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Law Attorney.
+ Admitted to NJ and NY Bars

March 5, 2014

VIA LAWYERS SERVICE
Runnels Specialized Hospital
And/or Runnels Nursing Home
40 Watchung Way
Berkeley Heights, NJ 07922

Re: Salvatore Zotti v. Runnels Specialized Hospital, et al.
Docket No.: UNN-L-0504-14

Dear Sir/Madam:

Enclosed herewith please find the following for service upon you:

1. Summons and Complaint;
2. Case Information Statement;
3. First Amended Complaint with Exhibits A-D;
4. Plaintiff's Interrogatories; and
5. Plaintiff's Request for Production of Documents.

Kindly respond ~~to the~~ above-referenced enclosures within the time prescribed by the Rules of Court. Should you have any questions or concerns, please do not hesitate to contact me.

Very truly yours,

JOHN D. GAGNON

JDG:wsd
Enclosures

ROTHENBERG, RUBENSTEIN, BERLINER & SHINROD, LLC
14 East Main Street
Clinton, New Jersey 08809
(908) 238-9991

Attorney for Salvatore Zotti by Gioacchino Zotti, executor of
the Estate of Salvatore Zotti and proposed Executor ad
Prosequendum

Salvatore Zotti by Gioacchino
Zotti, executor of the Estate
of Salvatore Zotti and
proposed Executor ad
Prosequendum

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO: UNN-L-504-14

CIVIL ACTION

Plaintiff,

v.

Runnels Specialized Hospital,
Runnels Nursing Home, County
of Union, XYZ COMPANY(S) (a
fictitious name identifying
corporate owner(s) of Runnels
Specialized Hospital and or
Runnels Nursing Home), K.S.,
K.A., K.Y., S.W., D.A., B.J.,
C.S., C.R., A.E., C.L., R.L.,
L.L., M.P., A.M., B., L.T.,
L.M., L.F., J.M., J.N., E.A.,
M.S., J.V., C.G., M.W., F.D.,
J.S., S.V., M.D., E.S., E.G.,
R.V., K.S., D.B., M.P., L.S.,
V.B., A.C., R.C., L.B., F.D.,
L.T., L.M.B., F.D., S.O., and
J.N. (initials identifying
nurses or other medical
personnel who provided care
and treatment to Salvatore
Zotti between the dates of
2/8/2012 and 2/22/2012 that
appear in the Runnels
Specialized Hospital
Restorative Care Flow Sheet
and/or the Runnels Specialized
Hospital ADL Flow Record,
annexed hereto as Exhibits A
and B) and or XX (fictitious
initials identifying nurses or
other medical personnel who
provided care and treatment to
Salvatore Zotti between the

PLAINTIFF'S
REQUESTS FOR PRODUCTION TO
RUNNELS SPECIALIZED HOSPITAL
AND/OR RUNNELS NURSING HOME

dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B), Kay Sanz, Kay Alan, L. Bahr, Sarah Williams, Deanie Adams, "Jane" Adams (first name being fictitious), Bea Johnson, Bev Johnson, C. Lopes, Monelle Paul, Moselle Paul, Lucenne Kasoy, Laurene Figaro, "Jane" Alex (first name being fictitious), Yolanda Vytar, Coleen Gonzalez, Gilbert "Doe" (last name being fictitious), "Jane" Gilbert (first name being fictitious), Eyma Comse, Peggy I'Orio and or Jane Doe (actual and or fictitious names identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B) Redentor S. Mendiola, M.D., Vashdeo Harjani, M.D., Dr. "John" Zhang (first name being fictitious), Dr. "John" Won (first name being fictitious), Samir Patel, M.D., Dr. "John" Alla (first name being fictitious), Shilpa Shroff, M.D., S. Booth, M.D., John Doe, M.D. (a fictitious name identifying doctor(s), nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels

Specialized Hospital record annexed hereto as Exhibit C) their servants, agents and/or representatives jointly, severally or in the alternative, RICHARD ROE MEDICAL DIRECTOR(S) (a fictitious name identifying medical director(s) of Runnels Specialized Hospital), Daughters of Israel, ABC COMPANY(S) (a fictitious name identifying corporate owner(s) of Daughters of Israel), J.B., K.E., K.S., R.W.K., K.Z., P.H., S.B., S.W., C.H., C.W., J.D., J.B., A.K., K.C., J.S., P.D., C.B., G.D., M.B., M.R., and R.W. (initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D) and or YY (fictitious initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D), Melissa Arkin, "Jane" Bowen (first name fictitious), Wendy Lynch, Regina Garrell, Bebe Li, Suzanne Hamilton, Jeffrey Kaplan, Christina Davitt, "Jane" Auella (first name fictitious), "Jane" Pasumbae (first name fictitious), Cheryl Fisce, "Jane" Donaghue (first name fictitious), "Jane" Haskins (first name fictitious) and/or Jane Doe (actual and or fictitious names identifying nurses or other medical personnel who

provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D), Muthu Arunachalam, M.D., Anne-Marie Gracia, M.D., "John" Miller, M.D. (first name fictitious), Jerrold Zeitels, M.D., Neil Goldberg, M.D. and John Doe, M.D. (a fictitious name identifying doctor(s), nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D), their servants, agents and/or representatives jointly, severally or in the alternative, JOHN ROE MEDICAL DIRECTOR(S) (a fictitious name identifying medical director(s) of Daughters of Israel),

Defendants.

Pursuant to R. 4:18 of the Rules Governing the Courts of New Jersey, plaintiff, Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, hereby requests that defendant Runnels Specialized Hospital and/or Runnels Nursing Home produce the following documents.

Attorneys for plaintiff

By: 

JOHN D. GAGNON, ESQ.

DATED: 3/5/2014

REQUESTS

1. A complete, legible, and certified transcription of all handwritten notes that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet annexed to the Complaint as Exhibit A.
2. A complete, legible, and certified transcription of all handwritten notes that appear in the Runnels Specialized Hospital ADL Flow Record annexed to the Complaint as Exhibit B.
3. A complete, legible, and certified transcription of all handwritten notes that appear in the Runnels Specialized Hospital record annexed to the Complaint as Exhibit C.
4. A complete, legible, and certified copy of the entire Runnels Specialized Hospital chart for Salvatore Zotti for 2/8/2012 to 2/22/2012.

Craig M. Rothenberg, Esq. - Attorney ID #: 044381987
ROTHENBERG, RUBENSTEIN, BERLINER & SHINROD, LLC
14 East Main Street
Clinton, New Jersey 08809
(908) 238-9991

Attorney for Salvatore Zotti by Gioacchino Zotti, executor of
the Estate of Salvatore Zotti and proposed Executor ad
Prosequendum

Salvatore Zotti by Gioacchino
Zotti, executor of the Estate
of Salvatore Zotti and
proposed Executor ad
Prosequendum

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO: UNN-L-504-14

CIVIL ACTION

Plaintiff,

SUMMONS

v.

Runnels Specialized Hospital,
Runnels Nursing Home, County
of Union, XYZ COMPANY(S) (a
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corporate owner(s) of Runnels
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K.A., K.Y., S.W., D.A., B.J.,
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annexed hereto as Exhibits A

and B) and or XX (fictitious initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B), Kay Sanz, Kay Alan, L. Bahr, Sarah Williams, Deanie Adams, "Jane" Adams (first name being fictitious), Bea Johnson, Bev Johnson, C. Lopes, Monelle Paul, Moselle Paul, Lucenne Kasoy, Laurene Figaro, "Jane" Alex (first name being fictitious), Yolanda Vytar, Coleen Gonzalez, Gilbert "Doe" (last name being fictitious), "Jane" Gilbert (first name being fictitious), Eyma Comse, Peggy I'Orio and or Jane Doe (actual and or fictitious names identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B) Redentor S. Mendiola, M.D., Vashdeo Harjani, M.D., Dr. "John" Zhang (first name being fictitious), Dr. "John" Won (first name being fictitious), Samir Patel, M.D., Dr. "John" Alla (first name being fictitious), Shilpa

Shroff, M.D., S. Booth, M.D., John Doe, M.D. (a fictitious name identifying doctor(s), nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital record annexed hereto as Exhibit C) their servants, agents and/or representatives jointly, severally or in the alternative, RICHARD ROE MEDICAL DIRECTOR(S) (a fictitious name identifying medical director(s) of Runnels Specialized Hospital), Daughters of Israel, ABC COMPANY(S) (a fictitious name identifying corporate owner(s) of Daughters of Israel), J.B., K.E., K.S., R.W.K., K.Z., P.H., S.B., S.W., C.H., C.W., J.D., J.B., A.K., K.C., J.S., P.D., C.B., G.D., M.B., M.R., and R.W. (initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D) and or YY (fictitious initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 3/1/2012 and 10/23/2012 that appear in the Daughters of Israel records annexed hereto as Exhibit D), Melissa Arkin, "Jane" Bowen (first name fictitious), Wendy

Lynch, Regina Garrell, Bebe
Li, Suzanne Hamilton, Jeffrey
Kaplan, Christina Davitt,
"Jane" Auella (first name
fictitious), "Jane" Pasumbae
(first name fictitious),
Cheryl Fisce, "Jane" Donaghue
(first name fictitious),
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Muthu Arunachalam, M.D., Anne-
Marie Gracia, M.D., "John"
Miller, M.D. (first name
fictitious), Jerrold Zeitels,
M.D., Neil Goldberg, M.D. and
John Doe, M.D. (a fictitious
name identifying doctor(s),
nurses or other medical
personnel who provided care
and treatment to Salvatore
Zotti between the dates of
3/1/2012 and 10/23/2012 that
appear in the Daughters of
Israel records annexed hereto
as Exhibit D), their servants,
agents and/or representatives
jointly, severally or in the
alternative, JOHN ROE MEDICAL
DIRECTOR(S) (a fictitious name
identifying medical
director(s) of Daughters of
Israel),

Defendants.

The State of New Jersey, to the Above Named Defendant(s):

RUNNELS SPECIALIZED HOSPITAL AND/OR
RUNNELS NURSING HOME,

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: 3/5/14

ELISABETH ANN STROM/s/
ELISABETH ANN STROM
Clerk of the Superior Court

Name of Defendant to Be Served:

RUNNELS SPECIALIZED HOSPITAL
AND/OR RUNNELS NURSING HOME
RISK MANAGEMENT DEPT.

Address for Service:

40 Watchung Way
Berkeley Heights, NJ 07922

NOTE: The Case Information Statement is available at
www.njcourts.com.

RECEIVED / FILED
Superior Court of New Jersey

FEB 10 2014

CIVIL CASE MANAGEMENT
UNION COUNTY

Craig M. Rothenberg, Esq. - Attorney ID #: 044381987
ROTHENBERG, RUBENSTEIN, BERLINER & SHINROD, LLC
14 East Main Street
Clinton, New Jersey 08809
(908) 238-9991

Attorney for Salvatore Zotti by Gioacchino Zotti, executor of
the Estate of Salvatore Zotti and proposed Executor ad
Prosequendum

Salvatore Zotti by Gioacchino
Zotti, executor of the Estate
of Salvatore Zotti and
proposed Executor ad
Prosequendum

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: UNION COUNTY
DOCKET NO: UNN-L-

UNN-L-0504-14
CIVIL ACTION

Plaintiff(s),

v.

COMPLAINT
AND JURY DEMAND
MEDICAL MALPRACTICE
NURSING HOME
WRONGFUL DEATH
SURVIVAL

Runnels Specialized Hospital,
Runnels Nursing Home, County
of Union, XYZ COMPANY(S) (a
fictitious name identifying
corporate owner(s) of Runnels
Specialized Hospital and or
Runnels Nursing Home), K.S.,
K.A., K.Y., S.W., D.A., B.J.,
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appear in the Runnels
Specialized Hospital
Restorative Care Flow Sheet
and or the Runnels
Specialized Hospital ADL Flow
Record, annexed hereto as

Exhibits A and B) and or XX (fictitious initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B), Kay Sanz, Kay Alan, L. Bahr, Sarah Williams, Deanie Adams, "Jane" Adams (first name being fictitious), Bea Johnson, Bev Johnson, C. Lopes, Monelle Paul, Moselle Paul, Lucenne Kasoy, Laurene Figaro, "Jane" Alex (first name being fictitious), Yolanda Vytar, Coleen Gonzalez, Gilbert "Doe" (last name being fictitious), "Jane" Gilbert (first name being fictitious), Eyma Comse, Peggy I'Orio and or Jane Doe (actual and or fictitious names identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B) Redentor S. Mendiola, M.D., Vashdeo Harjani, M.D., Dr. "John" Zhang (first name being fictitious), Dr. "John" Won

(first name being fictitious), Samir Patel, M.D. Dr. "John" Alla (first name being fictitious), Shilpa Shroff, M.D., S. Booth, M.D., John Doe, M.D. (a fictitious name identifying doctor(s), nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital record annexed hereto as Exhibit C) their servants, agents and/or representatives jointly, severally or in the alternative, RICHARD ROE MEDICAL DIRECTOR(S) (a fictitious name identifying medical director(s) of Runnels Specialized Hospital), Defendant(s).

The plaintiff, Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, residing at 15 Edwards Drive, Flemington, New Jersey by way of Complaint says as follows:

FIRST COUNT

1. On or about January 8, 2012, Salvatore Zotti had a stroke and was admitted to Overlook Medical Center.
2. On or about February 8, 2012, Salvatore Zotti was discharged from Overlook Medical Center.
3. On or about February 8, 2012 Runnels Specialized Hospital

and or Runnels Nursing Home was a hospital, nursing home and or sub-acute rehabilitation center licensed in the State of New Jersey to provide nursing home and or other medical care.

4. At all times relevant hereto the defendant County of Union owned, controlled or was otherwise responsible for the acts and or omissions of Runnels Specialized Hospital and or Runnels Nursing Home and or their staff, agents, servants or assignees.
5. On or about February 8, 2012, Salvatore Zotti was discharged from Overlook Hospital and admitted to Runnels Specialized Hospital and/or Runnels Nursing Home.
6. At the time of his admission Salvatore Zotti was 82 years of age.
7. Salvatore Zotti remained in the facility known as Runnels Specialized Hospital and/or Runnels Nursing Home until being discharged on or about February 21, 2012.
8. While at the facility known as Runnels Specialized Hospital and/or Runnels Nursing Home, Salvatore Zotti received care and treatment from various entities, nurses, physicians and or other medical personal including but not limited to Runnels Specialized Hospital, Runnels Nursing Home, County of Union, XYZ COMPANY(S) (a fictitious name identifying corporate owner(s) of Runnels Specialized Hospital and or

Runnels Nursing Home), K.S., K.A., K.Y., S.W., D.A., B.J., C.S., C.R., A.E., C.L., R.L., L.L., M.P., A.M., B., L.T., L.M., L.F., J.M., J.N., E.A., M.S., J.V., C.G., M.W., F.D., J.S., S.V., M.D., E.S., E.G., R.V., K.S., D.B., M.P., L.S., V.B., A.C., R.C., L.B., F.D., L.T., L.M.B., F.D., S.O., and J.N. (initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B) and or XX (fictitious initials identifying nurses or other medical personnel who provided care and treatment to Salvatore Zotti between the dates of 2/8/2012 and 2/22/2012 that appear in the Runnels Specialized Hospital Restorative Care Flow Sheet and or the Runnels Specialized Hospital ADL Flow Record, annexed hereto as Exhibits A and B), Kay Sanz, Kay Alan, L. Bahr, Sarah Williams, Deanie Adams, "Jane" Adams (first name being fictitious), Bea Johnson, Bev Johnson, C. Lopes, Monelle Paul, Moselle Paul, Lucenne Kasoy, Laurene Figaro, "Jane" Alex (first name being fictitious), Yolanda Vytar, Coleen Gonzalez, Gilbert "Doe" (last name being fictitious), "Jane" Gilbert (first name being fictitious), Eyma Comse, Peggy I'Orio and or Jane Doe (actual and or

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9. While at the facility known as Runnels Specialized Hospital and/or Runnels Nursing Home, Salvatore Zotti received care and treatment from the defendants aforesaid.
10. At all times relevant hereto the defendants referenced

herein were careless, negligent and or professionally negligent and did deviate from acceptable standards of medical care in their treatment of Salvatore Zotti.

11. As a direct and proximate result of the carelessness, negligence, professional negligence and or deviation from accepted standards of medical care of the defendants as aforesaid, Salvatore Zotti developed pressure ulcers.
12. As a direct and proximate result of the negligence of the defendants as aforesaid, the pressure ulcers incurred by Salvatore Zotti were permitted to worsen and become a serious and chronic medical condition which Salvatore Zotti suffered from for the balance of his life.
13. As a direct and proximate result of the pressure ulcers incurred by Salvatore Zotti, he was subjected to extreme physical and emotional pain and suffering, disability, disfigurement and loss of enjoyment of life.
14. As a direct and proximate result of the pressure ulcers incurred by Salvatore Zotti, both he and his family incurred significant medical expense which they paid directly and or through a third party including but not limited to Medicare for which there is a lien.
15. As a direct and proximate result of the pressure ulcers incurred by Salvatore Zotti, he was caused to die.
16. Salvatore Zotti died on October 23, 2012.

17. This action sounds in both wrongful death (NJSA 34:15-40) and survival (NJSA 2A:15-3) pursuant to New Jersey statute.
18. Gioacchino Zotti, the natural son of Salvatore Zotti was appointed the executor of the Estate of Salvatore Zotti.
19. Salvatore Zotti was survived by his wife Rosa Zotti and his children Mina Conte, Maria Genova and Gioacchino Zotti.
20. Rosa Zotti, Mina Conte, Maria Genova and Gioacchino Zotti have incurred pecuniary and other damages as a direct and proximate result of the injuries suffered by Salvatore Zotti due to the acts and or omissions of the defendants aforesaid.

WHEREFORE, Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demands judgment against the defendant(s) aforesaid for damages, economic and non-economic, compensatory and punitive, together with interest and costs of suit and all other damages allowed by the Rules of Court.

SECOND COUNT

1. Plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, repeats and incorporates herein each and every allegation contained in the Complaint as if set forth fully

herein.

2. At all times relevant hereto plaintiff, Salvatore Zotti was a patient at the "nursing home" facility known as Runnels Specialized Hospital.

3. At all times relevant hereto the provisions of OBRA (Omnibus Budget Reconciliation Act of 1987) were applicable with regard to the plaintiff's condition as it existed between February 8, 2012 and February 21, 2012 either explicitly or by way of incorporation by N.J.S.A. 30:13-1 et. seq. (also known as the Nursing Home Bill of Rights).

4. The defendants, their servants, agents and/or representatives jointly, severally or in the alternative held itself/themselves out as a specialist in the field of adult nursing care with the expertise necessary to maintain the health and safety of persons unable to care adequately for themselves and, therefore, qualifies as a "nursing home" pursuant to the definition set out in N.J.S.A. 30:13-2(c).

5. At all times relevant hereto the defendants, was/were under a contractual duty to provide reasonable and adequate health care to plaintiff Salvatore Zotti consistent with existing community standards.

6. At all times relevant hereto the defendants, was/were under a statutory duty to provide plaintiff Salvatore Zotti with a safe and decent living environment pursuant to all known

provisions of N.J.S.A. 30:13-1 et. seq. (also known as the Nursing Home Bill of Rights), particularly N.J.S.A. 30:13-5(j).

7. The defendants, failed, refused and/or neglected to perform the duties to provide reasonable and adequate health care to and for plaintiff Salvatore Zotti who was unable to attend to his own health and safety.

8. The defendants, were careless, negligent and professionally negligent in their care and treatment to plaintiff Salvatore Zotti and all of the alleged acts, omissions and occurrences herein described or performed by defendants.

9. While the plaintiff Salvatore Zotti was a resident of the "nursing home" owned, maintained and/or controlled by defendants he sustained serious injuries due to the careless, negligent and professionally negligent conduct of the defendants aforesaid including but not limited to, failure to provide safety, failure to timely treat an injury, failure to provide skin care support as ordered by physician and medical complications caused by inappropriate monitoring of plaintiff's medical condition.

10. The carelessness, negligence and professional negligence of the defendants included, but was not limited to the following, to wit: permitting inadequate and/or false charting of the plaintiff's medical records; violating New Jersey Statutes, New Jersey Administrative Regulations, as well

as OBRA regulations; failure to develop adequate plan of care for safety; failure to develop adequate plan of care for nutrition and or skin care; failure to adhere to the plan of care; failure to properly train employees to deal with geriatric residents who are unable to care for themselves; failure to train the employees to recognize medical conditions/symptoms which required the plaintiff's transfer to the hospital; failure to properly train employees to deal with geriatric residents who are incapacitated and likely to be subject to skin breakdown and complications.

11. As a direct and proximate result of the carelessness, recklessness, negligence, professional negligence acts and or omissions of the defendant(s) aforesaid, the plaintiff, Salvatore Zotti was caused to live in and suffer great physical and emotional pain, mental anguish, required extensive medical treatment and/or hospitalization, and incurred extensive medical costs for care in an attempt to alleviate the pain and suffering.

WHEREFORE, plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demands judgment against the defendant(s) aforesaid for actual damages, economic and non-economic, treble damages, punitive damages, together with any and all reasonable attorneys fees, interest and costs of suit and all other damages allowed by the Rules of Court.

THIRD COUNT

1. Plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, repeats and incorporates herein each and every allegation contained in the Complaint as if set forth fully herein.

2. At all times relevant hereto, N.J.S.A. 30:13, et. seq. (also known as the Nursing Home Bill of Rights), required that the defendants aforesaid, comply with all Federal, State and local regulations with regard to long-term care facilities.

3. Defendants aforesaid violated OBRA regulations, which establish the minimum standard of care to be followed by defendants, including but not limited to the following: 42 C.F.R. §483.25 each resident must receive and the facility must provide, the necessary care and services to attain and maintain the highest practicable physical, mental and psychological well-being, in accordance with the comprehensive assessment. 42 C.F.R. §483.20(d)(1) Comprehensive Care Plans the facility must develop a comprehensive care plan that includes measurable objectives and timetables to meet a resident's medical, nursing, mental and psychosocial needs that are identified in the comprehensive assessment. The plan of care must deal with the

relationship of items or services ordered to be provided (or withheld) to the facility's responsibility for fulfilling other requirements in these regulations;(D) 42 C.F.R. §483.25 each resident must receive and the facility must provide, the necessary care and services to attain or maintain the highest practicable physical, mental and psychological well-being, in accordance with the comprehensive assessment; 42 C.F.R. §483.20(b)(4)(iv) the facility failed to conduct an assessment after a significant change in resident's condition; 42 C.F.R. §483.25 based on a resident's comprehensive assessment, the facility must ensure that a resident (1) maintain acceptable parameters of nutritional status, such as body weight and protein levels, unless the resident's clinical condition demonstrate that this is not possible.

4. The plaintiff Salvatore Zotti fell within the class of persons the statutory rules, regulations and laws were intended to protect by virtue of N.J.S.A. 30:13, et. seq. (also known as the Nursing Home Bill of Rights), thus entitling the plaintiff to utilize such laws as the standard of care for measuring defendants' conduct.

5. As a direct and proximate result of the conduct of the defendant(s) aforesaid, the plaintiff, Salvatore Zotti was caused to live in and suffer great physical and emotional pain, mental anguish, required extensive medical treatment and/or

hospitalization, and incurred extensive medical costs for care in an attempt to alleviate the pain and suffering.

WHEREFORE, Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demand judgment against the defendant(s) aforesaid for actual damages, economic and non-economic, treble damages, punitive damages, together with any and all reasonable attorneys fees, interest and costs of suit and all other damages allowed by the Rules of Court.

FOURTH COUNT

1. Plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, repeats and incorporates herein each and every allegation contained in the Complaint as if set forth fully herein.

2. At all times relevant hereto, the aforementioned acts of the defendants were outrageous and performed willfully, wantonly and with complete disregard to plaintiff's rights and in reckless indifference to the rights of others and specifically plaintiff Salvatore Zotti and his family, and those acts further shocked the conscience of the community.

3. As a direct and proximate result of the conduct of the defendant(s) aforesaid, the plaintiff, Salvatore Zotti was caused

to live in and suffer great physical and emotional pain, mental anguish, required extensive medical treatment and/or hospitalization, and incurred extensive medical costs for care in an attempt to alleviate the pain and suffering.

WHEREFORE, plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demand judgment against the defendant(s) aforesaid for punitive damages, together with any and all reasonable attorneys fees, interest and costs of suit and all other damages allowed by the Rules of Court.

FIFTH COUNT

1. The plaintiffs hereby repeat and re-allege the allegations of the previous Counts and incorporate those allegations in this Count as if set forth more fully herein.

2. At all times relevant hereto, defendants aforesaid were subject to N.J.A.C. 8:39 Standards for Licensure of Long-Term Facilities regarding the responsibilities and rights of residents in skilled nursing facilities based on the statutory definition of a Nursing Home.

3. Based on the aforementioned allegations, defendants aforesaid breached the following statutes in their actions toward the plaintiff Salvatore Zotti:

(A) 8:39 11.2 (d);

(B) 8:39 11.2 (e)2; and

(C) 8:39 11.2 (f).

4. As a direct and proximate result of the conduct of the defendant(s) aforesaid, the plaintiff, Salvatore Zotti was caused to live in and suffer great physical and emotional pain, mental anguish, required extensive medical treatment and/or hospitalization, and incurred extensive medical costs for care in an attempt to alleviate the pain and suffering.

WHEREFORE, plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demand judgment against the defendant(s) aforesaid for actual damages, economic and non-economic, treble damages, punitive damages, together with any and all reasonable attorneys fees, interest and costs of suit and all other damages allowed by the Rules of Court.

SIXTH COUNT

1. The plaintiffs hereby repeat and re-allege the allegations of the previous Counts and incorporate those allegations in this Count as if set forth more fully herein.

2. During the entire period of the plaintiff Salvatore Zotti's residency at the defendant nursing home, defendants were subject to N.J.S.A. 30:13 regarding the responsibilities and rights of residents in skilled nursing facilities based on the definition of a nursing home per statute.

3. Based on the aforementioned allegations, the defendants aforesaid breached the following statutes in their actions toward the plaintiff Salvatore Zotti:

- (A) 30:13-3(c);
- (B) 30:13-3(h);
- (C) 30:13-5(j); and
- (D) 30:13-5(m).

4. As a direct and proximate result of the conduct of the defendant(s) aforesaid, the plaintiff, Salvatore Zotti was caused to live in and suffer great physical and emotional pain, mental anguish, required extensive medical treatment and/or hospitalization, and incurred extensive medical costs for care in an attempt to alleviate the pain and suffering.

WHEREFORE, plaintiff Salvatore Zotti by Gioacchino Zotti, executor of the Estate of Salvatore Zotti and proposed Executor ad Prosequendum, demand judgment against the defendant(s) aforesaid for actual damages, economic and non-economic, treble damages, punitive damages, together with any and all reasonable attorneys fees, interest and costs of suit and all other damages allowed by the Rules of Court.

JURY DEMAND

Plaintiff(s) hereby demand(s) trial by jury.

CERTIFICATION PURSUANT TO RULE 4:5-1

Pursuant to Rule 4:5-1, the undersigned hereby certifies that the above action is not the subject of any other pending lawsuit or arbitration proceeding. There are no other persons interested in the above action who have not been made a party to said action.

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, notice is hereby given that Craig M. Rothenberg, Esq. is designated as trial counsel in the within matter.

NOTICE PURSUANT TO RULES 1:5-1(a) AND 4:17-4(c)




Please take notice that the undersigned attorneys, counsel for the plaintiffs, do hereby demand, pursuant to Rules 1:5-1(a) and 4:17-4(c), that each party herein serving pleadings and interrogatories and receiving answers thereto, serve copies of all such pleadings and answered interrogatories received from any party, including any documents, papers and other material referred to therein, upon the undersigned attorneys, please take notice that this is a continuing demand.

Attorneys for plaintiff(s)

By: 
Craig M. Rothenberg, ESQ.

DATED: 2/10/2014

Appendix XII-B1

| | | | | |
|---|---|--|---|----------------------------|
|  | CIVIL CASE INFORMATION STATEMENT (CIS) | | FOR USE BY CLERK'S OFFICE ONLY | |
| | Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> 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 | | 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 Michael A. Jacobus, Esq. | | TELEPHONE NUMBER (732) 349-7100 | COUNTY OF VENUE Union | |
| FIRM NAME (if applicable) Novins York & Jacobus, P.A. | | DOCKET NUMBER (when available) INNL: 0730-14 | | DOCUMENT TYPE Complaint |
| OFFICE ADDRESS 202 Main Street, CN 2032 Toms River, NJ 08754 | | JURY DEMAND <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | |
| NAME OF PARTY (e.g., John Doe, Plaintiff) Partner Engineering and Science, Inc. | | CAPTION Partner Engineering and Science, Inc. v. The County of Union; ABC Corp. 1-5; John Doe 1-5 | | |
| CASE TYPE NUMBER (See reverse side for listing) 502 | 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:53A-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 type="checkbox"/> YES <input checked="" type="checkbox"/> NO | | NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN | | |
| THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE. | | | | |
| CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION | | | | |
| DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input 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 checked="" type="checkbox"/> BUSINESS | | |
| DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input type="checkbox"/> NO | | | | |
| USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION | | | | |
|  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:  | | | | |



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)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETA/AREZIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZYASMIN/OCELLA | 623 PROPECIA |

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