUT RAISED SEAL**

WITNESS my hand and seal of office on September 4,  
2014



**Theodore N. Stephens II Surrogate**