

**JOHN LAWYER, ESQ.
12 MAIN STREET
ANYWHERE, USA**

JANE DOE,

Plaintiff,

vs.

JOHN DOE and ABC, INC.

Defendants.

**SUPERIOR COURT OF NEW
JERSEY
[insert] COUNTY
LAW DIVISION**

DOCKET NO.

CIVIL ACTION

**COMPLAINT, JURY DEMAND,
DESIGNATION OF TRIAL COUNSEL**

Plaintiff, Jane Doe, residing at [insert], by way of Complaint against the Defendants,
says:

THE PARTIES

1. Plaintiff Jane Doe, is a United State Citizen and resident of [insert], residing at [insert address].
2. Upon information and belief, Defendant, John Doe is a United States citizen and a [insert state] resident residing at [insert address].
3. Upon information and belief, Defendant, ABC, Inc. is an entity doing business in the State of [insert] and it is unknown whether or not this Defendant is a [insert] Corporation. Defendant ABC Inc. maintains a store in [insert town], [insert state] which is open to the public and sells consumer products. It is believed that this store is identified as AStore[insert]" and it is located on [insert address].

COUNT ONE: NEGLIGENCE

1. On or about [insert date], Plaintiff was shopping at the [insert store]. At this time Plaintiff was a lawful business invitee legally walking about the aforementioned premises.
2. On the aforesaid date, the Plaintiff was seriously injured when Defendant John Doe cut and lacerated her left hand with a Aputty knife@ while walking through the ABC Inc.
3. The Plaintiff's injuries were proximately caused by the negligence of the Defendants since the Defendants created a dangerous, hazardous and unsafe condition; failed to warn the Plaintiff of the dangerous, hazardous and unsafe condition which caused her injuries; failed to inspect the premises including any products for sale to the public; failed to provide Plaintiff with notice of the dangerous, hazardous and unsafe condition; and, the Defendant ABC Inc. also acted negligently in its ownership, control, operation, management and supervision of its store.
4. As a result of the aforesaid negligence, the Defendants are liable to the Plaintiff for her injuries which were proximately caused by the aforesaid negligence.
5. As a result of the Defendants' negligence, Plaintiff suffered serious and permanent injuries; was forced to expend diverse sums of money for her treatment and care; and, in the future will experience great pain and suffering.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against all Defendants jointly and severally, for damages, interest, attorney's fees and costs of suit.

COUNT TWO - PRODUCT LIABILITY

1. The Plaintiff repeats the allegations of the First Count of this complaint as if same were repeated at length.
2. The Defendant ABC Inc. sells consumer products to the public and holds itself out as a competent, responsible and professional retailer of such products.

3. The Plaintiff relief upon Defendant ABC Inc.'s reputation, skill and good will in shopping at its store.

4. The Defendant ABC Inc. and/or its agents, servants or employees failed to inspect the Aputty knife@ which caused the Plaintiff's injuries and had such an inspection been conducted this Defendant would have discovered that said knife was unsafe for retail to the public in its condition and that it was reasonably foreseeable that injuries were likely to occur to ABC Inc. customers as a result of the dangerous condition of said knife.

5. This Defendant also failed to warn customers or others handling said knives of its dangerous condition thus breaching a duty to foreseeable Plaintiffs such as the Plaintiff in this case.

6. This Defendant also failed to adequately package and label said knife to sale to the public such that customers or others reasonably foreseeable and likely to handle said knife would perpetuate a dangerous condition which was a reasonable foreseeable danger and hazard to reasonable foreseeable Plaintiffs such as the Plaintiff in this case.

WHEREFORE, Plaintiff, Jane Doe, demands judgment against all Defendants jointly and severally, for damages, interest, attorney's fees and costs of suit.

COUNT THREE - BREACH OF WARRANTY

1. The Plaintiff repeats the allegations of the First and Second Counts of this complaint as if same were repeated at length.

2. The Defendant ABC Inc., a merchant who sells consumer products to the public, warrants (either implicitly or explicitly) that its products are merchantable, fit for use and sale to the public, and otherwise safe for consumer use.

3. The Defendant ABC Inc. breached the foregoing warranties by offering and allowing customers at its store to handle a Apatty knife@ which was unsafe, not merchantable and unfit for use and sale to the public.

WHEREFORE, Plaintiff demands judgment against all Defendants jointly and severally, for damages, interest, attorney's fees and costs of suit.

DEMAND FOR TRIAL BY JURY

Pursuant to R. 4:35-1, Plaintiff in the within cause hereby demands a trial by jury of all issues raised in the complaint.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, John Lawyer, Esq., is hereby designated as trial counsel in the within matter.

CERTIFICATION

I hereby certify, pursuant to R. 4:5-1, that the matter in controversy in this action is not the subject of any other action pending in any court or of a pending arbitration proceeding, no other action or arbitration is contemplated and no other parties must be joined in this action.

By: _____
JOHN LAWYER

Dated: