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Attorneys for Plaintiffs

CARLOS MATIAS and MARIXA
SOTO,

Plaintiffs,

v.

ALEX PAULINO; NATIONAL
WATER MAIN CLEANING;
CARYLON CORPORATION; JOHN
DOES 1-10; ABC CORPS. 1-10,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MIDDLESEX COUNTY
DOCKET NO.: MID-L-

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff, residing at 43 Garrison Avenue, Dover, New Jersey, complaining against the defendants, say as follows:

FIRST COUNT

1. At all times relevant, Alex Paulino (“Paulino”) was an individual employed by National Water Main Cleaning, with a primary business address located at 1806 Newark Turnpike in Kearny, New Jersey.

2. At all times relevant, defendant National Water Main Cleaning (“NWMC”) was a company specializing in environmental infrastructure inspection, cleaning and repair with headquarters located at 1806 Newark Turnpike in Kearny, New Jersey.

3. At all times relevant, defendant NWMC was owned and overseen by a larger corporate entity named Carylton Corporation, with headquarters located at 2500 W.

Arthington Street in Chicago, Illinois. Carylton Corporation operates in numerous states throughout the United States, including but not limited to New Jersey.

4. At all times relevant, defendants, John Does 1-10, were fictitious individuals employed by and/or working on behalf of National Water Main Cleaning, Carylton Corporation and/or ABC Corps. 1-10.

5. At all times relevant, ABC Corps. 1-10 were fictitious entities, including but not limited to repair and/or maintenance companies, that may be responsible for the subject accident.

6. On December 6, 2019, plaintiff Carlos Matias ("Matias) was lawfully operating his motor vehicle, traveling southbound on the New Jersey Turnpike in Carteret, New Jersey, located in Middlesex County.

7. While traveling southbound on the New Jersey Turnpike, Matias's vehicle suddenly collided with debris in his lane of traffic, which he came upon without any warning.

8. Prior to Matias's accident, a vehicle operated by Paulino on behalf of NWMC had been traveling southbound on the New Jersey Turnpike in Carteret, New Jersey.

9. Upon information and belief, the debris that Matias collided with came from the vehicle operated by Paulino on behalf of NWMC and/or Carylton Corporation.

10. Neither Paulino nor any other employee / agent of NWMC and/or Carylton Corporation removed the debris from the road or provided any notice or warning to other drivers, including Matias, about the debris left in the roadway.

11. As a direct and proximate result of the defendant Paulino's negligence, plaintiff, Carlos Matias, has suffered severe and permanent injuries, pain and suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, plaintiff demands judgment against the defendants for compensatory damages, interest, attorneys' fees, costs, and such further relief as the Court deems equitable and just.

SECOND COUNT

1. Plaintiffs repeat and reallege the allegations heretofore plead as if fully set forth herein.

2. At all times relevant, John Does 1-10 and/or ABC Corps. 1-10 were responsible for the inspection, maintenance and repair of the subject vehicle involved in the December 6, 2019 accident.

3. John Does 1-10 and/or ABC Corps. 1-10 failed to properly inspect, maintain and/or repair the vehicle operated by John Doe on December 6, 2019 prior to the subject accident.

4. As a direct and proximate result of the defendants' negligence, plaintiff has suffered severe and permanent injuries, pain and suffering, disability, impairment, loss of enjoyment of life, and economic damages.

WHEREFORE, plaintiff demands judgment against defendants for compensatory damages, interest, attorneys' fees, costs, and such further relief as the Court deems equitable and just

THIRD COUNT

1. Plaintiffs repeat and reallege the allegations heretofore plead as if fully set forth herein.

2. At all times relevant, Paulino and John Does 1-10 were employees, agents and/or servants of National Water Main Cleaning, Carylon Corporation and/or ABC Corps.

1-10. National Water Main Cleaning, Carylon Corporation and/or ABC Corps. 1-10 are therefore liable for the negligence of Paulino and John Does 1-10 pursuant to the doctrines of respondeat superior, vicarious liability and/or agency.

WHEREFORE, plaintiff demands judgment against defendants for compensatory damages, interest, attorneys' fees, costs, and such further relief as the Court deems equitable and just.

FOURTH COUNT

1. Plaintiffs repeat and reallege the allegations heretofore plead as if fully set forth herein.

2. At all times relevant, plaintiff Marixa Soto was the lawfully wedded wife of Carlos Matias and remains so to date, and as such, was and is entitled to his consortium, companionship and society.

WHEREFORE, plaintiff demands judgment against defendants for compensatory damages, interest, attorneys' fees, costs, and such further relief as the Court deems equitable and just.

JURY DEMAND

A trial by jury is hereby demanded on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Adam M. Epstein, Esq. is hereby designated as trial counsel in the above captioned matter.

DEMAND FOR INSURANCE COVERAGE

In accordance with R. 4:10-2, defendants are demanded to provide a complete copy of their respective applicable insurance policies and declaration sheets demonstrating coverage within thirty (30) days of service of this Complaint.

DEMAND FOR INTERROGATORIES AND DISCOVERY

Plaintiff hereby demands that each defendant produce (1) certified answers to the Form C and Form C(1) Interrogatories, and (2) the following categories of documents, within thirty (30) days of service of this Complaint:

1. Any and all copies or originals of any statements, written, oral or recorded, in the possession of the defendants, or anyone working on the defendants' behalf, from any party or witness regarding the incidents referred to in the complaint.
2. Any and all copies or originals of all documents in the possession of the defendants which support any defense or cross-claim being asserted by the defendants in the within litigation.
3. Any and all copies of any documents in defendants' possession with regard to the criminal history of any party, witness, or person with knowledge relevant to this action.
4. Any and all copies or originals of all medical reports, medical records, autopsy reports, coroner's report, medical examiner's reports, notes, x-rays and/or diagnostic test results in the possession of the defendants with regard to any medical condition or illness, at any time, of the plaintiffs.
5. Any and all copies of any documents which defendants will utilize at trial, either as an exhibit marked for identification or as evidence.
6. Any and all copies or originals of each and every learned treatise, article, or any other scholarly or informational matter which defendants intend to utilize at the trial of this case either for use in defendants' case in chief, on cross-examination, on rebuttal, or at any other stage of the trial of this case.
7. Any and all reports, notes, memoranda, correspondence, records or other documents rendered by an expert in connection with this matter, regardless of whether or not such proposed expert witness would be used at the time of trial.

8. The reports of any and all experts who have reviewed any aspect of this case on behalf of the defendants or defendant's attorney and who have submitted a report orally or in writing to either defendants or defendants' attorney.
9. Any and all materials submitted by defendants or defendants' attorney or any representative of defendants to any expert who has reviewed the case on behalf of the defendant.
10. The exact pages of any and all published treatises, periodicals, articles or pamphlets or any other written literature upon which defendants and/or defendants' expert will rely upon at trial.
11. Copies of any and all documents relating to any investigation conducted prepared by the defendants, their agents, servants and/or employees that relate or in any way touch upon to the claims that form the basis of this Complaint.
12. Any and all video tapes, photographs and/or diagrams in the possession of the defendants or under their control regarding the plaintiff, the scene of the alleged accident, and/or any other matter touching upon or relating in any way to the subject matter of the plaintiff's claims.
13. Any and all documentation in defendants' possession with regard to the plaintiffs.
14. Copies of all reports or documents received from the Central Index Bureau (CIB) with regard to the plaintiff, decedent or defendant.
15. Provide the mobile/cellular phone number and carrier for the defendant driver on the date of the accident.
16. Any maintenance / repair records involving the vehicle involved in the December 6, 2019 accident from January 1, 2010 through present.

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiff

BY: /s/ Adam M. Epstein
ADAM M. EPSTEIN

Dated: December 2, 2021

RULE 4:5-1 CERTIFICATION

I hereby certify that to the best of my knowledge the matter in controversy is not the subject of another action pending in any Court or of a pending arbitration proceeding, and that no other parties are necessary to join at this time.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

/s/ Adam M. Epstein

ADAM M. EPSTEIN

Dated: December 2, 2021

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-006931-21

Case Caption: MATIAS CARLOS VS PAULINO ALEX

Case Initiation Date: 12/03/2021

Attorney Name: ADAM M EPSTEIN

Firm Name: MAZIE SLATER KATZ & FREEMAN

Address: 103 EISENHOWER PKY

ROSELAND NJ 07068

Phone: 9732289898

Name of Party: PLAINTIFF : MATIAS, CARLOS

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Are sexual abuse claims alleged by: CARLOS MATIAS? NO

Are sexual abuse claims alleged by: MARIXA SOTO? NO

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? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? 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? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO

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 *Rule* 1:38-7(b)

12/03/2021
Dated

/s/ ADAM M EPSTEIN
Signed

