

its principle place of business at 4242 Baldwin Boulevard, Corpus Christie, Texas, for personal injuries sustained when an Horton Automatics revolving door struck the Plaintiff, causing her to suffer serious personal injuries.

JURISDICTION AND VENUE

2. The Plaintiff is a resident of the State of New Jersey. Defendant, Resorts International Inc. maintains its principle place of business at 1133 Boardwalk, Atlantic City, NJ 08401. Defendant, Colony Capital, LLC. maintains its principle place of business at 660 Madison Ave, New York, New York. Defendant, RAC Atlantic City Holdings L.L.C. having its principle place of business at 1133 Boardwalk, Atlantic City, NJ 08401. Defendant, Gomes Gaming Inc. having its principle place of business at 1133 Boardwalk, Atlantic City, NJ 08401. Defendant Horton Automatics is maintains its principle place of business at 4242 Baldwin Boulevard, Corpus Christie, Texas. The matter in controversy, exclusive of interest and costs, exceeds the sum specified by 28 U.S.C. § 1332. Therefore, jurisdiction lies in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1332, diversity of citizenship.

PARTIES

3. Plaintiff, Marlene King, is a citizen of the Unites States and currently resides at 28 Hamilton Lane, Willingboro Township in the County of Burlington and State of New Jersey,

4. On or before the date of the subject accident, Defendant Resorts International Inc. owned, operated, controlled and/or maintained or is the successor-in-interest to those individuals and entities who owned, operated, controlled and/or maintained the subject hotel located at or near, 133 Boardwalk, Atlantic City, New Jersey.

5. On or before the date of the subject accident, Defendants Colony Capital, LLC, RAC Atlantic City Holdings L.L.C., Gomes Gaming Inc., owned, operated, controlled and/or maintained or is the successor-in-interest to those individuals and entities who owned, operated, controlled and/or maintained the subject hotel located at or near, 133 Boardwalk, Atlantic City, New Jersey.

6. On or before the date of the subject accident, Defendant, Horton Automatics, is incorporated under the laws of the State of Texas and maintains its principle place of business at 4242 Baldwin Boulevard, Corpus Christie, Texas engaged in the manufacture and sale of revolving doors. At all times relevant herein, Defendant Horton Automatics was an owner, manufacturer, seller, retailer and/or distributor who designed, evaluated, manufactured, distributed or sold the revolving door located at the entrance to the subject hotel, or any of the door's component parts that injured the plaintiff and/or caused the revolving door to enter the stream of commerce without the appropriate warnings and in a defective condition.

FACTS COMMON TO ALL COUNTS

1. At the relevant times herein, Defendants, Resorts International Inc., Colony Capital, LLC, RAC Atlantic City Holdings L.L.C., Gomes Gaming Inc. owned, operated, controlled and/or maintained a hotel located at or near, 133 Boardwalk, Atlantic City, New Jersey which was previously known as "Resorts" (hereinafter, the "subject hotel").

2. At the relevant times herein, Defendants, Resorts International Inc., Colony Capital, LLC, RAC Atlantic City Holdings L.L.C., Gomes Gaming Inc. owned, operated, controlled and/or maintained, or is the successor-in-interest to those individuals and entities who owned, operated, controlled and/or maintained the subject hotel.

3. Upon information and belief, Horton Automatics designed, formulated, produced, created, made, packaged, labeled, constructed, manufactured or distributed the automatic door located at the entrance to the subject hotel, or any of the door's component parts.

4. ABC MANUFACTURERS and/or DISTRIBUTORS I-V are the fictitious names for the as-yet unidentified persons and entities who designed, formulated, produced, created, made, packaged, labeled, constructed, manufactured or distributed the automatic door located at the entrance to the subject hotel, or any of the door's component parts.

5. DEF MAINTENANCE COMPANIES I-V are the fictitious names for the as-yet unidentified persons and entities who, at the relevant times herein, performed maintenance, inspections, testing, and repair work on the automatic door located at the entrance to the subject hotel, or any of the door's component parts.

6. JOHN DOES 1-10 are the fictitious names for the as-yet unidentified persons who are the individual owners, agents, servants and/or employees of the above Defendants.

7. On or about October 23, 2009 Plaintiff, Marlene King was a hotel guest and business invitee of Defendants at the subject hotel.

8. As Plaintiff, Marlene King, was attempting to pass through the automatic door at the entrance to the subject hotel, the door suddenly and without warning crashed and collapsed on Plaintiff.

9. As a result, Plaintiff, Marlene King, was caused to sustain severe personal injuries to her body, nervous system, and other internal and external injuries, from which she suffered great pain, will continue to suffer great pain, was prevented from performing her usual work, and has incurred expenses for medical attention and sustained loss of income.

FIRST COUNT

1. Plaintiff, Marlene King, repeat and reallege all of the preceding paragraphs as if set forth at length herein.

2. By virtue of their acts and/or omissions, Defendants created or permitted to exist a dangerous condition; failed to properly inspect, test, repair and maintain the subject automatic door; failed to install proper safeguards; failed to warn Plaintiff of the potential hazard; and otherwise failed to exercise proper care, but committed acts of negligence and/or recklessness.

3. As a proximate result of Defendants' negligence and/or recklessness, Plaintiff Marlene King was caused to suffer severe injuries and damage.

WHEREFORE, Plaintiff, Marlene King, demand judgment against Defendants for the following:

- (a) compensatory and consequential damages;
- (b) punitive damages;
- (c) attorneys' fees and costs of suit;
- (d) interest; and
- (e) such other and further relief as the Court may deem just and proper.

SECOND COUNT

1. Plaintiff, Marlene King repeat and reallege all of the preceding paragraphs as if set forth at length herein.

2. Defendants are strictly liable pursuant to New Jersey's Products Liability Act (the "Act"), N.J.S.A. 2A:58C-1 et seq., for, among other acts or omissions, failing to give adequate warnings and instructions about the subject automatic door; designing the subject automatic door

or any of its component parts in a defective manner; and/or deviating from the design specifications, formulae, or performance standards of the manufacturer.

3. By virtue of Defendants' acts or omissions, the subject automatic door and its component parts were not reasonably fit, suitable or safe for their intended purpose.

4. As a proximate result of Defendants' violation of the Act, Plaintiff Marlene King was caused to suffer severe injuries and damage.

WHEREFORE, Plaintiff, Marlene King demand judgment against Defendants for the following:

- (a) compensatory and consequential damages;
- (b) punitive damages;
- (c) attorneys' fees and costs of suit;
- (d) interest; and
- (e) such other and further relief as the Court may deem just and proper.

THIRD COUNT

1. Plaintiffs, Marlene King, repeat and reallege all of the preceding paragraphs as if set forth at length herein.

2. At the relevant times herein, Defendants performed or undertook to perform various maintenance work, repair work, inspection and testing, and other services on the subject automatic door and its component parts.

3. Said work was performed negligently, and in a way that caused the subject automatic door and its component parts not to be reasonably fit, suitable or safe for their intended purpose.

4. As a result of Defendants' negligently-performed repair, maintenance, inspection and testing, and other services performed on the subject automatic door and its component parts, Plaintiff Marlene King was caused to suffer severe injuries and damage.

WHEREFORE, Plaintiff, Marlene King demand judgment against Defendants for the following:

- (a) compensatory and consequential damages;
- (b) punitive damages;
- (c) attorneys' fees and costs of suit;
- (d) interest; and
- (e) such other and further relief as the Court may deem just and proper.

FOURTH COUNT

1. Plaintiff, Marlene King, repeat and reallege all of the preceding paragraphs as if set forth at length herein.

2. At the relevant times herein, Plaintiff Marlene King was using the subject automatic door for its intended purpose.

3. Defendants expressly and impliedly represented and warranted to Plaintiffs, as well as other business invitees and members of the public, that the subject automatic door was fit, suitable and safe for its intended purpose, and guaranteed that the door was of merchantable quality.

4. The subject automatic door failed to meet the warranties and guarantees provided to Plaintiffs and/or the ultimate users of the door.

5. As a proximate result of Defendants' breaches of warranty, Plaintiff Marlene King was caused to suffer severe injuries and damage.

WHEREFORE, Plaintiff, Marlene King demand judgment against Defendants for the following:

- (a) compensatory and consequential damages;
- (b) punitive damages;
- (c) attorneys' fees and costs of suit;
- (d) interest; and
- (e) such other and further relief as the Court may deem just and proper.

FIFTH COUNT

1. Plaintiff, Marlene King repeat and reallege all of the preceding paragraphs as if set forth at length herein.

2. At the relevant times herein, Plaintiff Marlene King was using the subject automatic door for its intended purpose, and there is no indication that Plaintiff Marlene King's injuries were the result of her own voluntary act or neglect.

3. The subject automatic door and its component parts were within Defendants' exclusive control.

4. The incident itself, in which the subject automatic door suddenly struck Plaintiff, Marlene King and caused Plaintiff, Marlene King to fall down, is an occurrence that ordinarily bespeaks negligence.

5. As a proximate result of the incident, which bespeaks negligence, Plaintiff Marlene King was caused to suffer severe injuries and damage.

WHEREFORE, Plaintiff, Marlene King, demands judgment against Defendants for the following:

- (a) compensatory and consequential damages;
- (b) punitive damages;
- (c) attorneys' fees and costs of suit;
- (d) interest; and
- (e) such other and further relief as the Court may deem just and proper.

JURY DEMAND

Plaintiffs hereby demand a trial by a jury consisting of not less than six persons, on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Roy D. Curnow, Esq., is hereby designated as the trial counsel for Plaintiffs in this matter.

LAW OFFICES OF ROY D. CURNOW
Attorney for Plaintiffs

By: _____

ROY D. CURNOW, ESQ.

Dated: 10/13/11