

STARK & STARK
A Professional Corporation

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Attorneys for Plaintiffs
By: Evan J. Lide, Esq. (003422007)

JIA LI and BO HU,

Plaintiffs,

vs.

AMERICAN DREAM; MGB CAPITAL, LLC
d/b/a DREAM RIDERS; JOHN DOES 1-10
(fictitious designations); ABC COMPANIES 1-
10 (fictitious designations); and XYZ RENTAL
COMPANIES 1-10 (fictitious designations),

Defendants.

SUPERIOR COURT OF NEW JERSEY
MERCER COUNTY
LAW DIVISION

Docket No.

CIVIL ACTION

COMPLAINT AND JURY DEMAND

DEMAND FOR ANSWERS TO
INTERROGATORIES

Plaintiffs, JIA LI and BO HU, residing at 66 R Mechanics Street, in the Township of Millburn, County of Essex, and State of New Jersey, by way of Complaint, say:

FIRST COUNT

1. Defendant, AMERICAN DREAM and/or ABC COMPANIES 1-10 (fictitious designations), is a company that owns the American Dream Mall, located at 1 American Dream Way, in the Borough of East Rutherford, County of Bergen, State of New Jersey, and advertises in all New Jersey Counties.

2. On or about July 9, 2023, Plaintiff, JIA LI, was a business invitee of Defendant, AMERICAN DREAM and/or ABC COMPANIES 1-10 (fictitious designations), and was lawfully on the premises known as American Dream Mall, located at 1 American Dream Way, in the Borough of East Rutherford, County of Bergen, and State of New Jersey.

3. At the same time, the aforesaid premises was owned, possessed, controlled, cleaned and/or maintained by Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious

designations); and XYZ RENTAL COMPANIES 1-10 (fictitious designations). The aforementioned Defendants advertise for business through all Counties of New Jersey.

4. At present, the identity(ies) of Defendant(s), JOHN DOES 1-10, ABC COMPANIES 1-10, and XYZ RENTAL COMPANIES 1-10 are unknown. As such, "JOHN DOES 1-10," "ABC COMPANIES 1-10," and "XYZ RENTAL COMPANIES 1-10," are fictitious designations, representing one or more individual(s), sole proprietorship(s), association(s), limited partnership(s), general partnership(s), limited liability company(ies) and/or corporation(s), which in any way operated for business in the American Dream Mall and/or owned, possessed, controlled, designed, or maintained any part of the premises known as the American Dream Mall, and/or was in any way responsible for the placement, maintenance, cleaning, or inspection of the aisles on the premises.

5. Defendant MGB CAPITAL, LLC d/b/a DREAM RIDERS and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), is a company that rents motorized versions of various animals to patrons of the American Dream Mall and Defendants, MGB CAPITAL, LLC d/b/a DREAM RIDERS, AMERICAN DREAM, JOHN DOES 1-10 (fictitious designations), ABC COMPANIES 1-10 (fictitious designations), and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), permits patrons to operate said motorized versions of animals in different areas of the mall open to business invitees.

6. At the same time and place, Plaintiff, JIA LI, was walking through the premises while holding her baby when she was suddenly and violently struck from behind by a person operating a motorized version of an animal, which caused Plaintiff to fall to the ground and sustain significant injuries.

7. The aforesaid occurrence was caused by the negligence of Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious designations); and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), their agents, servants and employees, in creating the

aforesaid condition; in permitting the aforesaid condition to exist despite actual or constructive notice; in failing to warn against the existence of the aforesaid condition despite actual or constructive notice; in failing to maintain the premises; in failing to make proper and timely inspections of the premises; in failing to provide safe walking conditions and safe passageway for persons allowed on and invited to use the aforesaid premises; and otherwise in failing to exercise due care under the circumstances.

8. As a result of the carelessness, recklessness, and negligence of Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious designations); and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), their agents, servants and employees, and their disregard for the safety of others, Plaintiff, JIA LI, was caused to suffer severe bodily injuries, some or all of which are permanent in nature; has been caused to aggravate any pre-existing medical condition, symptomatic and/or asymptomatic, which is permanent; has been caused and will be caused great pain and suffering; has been caused and will be caused to expend large sums of money for medical treatment necessary to effect a cure for her injuries; has been caused and will be caused to lose large sums of money due to her inability to pursue her usual occupation, has been caused and will be caused to experience great anxiety and mental anguish; and, was otherwise injured and damaged, all to her great loss and detriment.

WHEREFORE, Plaintiff, JIA LI, demands Judgment for damages generally against the Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious designations); and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff, BO HU, is the husband of Plaintiff, JIA LI.
2. Plaintiff, BO HU, incorporates by reference the allegations contained in the previous paragraphs of the Complaint as though fully set forth herein at length.
3. As a further direct and proximate result of the carelessness, recklessness, and negligence of the Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious designations); and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), and their disregard for the safety of others, Plaintiff, BO HU, has been caused and will be caused to lose the services of his dear wife, and has been caused and will be caused to suffer loss of consortium.

WHEREFORE, Plaintiff, BO HU, demands Judgment for damages generally against Defendants, AMERICAN DREAM; MGB CAPITAL, LLC d/b/a DREAM RIDERS; JOHN DOES 1-10 (fictitious designations); ABC COMPANIES 1-10 (fictitious designations); and/or XYZ RENTAL COMPANIES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiffs

By: */s/ Evan J. Lide*
EVAN J. LIDE

JURY DEMAND

Plaintiffs, JIA LI and BO HU, hereby demand a trial by jury as to all issues.

CERTIFICATION OF OTHER ACTIONS/PARTIES

Pursuant to the provisions of Rule 4:5-1, the undersigned attorney certifies that this matter is not the subject of any other action pending in any court or arbitration proceeding, nor is any

other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(c)(1)

Pursuant to Rule 1:38-7(b), all confidential identifiers of the parties to this action have or will be redacted from all documents or pleadings submitted to the court.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4 the Court is advised that EVAN J. LIDE is hereby designated as trial counsel.

DEMAND FOR ANSWERS TO INTERROGATORIES
& SUPPLEMENTAL INTERROGATORIES

Plaintiffs, JIA LI and BO HU, demand that Defendants, AMERICAN DREAM and MGB CAPITAL, LLC d/b/a DREAM RIDERS provide answers to interrogatories as follows:

FORM C and FORM C(2) UNIFORM INTERROGATORIES, as set forth in Appendix II of the New Jersey Court Rules effective September 1, 2008.

SUPPLEMENTAL INTERROGATORIES #1-10.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiffs

By: */s/ Evan J. Lide*
EVAN J. LIDE

Dated: September 23, 2024

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Defendants.

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LAW DIVISION

Docket No.

CIVIL ACTION

DEMAND FOR DISCOVERY
OF INSURANCE COVERAGE

To: AMERICAN DREAM
MGB CAPITAL, LLC d/b/a DREAM RIDERS

Pursuant to Rule 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

YES () NO ()

If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception of expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) property damage limits (g) medical payment limits (h) name and address of person who has custody and possession thereof (i) where and when each policy or agreement can be inspected and copied.

Dated: _____

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Docket No.

CIVIL ACTION

PRODUCTION OF DOCUMENTS

TO: AMERICAN DREAM
MGB CAPITAL, LLC d/b/a DREAM RIDERS

Pursuant to Rule 4:18-1, Plaintiffs request production of the following documents from
the defendant:

1. Please produce the deed showing defendant's ownership interest in the premises as of the date of this incident.
2. Attach hereto any and all maintenance records or log book or other similar documents generated by the defendant for the one year period prior to plaintiff's accident and one month subsequent to plaintiff's accident.
3. Attach hereto a copy of any training materials or documents with respect to the inspection procedure to be utilized by the defendant employees or training manual with respect to the inspection or maintenance of the defendant premises.

4. Attach hereto any diary, log book or similar written record that describes the day to day events that take place at defendant's premises.

5. Attach hereto copies of incident reports, pleadings, interrogatories, and deposition transcripts from any incident, claim or lawsuit which has ever arisen out of an injury sustained on defendant's premises from slipping, tripping, or other alleged acts of improper design, maintenance, inspection, or construction.

6. Attach a copy of all incident reports concerning plaintiff's claim.

7. Attach a copy of any excess insurance policy.

8. Please produce the following in regard to any surveillance conducted of the Plaintiff:

a) Any and all logs, notes, audio tapes, invoices, billing receipts or documents that were kept concerning the filming of the videotapes or other surveillance that did not result in videotape.

b) A list of all teams, members and other personnel involved in the filming of the videotapes along with the times those individuals were involved in the taping, the location of those individuals were involved in the taping, the location of those individuals at the time of the taping and what, if anything, those individuals were instructed to observe.

c) A list of all people involved in the editing and/or copying, and/or transferring of the videotapes along with the times they worked on said videotapes and a detailed description of what they edited to include:

- i) Portions of original tape removed;
- ii) Voice-overs;
- iii) Portions of the tape clarified;
- iv) Any other editing job performed by these individuals.

- d) A list of all people speaking on the tapes and what times those people were present for filming or editing.
- e) A description of what is contained on the videotapes.
- f) An explanation of what is contained on the videotapes.
- g) A detailed explanation of what the defendant claims is shown by the videotapes.
- h) A labeled set of videotapes with each tape marked as to its contents.
- i) A list of all people associated with the filming, editing, production, viewing, delivery and otherwise involved in any manner with the videotapes and when each person was involved with said tapes and what they did with or to said tapes.
- j) A list of all the equipment used in the filming of the videotapes including the model numbers of such equipment.
- k) All correspondence regarding the videotaped surveillance and any other surveillance which may have resulted in videotape.
- l) All still photographs.

9. If you allege any of the injuries plaintiff contends were caused by the incident in issue were not caused by incident/accident, please produce the following documents:

- a) Copies of all medical reports and documents upon which you rely;
- b) Copies of any and all pleadings, interrogatories, depositions or trial transcripts or any other records upon which you will rely.

10. If you allege the plaintiff has been involved in any previous or subsequent accidents or incidents or sustained any previous or subsequent injuries to those in question, please produce the following:

- a) Copies of all medical reports and documents upon which you will rely;

b) Copies of any pleadings, interrogatories, depositions, trial testimony or any other records upon which you will rely.

11. If you intend to cross-examine any of the plaintiff's experts by use of any medical or scientific treatises or any treatises, please attach copies of said documents.

12. Please attach copies of any photographs, videos, surveillance films, audio tapes or any other pictures, whether still or moving, regarding any aspect of the happening of the accident or of the injuries and disabilities incurred by the plaintiff.

13. If you allege the plaintiff made any written admissions or declarations against interest as to the happening of the accident or the injuries sustained in the accident, please produce copies of any document containing such admissions or declarations against interest.

14. If you allege that any of the plaintiff's medical treatment was unnecessary, unreasonable or not related to the accident/incident forming the basis of this complaint, please attach copies of all documentation upon which you will rely to support this allegation.

15. If plaintiff is asserting a loss wage claim and you allege that the plaintiff was not disabled for any of the period of time claimed, please attach copies of any documentation upon which your allegation is based.

16. If you allege that plaintiff had any pre-existing medical condition, please attach copies of any medical records or any other documentation upon which you intend to rely to support this allegation.

17. Please attach copies of all defense medical examinations.

18. Please attach copies of any medical examinations performed at the request of any person or entity not a party to this matter.

19. Please produce copies of any and all documents received from any subpoena or authorizations served in this matter.

20. Please attach copies of all written witness statements.

21. Please produce copies of any and all statements taken from any of your employees as a result of this accident.

22. Please produce copies of all statements taken by you, or anyone acting on your behalf, or by any party to this action, regarding the happening of this accident.

23. Please attach copies of any reports made to anyone concerning the incident which is the subject matter of this suit.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiffs

By: */s/ Evan J. Lide*
EVAN J. LIDE

Dated: September 23, 2024

PLAINTIFFS' SUPPLEMENTAL FALL DOWN INTERROGATORIES

1. Did any defect, condition, foreign substance, or object on the defendant's premises cause or contribute to plaintiff's injuries?

2. Did you or any agent, servant, or employee of the defendants ever prepare, submit, or make any written statements or report of the alleged occurrence? If so, attach said report hereto.

3. Describe in detail each action or activity of the plaintiff which you believe caused or contributed to plaintiff's accident as observed by you at the time of and during the accident, as well as your location during said observations.

4. How often are the grounds cleared, or otherwise maintained, as of the date of plaintiff's accident?

5. Describe the protocols, guidelines, and rules that were in place regarding the operation, boundaries, and supervision of go-karts at the time of a collision, including but not limited to, age and size restrictions, defined track layout, safety zones, speed limits, monitoring of the child operators, inspections, and/or incident reporting.

6. State the name and address of the individual or entity that supervises or directs the go karts as of the date of plaintiff's accident.

7. Do you or any agent, servant, or employee of the defendants ever prepare, make, or otherwise keep a log or record of all regularly performed inspections and/or maintenance of the go-karts? If so, attach any such log or record for the date of the incident described in the complaint and for the seven days prior and subsequent to said date.

8. In accordance with the provisions of Rule 4:10-2(d), set forth the names and addresses of each person whom the defendants expects to call at trial as an expert witness, stating the subject matter on which the expert is expected to testify, the substance of the facts and opinions on which the expert is expected to testify, and the summary of the grounds for each opinion.

CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

I acknowledge my continuing responsibility to amend or supplement these answers as facts or information become known by my representative or me.

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

Please PRINT NAME of individual answering Interrogatories

SIGNATURE of individual answering Interrogatories

Dated: