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 Attorneys for Plaintiff, Jose Rojas

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JOSE ROJAS,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION – HUDSON COUNTY
	:	
	:	DOCKET NUMBER:
Plaintiffs	:	
vs	:	Civil Action
	:	
GUIDO M. OPENNER, Individually and as servant, agent and/or employee of DAKLAPACK US, INC., DAKLAPACK US, INC., Individually; JOHN DOES 1-100 (fictitious name true identity unknown JANE DOES 1-100 (fictitious names true identity unknown), ABC CORP. 1-100 (fictitious names, true identity unknown),	:	<b>COMPLAINT, JURY DEMAND,          DESIGNATION OF TRIAL COUNSEL,          CERTIFICATION, NOTICE TO PRODUCE AND          DEMAND FOR INTERROGATORIES</b>
Defendants	:	

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Plaintiff, JOSE ROJAS, residing in Jersey City, County of Hudson, New Jersey, complaining of the Defendants, says:

**FIRST COUNT**

1. On or about the 19<sup>th</sup> day of November, 2018, Plaintiff, JOSE ROJAS, was a pedestrian crossing at the cross walk from Barrow Street to York Street, in the City of Jersey City, Hudson County, New Jersey.

2. At the time and place aforesaid, Defendant, GUIDO M. OPENNER, was operating a motor vehicle owned by Defendant, DAKLAPACK US, INC., which was traveling

east bound on York Street and he attempted to make a left turn onto Barrow Street, in the City of Jersey City, Hudson County, New Jersey striking the Plaintiff.

3. Defendant so negligently and carelessly operated his motor vehicle so as to cause a collision to occur.

4. As a direct and proximate result of the of the negligence of Defendants individually, jointly or severally, the Plaintiff, JOSE ROJAS, was caused to suffer injuries to his head, limbs and body; he was caused to suffer great pain and will be caused to suffer great pain in the future; he was caused to incur medical expenses and will be caused to incur medical expenses in the future; he was caused to lose time from his employment and will be caused to lose time from his employment in the future; and he was caused to suffer permanent injury.

5. Plaintiff JOSE ROJAS further contends that the physical injuries he sustained as a result of this collision are permanent and, therefore, she is entitled under the provision of N.J.S.A. 39:6A-1 et. seq., and all amendments thereto, to maintain this action.

**WHEREFORE**, Plaintiff demands judgment against the Defendants, individually jointly, severally or in the alternative for compensatory damages, attorney's fees, costs of suit punitively damages and such other and further relief as the court may deem proper in this count.

### **SECOND COUNT**

1. Plaintiff JOSE ROJJAS repeats all allegations contained in the First Count and makes them a part hereof as though the same were more fully set forth herein.

2. At the time aforesaid, Defendant, DAKLAPACK US., INC., was the owner of the motor vehicle operated by Defendant, MICHAEL A. HORN.

3. As the result of the negligence of Defendant, DAKLAPACK US, INC. , in permitting the use of said motor vehicle by Defendant, GUIDO M. OPENNER, Plaintiff, JOSE ROJAS, was permanently injured, suffered and will in the future suffer great pain and mental anguish, was required and will in the future be required to seek medical care and attention, and was prevented and will in the future be prevented from engaging in his usual pursuits and occupations.

4. As a result of permitting Defendant, GUIDO M. OPENNER, to operate said motor vehicle for his pleasure, business and /or family use, and/or as the agent of the DAKLAPACK US, INC., Defendant, DAKLAPACK US, INC., is or may be primarily and vicariously liable for the injuries sustained by the Plaintiff, JOSE ROJAS as the result of negligence, carelessness and recklessness of the permitted user, Defendant, GUIDO M. OPENNER.

**WHEREFORE**, Plaintiff, JOSE ROJAS, demands judgment against the Defendant, DAKLAPACK US, INC., for compensatory damages, together with interest, costs of suit and such other damages as the Court may deem just and appropriate

### **THIRD COUNT**

1. Plaintiff repeats the allegations contained in all prior Counts and makes them a part hereof as though the same were more fully set forth herein.

2. Plaintiff alleges there was a breach of motor vehicle and other statutes and that constitutes a statutory tort.

**WHEREFORE**, Plaintiff JOSE ROJAS, demands judgment against the Defendants for compensatory damages, together with interest, costs of suit and such other damages as the Court may deem just and appropriate.

**FOURTH COUNT**

1. Plaintiff repeats the allegations contained in all prior Counts and makes them a part hereof as though the same were more fully set forth herein.

2. As a direct result of the negligence of the Defendants, JOHN DOE 1-100 (fictitious name, true identity unknown), JANE DOE 1-100 (fictitious name, true identity unknown) and ABC CORP. 1-100 (fictitious name, true identity unknown), Plaintiff, JOSE ROJAS, was severely and permanently injured, suffered and in the future will experience great pain and suffering, did and in the future 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 his necessary affairs and business.

**WHEREFORE**, Plaintiff, JOSE ROJAS, demands judgment against the Defendant(s), JOHN DOE 1-100 (fictitious name, true identity unknown), JANE DOE 1-100 (fictitious name, true identify unknown) and ABC CORP. 1-100 (fictitious name, true identity unknown), for compensatory damages, together with interest, costs of suit and such other damages as the Court may deem just and appropriate.

**FIFTH COUNT**

1. Plaintiff repeats the allegations contained in all prior Counts and makes them a part hereof as though the same were more fully set forth herein and made a part hereof.

2. Defendants were grossly negligent, and further the Defendants' actions were reckless, willful, wanton and/or intentional. These actions did result in the injuries suffered by the Plaintiff, JOSE ROJAS.

**WHEREFORE**, JOSE ROJAS, demands judgment against the Defendants for compensatory damages, together with interest, costs of suit and such other damages as the Court may deem just and appropriate.

**JURY DEMAND**

PLEASE TAKE NOTICE that Plaintiff, pursuant to R. 4:35-1, demands a trial by jury as to all issues.

**DESIGNATION OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that pursuant to R.4:25-4, BARRY R. EICHEN, is hereby designated as trial counsel in the above matter for the firm of Eichen Crutchlow Zaslow, LLP, attorneys for the Plaintiff.

**CERTIFICATION**

I hereby certify that this matter is not the subject matter of any other suit presently pending in any other Court or in any arbitration proceeding. At this time, we know of no other parties not named herein that should be joined.

**NOTICE TO PRODUCE**

Pursuant to Rule 4:18-1, the plaintiff hereby demands that the defendants produce the following documents within thirty (30) days as prescribed by the Rules of Court, Additionally, please be advised that the following requests are ongoing and continuing in nature and the defendant is, therefore, required to continuously update its responses thereto as new information or documentation comes into existence.

1. The amounts of any and all insurance coverage covering the defendants, including but not limited to, primary insurance policies, secondary insurance policies and/or

umbrella policies. For each such policy of insurance, supply a copy of the declaration page therefrom.

2. Copies of any and all documentation or reports, including but not limited to, police reports, accident reports and/or incident reports concerning the happening of the incident in question or any subsequent investigation of same.

3. Copies or duplicates of any and all photographs, motion pictures, videotapes, films, drawings, diagrams, sketches, or other reproductions, descriptions or accounts concerning the individuals involved in the accident in question, the property damage sustained, the accident scene, or anything else relevant to the incident in question.

4. Copies of any and all signed or unsigned statements, documents, communications and/or transmissions, whether in writing, made orally or otherwise recorded by any mechanical or electronical means, made by any party to this action, any witness, or any other individual, business, corporation, investigative authority, or other entity concerning anything relevant to the incident in question.

5. Copies of any and all documentation, including but not limited to, contracts between the owner of the property or product involved in the incident in question or any of the parties involved in this matter.

6. Copies of any and all discovery received from any other parties to the action in question.

7. Copies of any and all medical information and/or documentation concerning the plaintiff in this matter whether it concerns any medical condition or treatment which took place before, during or after the time of the incident in question.

8. Copies of any and all records of any type subpoenaed by the defendant or received from any other source concerning the plaintiff or the incident in question.

9. Provide the phone number, address and cell phone carrier of the defendant together with a copy of the bill for 1 month prior to the accident, the month of the accident and 2 months after the accident.

10. A complete copy of the property damage file for the defendant's vehicle.

**DEMAND FOR INTERROGATORIES**

DEMAND is hereby made on the defendants to answer fully and responsively Form C and Form C(1) uniform interrogatories, personal injury, Superior Court, found in Appendix II as provided by R.4:17-1(b)(ii) and the other applicable Rules of Court.

**EICHEN CRUTCHLOW ZASLOW, LLP**

Attorneys for Plaintiffs

*s/Barry R. Eichen*

By: \_\_\_\_\_

BARRY R. EICHEN

Dated: July 10, 2018