

EXHIBIT B

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Attorneys for *Plaintiff*

LEE KENWORTHY as the administrator of
the ESTATE OF SHAYLING KENWORTHY
and LEE KENWORTHY, individually

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY
DOCKET NO. BER-L-

Plaintiffs,

CIVIL ACTION

-against-

COMPLAINT

LYNDHURST POLICE DEPARTMENT;
POLICE OFFICER PHILLIP REINA, in his
individual capacity; POLICE OFFICER
HAGGERTY, in his individual capacity,
LYNDHURST POLICE OFFICER PHILLIP
REINA, in his individual capacity;
SERGEANT RICHARD PIZZUTI, in his
individual capacity; LYNDHURST
TOWNSHIP AMBULANCE SQUAD;
TOWNSHIP OF LYNDHURST; ROBERT
MARTIN; ANN MARTIN; RICHARD
ANDERSON; LAUREN ANDERSON.

Defendants.
_____X

Plaintiff, complaining of the defendant by his attorneys, FRANZBLAU DRATCH, P.C.
respectfully alleges upon information and belief as follows:

THE PARTIES AND FACTS COMMON TO ALL COUNTS

1. Plaintiff, Lee Kenworthy is the husband and administrator ad prosequendum for his wife and Estate of Shayling Kenworthy.
2. Upon information and belief, defendant Lynhurst Police Department is headquartered at 367 Valley Brook Avenue, Lyndhurst, New Jersey 07071
3. Upon information and belief, Police Offier Reina is an individual employed at

the Lyndhurst Police Department.

4. Upon information and belief, Police Officer Phillip Reina is employed at the Lyndhurst Police Department.

5. Upon information and belief, Sergeant Richard Pizzutti, is employed at the Lyndhurst Police Department.

6. Upon information and belief, the Lyndhurst Police Ambulance Squad is the ambulance squad for the Lynhurst Township located at 297 Delafield Avenue, Lyndhurst, New Jersey, 07071.

7. The Township of Lyndhurst is a town in New Jersey with headquarters located at 367 Valley Brook Avenue, Lyndhurst, New Jersey 07071.

8. Upon information and belief, Robert and Ann Martin (hereinafter "Martins") are the owners of the premises located at 287 Castle Terrace, Lyndhurst, New Jersey 07071 and reside at 5 Duncan Street, Waldwick, New Jersey 07463.

9. Upon information and belief, Richard and Lauren Anderson, ("Andersons") are the owners of the premises located at 287 Castle Terrace, Lynhurst New Jersey located at 5 Duncan Street, Waldwick, New Jersey 07463.

10. Plaintiff and decedent rented an apartment from the defendant Anderson and Martins located at 287 Castle Terrace, Lyndhurst, New Jersey

11. The apartment was in disrepair when rented, fully covered with animal fur, feces and urine to which decedent had a terrible allergy to same.

12. Plaintiff and decedent continually complained to defendants however, defendants refused and/or neglected to make the necessary repairs to the premises.

13. On August 31, 2016, plaintiff and decedent were moving their items out of the apartment when decedent began to have a asthma attack due to the deteriorating conditions of the apartment.

14. The Lyndhurst Police Department were summoned and the individual

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defendant officers arrived at the scene.

15. The individual officers offered no assistance to decedent as she was suffering from an acute asthma attack.

16. The Lyndhurst Ambulance Squad arrived and failed to perform any assistance to decedent while she was suffering from an asthma attack.

17. Plaintiff was eventually transferred to Meadowlands Medical Center where she was pronounced dead, however, decedent was dead at the premises wherein appropriate medical treatment was provided.

FIRST COUNT
(AS TO DEFENDANTS MARTINS AND ANDERSONS)

18. Defendants Martin and Andersons were the owners of the property in question.

19. Defendants leased the apartment to plaintiff and decedent and their two children.

20. Defendants had a duty to provide the family with a safe and clean apartment.

21. The apartment was covered in animal fur, feces and urine all of which were made known to defendants.

22. As a result of the deplorable conditions of the apartment on August 31, 2016, decedent suffered an acute asthma attack due to the severe allergy she had with respect to animals.

23. The defendants failed, refused and/or neglected to clean the apartment for decedent.

24. Due to the carelessness, recklessness and negligence of defendants in failing to provide a clean apartment free of animal fur, feces and urine, decedent was caused to suffer pain, asthma attacks and on August 31, 2016 her death.

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WHEREFORE, plaintiff demands judgment against the defendants as follows:

- (a) compensatory damages;
- (b) court costs;
- (c) interest;
- (e) for such other relief as the Court deems just and proper.

SECOND COUNT

(AS TO ALL PUBLIC ENTITY and PUBLIC INDIVIDUAL DEFENDANTS)

25. Plaintiff repeats and realleges the foregoing paragraphs as if more fully set forth herein.

26. On August 31, 2016, decedent was suffering from an acute asthma attack.

27. The public entity individuals and defendants arrived at the scene and witnessed decedent in a state of helplessness who could not breathe.

28. The defendants acted palpably unreasonable in failing to assist decedent while she was having a asthma attack.

29. Due to the recklessness, carelessness, gross negligence and negligence of each of the defendants, plaintiff was caused to have pain and suffering resulting in her death.

30. As a direct and proximate cause of defendants' actions in failing to render aid to decedent, she died.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

- (a) compensatory damages;
- (b) court costs;
- (c) interest;
- (e) for such other relief as the Court deems just and proper.

THIRD COUNT

(AS TO THE INDIVIDUAL OFFICERS)

31. Decedent (hereinafter "Plaintiff") is an individual brings this action against

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defendant officers, in his individual capacity for monetary damages to redress her wrongful death. Plaintiff brings this action under New Jersey State Constitution and N.I.S.A. 10-6-2 for the wrongful death of his wife as a result of the defendant's actions. This is a civil action seeking damages against defendant for committing acts under color of law, and depriving the plaintiff of rights secured by the New Jersey State Constitution and N.I.S.A. 10-6:2

32. As a direct and proximate result of defendants' actions, plaintiff was deprived of rights privileges and immunities secured to her under the Constitution of and laws of the State of New Jersey, including, but not limited to his rights under N.I.S.A. 10-6:2, to be secure in their person, to be free from wrongful death.

33. As a result of the aforesaid violations of decedent's right, decedent was caused to suffer pain including, but not limited to emotional distress, loss of enjoyment of life, and death.

WHEREFORE, plaintiff demands judgment against the defendants as follows:

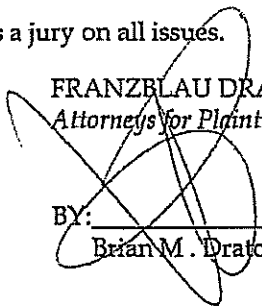
- (a) compensatory damages
- (b) punitive damages;
- (c) attorney's fees;
- (d) interest;
- (e) for such other relief as the Court deems just and proper

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JURY DEMAND

Plaintiff hereby demands a jury on all issues.

FRANZBLAU DRATCH, P.C.
Attorneys for Plaintiff

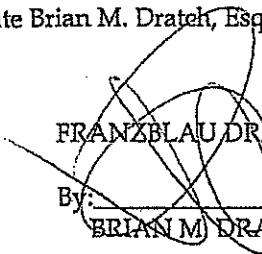
BY: 

Brian M. Dratch

DATED: October 19, 2017

TRIAL COUNSEL DESIGNATION

Plaintiffs hereby designate Brian M. Dratch, Esq. as their trial counsel in accordance with the Rules of Court.

FRANZBLAU DRATCH, P.C.
By: 

BRIAN M. DRATCH

DATED: October 19, 2017

CERTIFICATION

I, Brian M. Dratch, Esq., hereby certify that in accordance with Rule 4:5-1 this is the only action presently pending and that no other action or arbitration is contemplated and that to plaintiffs' knowledge no other persons should be joined as a party in these proceedings.



BRIAN M. DRATCH

DATED: October 19, 2017