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d/b/a THE WESTBROOK, WILLIAM  
YEAGER, W AND W DAWG HOUSE  
LIMITED LIABILITY COMPANY d/b/a W &  
W AUTO & TRUCK REPAIR, HAROLD  
NAICKEN, RICHARD PASCALE, FRANK  
CIRIANNI, DIANE LOPA, RACHEL LOPA,  
MADELINE FERNANDEZ-RASMUS,  
MARIA BURGA, VICTORIA BURGA,  
XINIA CUBERO, JOHN PEREZ-CUBERO,  
NICHOLAS SKIDMORE, MARIA YAGUAL,  
and SARAH YAGUAL, individually and on  
behalf of all others similarly situated,

Plaintiffs,

v.

NEW JERSEY TRANSIT CORPORATION,  
SOMERSET COUNTY, SOMERSET  
COUNTY PUBLIC WORKS, JOHN DOES  
1-10 (fictitious names), and ABC  
CORPORATIONS 1-10 (fictitious names),

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION, SOMERSET COUNTY

DOCKET NO.

JURY TRIAL DEMANDED

**CLASS ACTION COMPLAINT**

## I. INTRODUCTION

1. Plaintiffs and the putative class members are residents of Bound Brook, New Jersey whose properties and businesses were damaged or destroyed by flooding beginning on September 1, 2021.

2. The flooding was the foreseeable and preventable consequence of Defendants' reckless and careless actions and omissions.

3. Defendant New Jersey Transit Corporation recklessly dispatched and operated Train 5451 during forecasted flooding, causing the train to become stuck between floodgates that protect Bound Brook.

4. Defendants Somerset County and Somerset County Public Works—which controlled and operated the floodgates—acted recklessly by failing to close the floodgates ahead of and during the anticipated flooding.

5. Through their individual and collective misconduct, Defendants caused floodwaters to surge into the southwest corner of Bound Brook, damaging and destroying real property, personal property, businesses, commerce, and more.



*Image 1: NJ Transit Train 5451, Bound Brook, NJ, Sept. 2, 2021  
<https://twitter.com/Itsjoeco/status/1434197088909279235/photo/1>*

## II. PARTIES

6. Plaintiff Ashesh Shah is an adult individual who resides at 11 Francis Drive, Bridgewater, New Jersey and owns A J Hospitality Inc.

7. Plaintiff A J Hospitality Inc. d/b/a The Westbrook is a business entity with a principal place of business at 525 Talmage Avenue, Bound Brook, New Jersey.

8. Plaintiff William Yeager is an adult individual who resides at 110 Culver Street, Somerset, New Jersey and owns W & W Dawg House Limited Liability Company.

9. Plaintiff W & W Dawg House Limited Liability Company d/b/a W & W Auto & Truck Repair is a business entity with a principal place of business at 432 Talmage Avenue, Bound Brook, New Jersey.

10. Plaintiff Harold Naicken is an adult who resides at 7 Vera Street, Piscataway, New Jersey and owns property at 411 Talmage Avenue, Bound Brook, New Jersey.

11. Plaintiff Richard Pascale is an adult individual who resides at 92 Vera Street, Piscataway, New Jersey and owns property at 435 Talmage Avenue, Bound Brook, New Jersey.

12. Plaintiff Frank Cirianni is an adult individual who resides at 64 Meehan Avenue, Raritan, New Jersey and owns property at 437 Talmage Avenue, Bound Brook, New Jersey.

13. Plaintiff Diane Lopa is an adult individual who resides at 223 Howard Avenue, Somerset, New Jersey and owns property at 539 West 2nd Street, Bound Brook, New Jersey.

14. Plaintiff Rachael Lopa is an adult individual who resides at 539 West 2nd Street, Bound Brook, New Jersey.

15. Plaintiff Madeline Fernandez-Rasmus is an adult individual who resides at 547 Wheatland Avenue, Bound Brook, New Jersey.

16. Plaintiff Maria Burga is an adult individual who resides at 542 Wheatland Avenue, Bound Brook, New Jersey.

17. Plaintiff Victoria Burga is an adult individual who resides at 542 Wheatland Avenue, Bound Brook, New Jersey.

18. Plaintiff Xinia Cubero is an adult individual who resides at 540 Wheatland Avenue, Bound Brook, New Jersey.

19. Plaintiff John Perez-Cubero is an adult who resides at 545 Wheatland Avenue, Bound Brook, New Jersey.

20. Plaintiff Nicholas Skidmore is an adult who resides at 430 Talmage Avenue, Bound Brook, New Jersey.

21. Plaintiff Maria Yagual is an adult individual who resides at 544 Wheatland Avenue, Bound Brook, New Jersey.

22. Plaintiff Sarah Yagual is an adult who resides at 544 Wheatland Avenue, Bound Brook, New Jersey.

23. Plaintiffs have filed with Defendants their individual and class claims in appropriate form and fashion under the New Jersey Tort Claims Act, N.J.S.A. §§ 59:1-1 to 59:14-4.

24. Defendant New Jersey Transit Corporation (“NJ Transit”) is a public entity with its principal place of business at One Penn Plaza East, Newark, New Jersey.

25. Defendant Somerset County is a public entity with its principal place of business at 20 Grove Street, Somerville, New Jersey.

26. Defendant Somerset County Public Works is a subdivision of Somerset County with its principal place of business at 20 Grove Street, Somerville, New Jersey.

### III. JURISDICTION AND VENUE

27. This Court has original jurisdiction over this action under Article VI, Section III of the New Jersey Constitution.

28. Venue is proper in Somerset County because the subject properties and businesses are located within Somerset County.

### IV. FACTUAL BACKGROUND

#### A. The Green Brook Flood Control Project

##### 1. *Historical Background*

29. Bound Brook is a borough located along the Raritan River in Somerset County.

30. The southern portion of the borough, including downtown Bound Brook, is a low-lying natural flood plain of the Raritan River.

31. The Middle Brook tributary enters the Raritan River about a quarter mile south of West Main Street in Bound Brook.

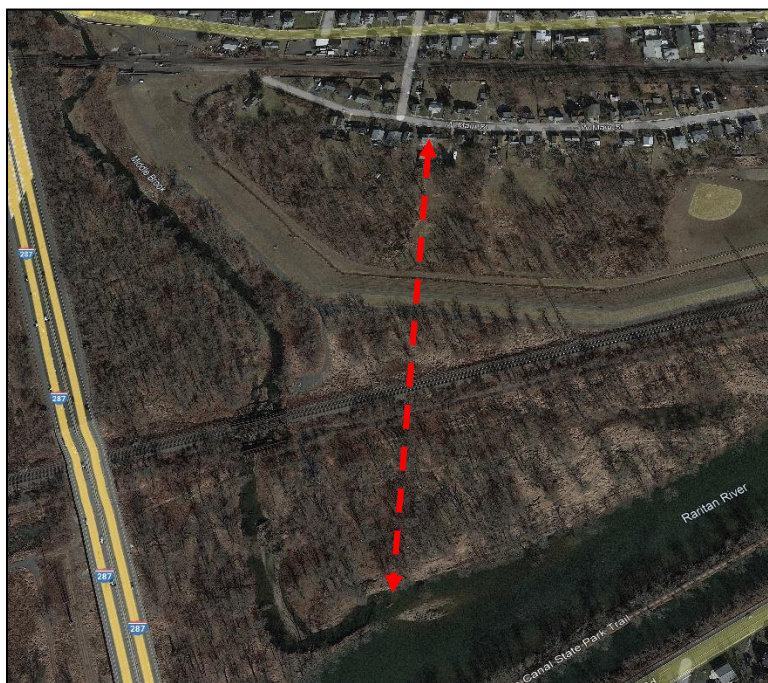


Image 2: Google Earth – Middle Brook Tributary and Raritan River in Bound Brook, NJ



32. The United States Geological Survey monitors the Middle Brook at Bound Brook under location number 01403200.



Image 3: USGS National Map - Middle Brook at Bound Brook, NJ - Monitoring Location 01403200  
<https://waterdata.usgs.gov/monitoring-location/01403200/>

33. Two major flooding events in the 1970s, together causing millions of dollars in property damage and several deaths in and around Bound Brook, led to the proposal of the Green Brook Flood Control Project.

34. Because of a lack of funding, the Flood Control Project languished for many years, during which more flood events occurred.

35. The Flood Control Project moved forward after Hurricane Floyd struck the area in 1999, resulting in the record high crest of about 42 feet.

36. After the 1999 flood event, the United States Army Corps of Engineers constructed two levees along the eastern and western borders of Bound Brook.

37. Flooding in April 2007 caused more damage to Bound Brook and set the second-highest recorded crest of 38.30 feet.

38. After the 2007 flood event, the Army Corps of Engineers began construction of the remaining aspects of the flood control system, including levee SEG R-2 and several closure gates in Bound Brook's downtown area along the Raritan River.

39. The Army Corps of Engineers finished the Bound Brook section of the Flood Control Project in 2016.

40. The Bound Brook portion of the Flood Control Project consists of these features: Segment U levee, floodwall; Segment R1 levee; Talmage Avenue Bridge raising; Segment R2 Levee, Floodwall and Pump Station; Segment R2 NJ Transit Closure Gate and Diversion Pipes; Segment U Bendway Weirs; Segment R2 South Main Street Closure Gate; E. Main Street/Lincoln Blvd. Bridge raising; Segment T levee, pump station and closure gate; Segment R-2 Tie-off, Segment T modifications; the East Main St. storm sewer line and the Conrail Bridge demolition.

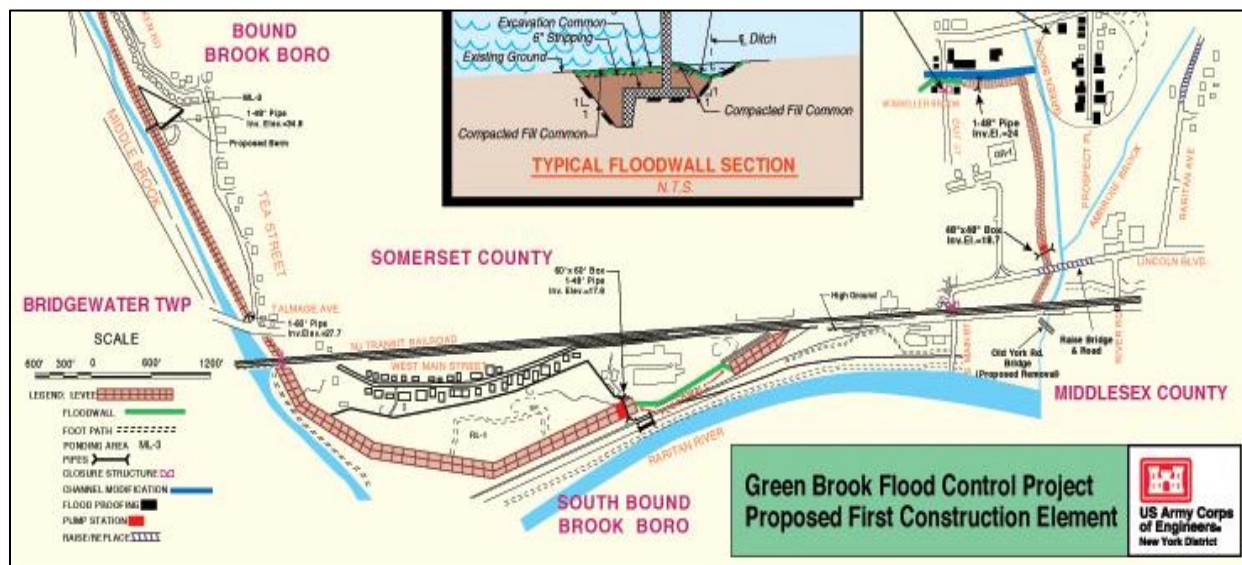


Image 4: Green Brook Flood Control Project – Proposed First Construction Element  
<https://www.nan.usace.army.mil/portals/37/siteimages/021712-D-CR197-136.jpg>

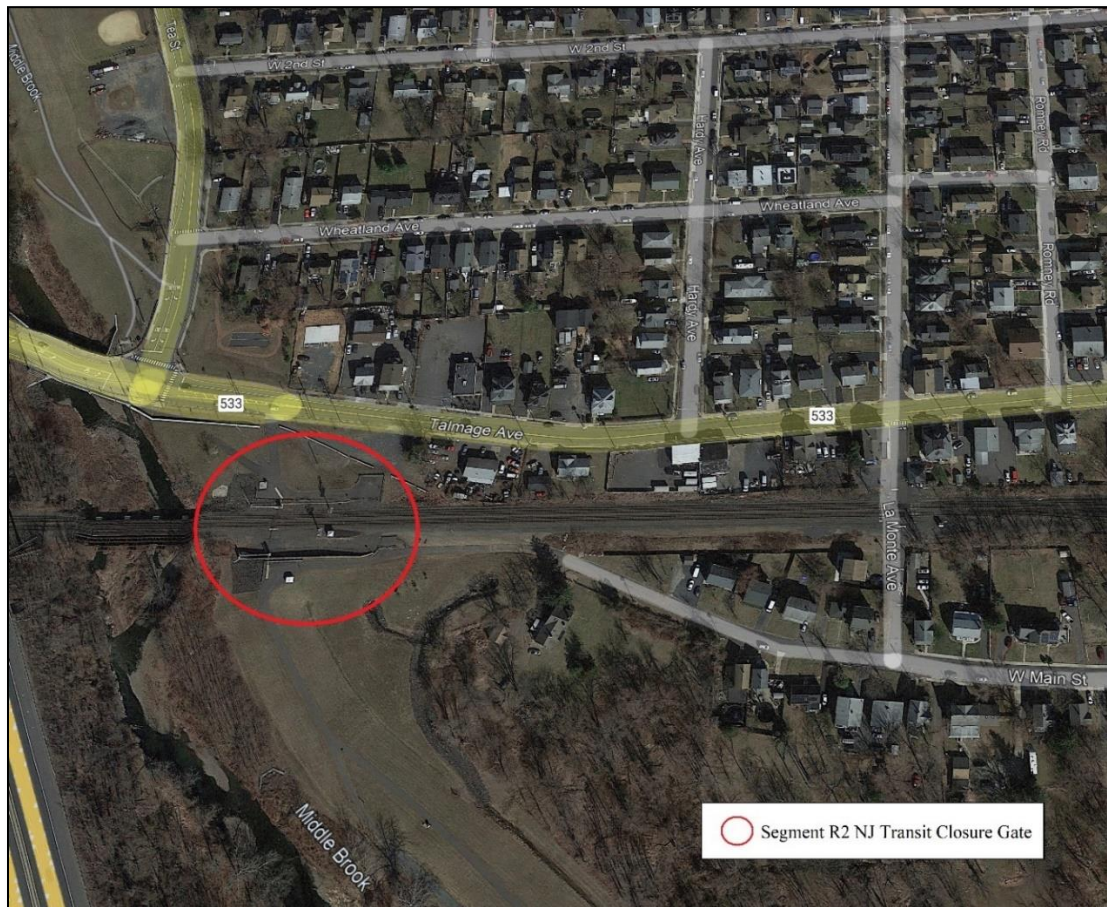
41. Defendants Somerset County and Somerset County Public Works are responsible for operating the flood control system, including the Segment R2 NJ Transit Closure Gate.



42. Defendant Somerset County Public Works handles the flood control system’s day-to-day operations.

## 2. *Operations Manual*

43. After crossing the Middle Brook, the Raritan Valley railroad tracks run through NJ Transit Closure Gate in the southwestern corner of Bound Brook.



*Image 5: Google Earth – Highlighting Segment R2 NJ Transit Closure in Bound Brook, NJ*

44. Somerset County Public Works must adhere to an Operations Manual—that is, the “Somerset County Flood Information System: Operations Manual”—when operating the flood control system.

45. The Operations Manual mandates when Somerset County Public Works must close the NJ Transit Closure Gate based on surface water levels.



46. The Operations Manual also mandates when Defendant Somerset County Public Works must notify Defendant NJ Transit before closing the NJ Transit Closure Gate based on surface water levels.

47. The procedure stated in the Operations Manual is intended to ensure that Defendant NJ Transit stops dispatching trains along the Raritan Valley line so that Defendant Somerset County Public Works can close NJ Transit Closure Gate ahead of any potential flooding.

### 3. ***“Bound Brook is now protected”***

48. Completion of Bound Brook’s flood control system led the Federal Emergency Management Agency to revise the National Flood Insurance Program map on July 18, 2016.

49. Officials held a ribbon cutting ceremony to mark the end of construction on August 15, 2016.

50. At the ribbon cutting ceremony, then New Jersey Department of Environmental Protection Commissioner Bob Martin announced, “Bound Brook is now protected.” Brenda Flanagan, *NJDEP Commissioner: Bound Brook Now Protected from Flooding*, NJ Spotlight News (Aug. 15, 2016). Martin also proclaimed that residents of Bound Brook would no longer require flood insurance. *Id.* Then Governor Christie added that the Project would help to “restore [residents’] peace of mind” going forward. *Id.*



Image 6: NJ Spotlight News Video of Ribbon Cutting Ceremony on Aug. 15, 2016  
<https://www.njspotlightnews.org/video/njdep-commissioner-bound-brook-now-protected-flooding>

51. The Army Corps of Engineers estimated that the flood control system would provide protection up to a “150-year event,” defined as an event that has less than 1 percent chance of occurring in a given year.

52. But the Army Corps of Engineers failed to consider the kind of gross incompetence that causes a train to get stuck between floodgates.

53. Within five years of the ribbon cutting ceremony, Bound Brook flooded again.

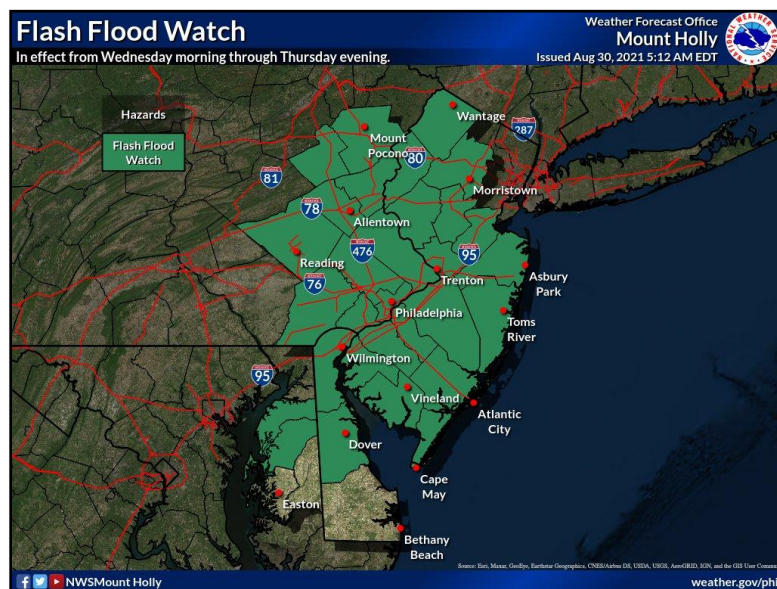
#### **B. Flooding in September 2021**

54. On September 1 and September 2, 2021, remnants of Hurricane Ida dropped about 8 inches of rain on Bound Brook.

55. The rain began around 4:30 PM on September 1, 2021 and ended around 1:00 AM on September 2, 2021.

56. Weather authorities had forecast flooding days before any rain fell.

57. On August 30, 2021, the National Weather Service issued a flash flood watch for September 1 through September 2, 2021.



*Image 7: NWS Flash Flood Watch, Aug. 30, 2021 at 5:12 AM*

58. On August 31, 2021, the National Weather Service issued a “life-threatening flooding” and a high risk of “excessive rainfall” for September 1 through September 2, 2021.

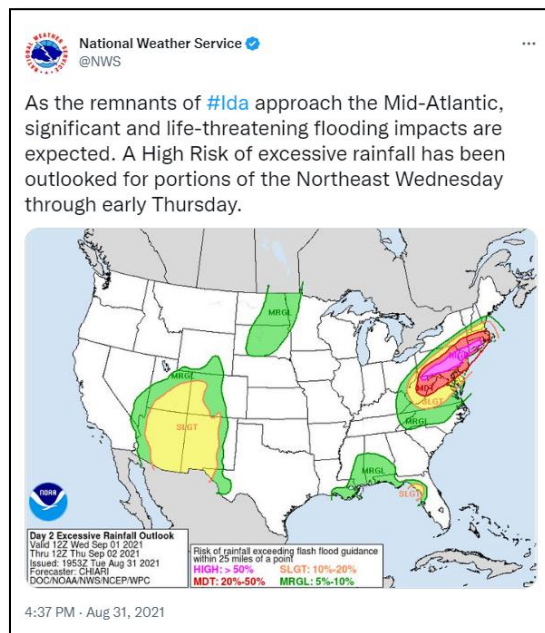


Image 8: NWS Tweet, Aug. 31, 2021 at 4:37 PM

59. On September 1, 2021 at 6:05 PM, the National Weather Service issued a flash flood warning through September 2, 2021 at 12:00 AM.



Image 9: NWS Tweet, Sept.1, 2021 at 6:05 PM

60. The National Weather Service’s flash flood warning covered Bound Brook and advised against driving through flood waters.

61. The National Weather Service was right to sound the alarm.

62. The Middle Brook reached its flood stage—the gage height above which a rise in water surface level creates a hazard to lives, property, and commerce—shortly after 7:45 PM on September 1, 2021.

63. By 8:45 PM, the Middle Brook exceeded its flood stage (11 feet) by over two feet.

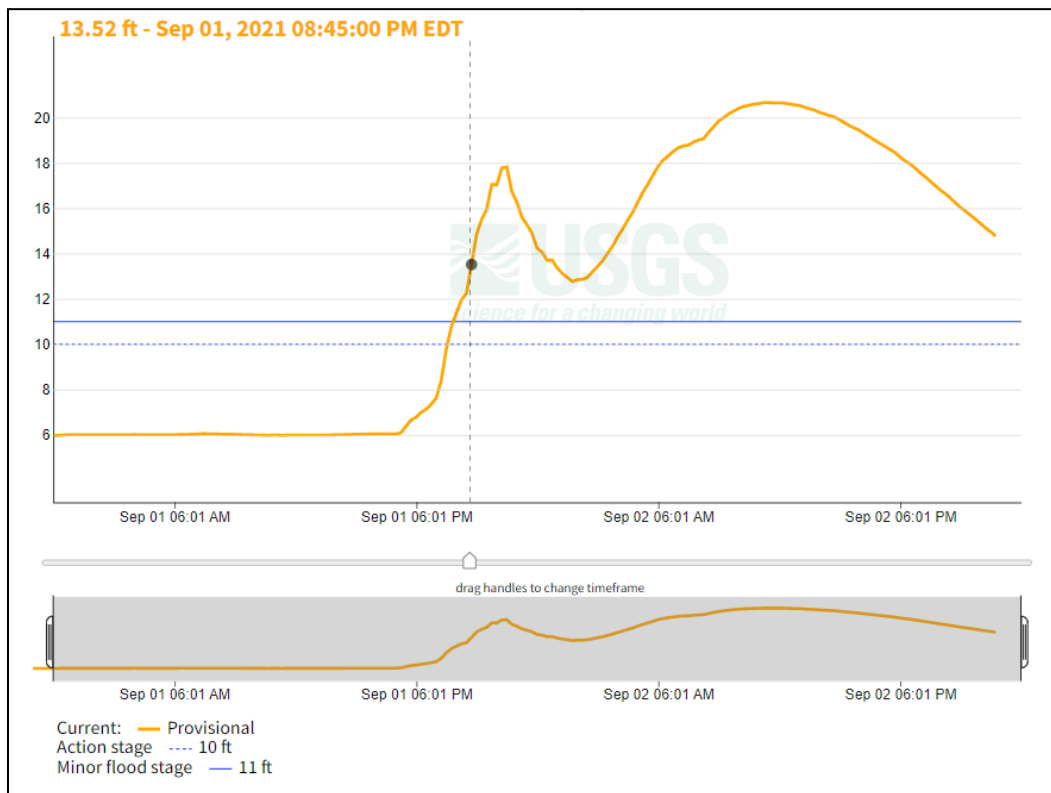


Image 10: USGS Chart of Gage Height (ft) for Middle Brook at Bound Brook NJ on Sept. 1, 2021

64. Despite this flooding, NJ Transit dispatched Train 5451 from Newark Penn Station to Bound Brook at about 8:45 PM.

65. In other words, NJ Transit knowingly and recklessly operated Train 5451 into an active flood zone.



66. Contrary to the Operations Manual, Somerset County Public Works had recklessly left the NJ Transit Closure Gate open during and ahead of the flooding.

67. While attempting to cross the Middle Brook, Train 5451 became disabled in the flood waters and debris, with its first two cars blocking the NJ Transit Closure Gate.

68. Water surged through the open flood gates into Bound Brook, destroying and damaging nearby properties and businesses.

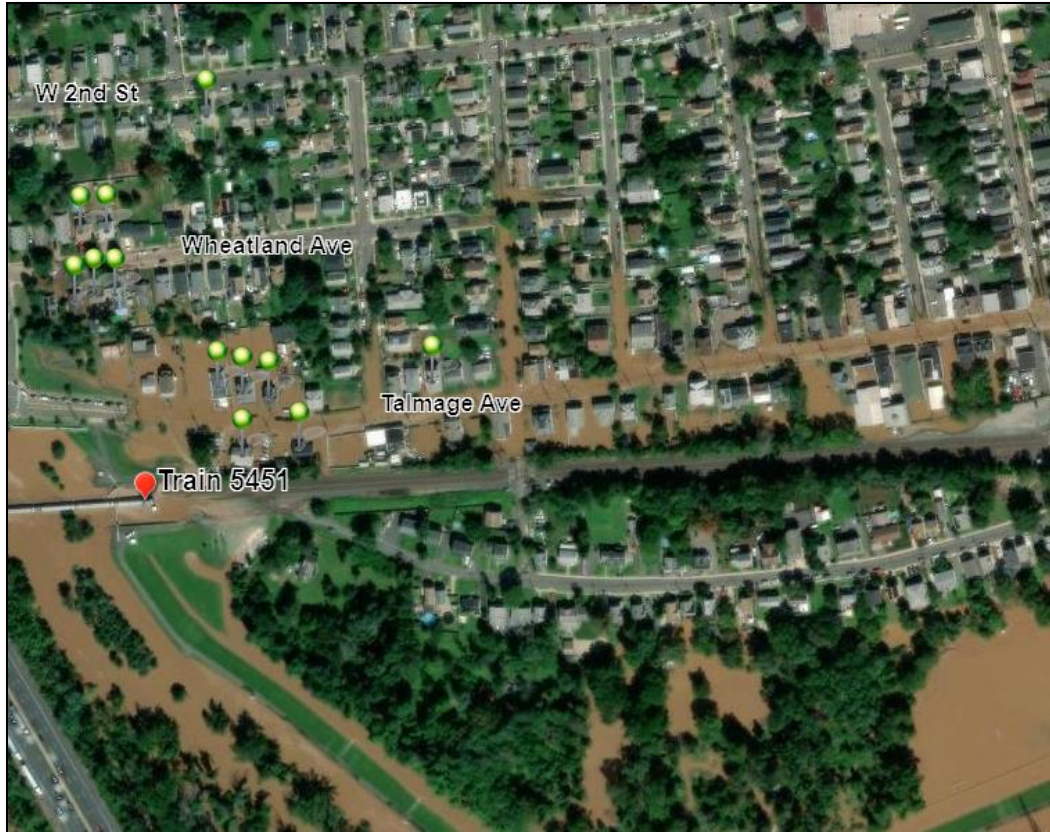


*Image 11: Train 5451 Disabled Between Segment R2 NJ Transit Closure Gate on Sept. 2, 2021*  
<https://www.nj.com/news/2021/09/3-nj-transit-rail-lines-light-rail-resume-service-in-idas-aftermath.html>

69. At about 3:00 AM on September 2, 2021, Somerset County Public Works tried to close the flood gates against Train 5451.

70. But even after closing the flood gates, water continued to flow past Train 5451 into Bound Brook, causing more damage and destruction.





*Image 12: Aerial View Showing Train 5451, Plaintiffs' Properties (Pushpins), and Flooding*



*Image 13: Showing Talmage Avenue on Sept. 2, 2021*

**V. CLASS ALLEGATIONS**

71. Plaintiffs bring this action individually and on behalf of all others similarly situated under Rule 4:32 of the New Jersey Rules of Court.

72. Plaintiffs seek certification of a class defined as:

All persons and entities whose property or business in Bound Brook, New Jersey was damaged by the flood event that began on September 1, 2021.

73. Members of the proposed class are so numerous that joinder is impracticable.

74. Disposing of the putative class members' claims as a class action would benefit the parties and greatly reduce the aggregate judicial resources that would otherwise be spent on individual actions.

75. Plaintiffs' claims are typical of the claims held by the putative class members, as are the potential defenses to these claims.

76. Plaintiffs and their counsel will fairly and adequately protect the interests of the proposed class.

77. Plaintiffs and their counsel have no interests that are antagonistic to the proposed class.

78. Many questions of law and fact are common to all members of the proposed class and predominate over any individual issues. Those questions of law and fact include, without limitation:

a. Whether Somerset County and Somerset County Public Works flouted the Operations Manual governing the flood control system;

b. Whether Somerset County and Somerset County Public Works failed to provide timely notice that NJ Transit Closure Gate had to be closed;

- c. Whether Somerset County and Somerset County Public Works failed to timely close the NJ Transit Closure Gate;
- d. Whether Defendant NJ Transit operated Train 5451 in a negligent or reckless manner;
- e. Whether Defendant NJ Transit created a dangerous condition by causing Train 5451 to become stuck between the NJ Transit Closure Gate;
- f. Whether Defendants Somerset County and Somerset County Public Works created a dangerous condition by failing to close the NJ Transit Closure Gate;
- g. Whether Defendants are liable for nuisance;
- h. Whether Defendants' conduct was palpably unreasonable;
- i. Whether the open NJ Transit Closure Gate created a reasonably foreseeable risk to Plaintiffs and the putative class members;
- j. Whether Defendants' conduct caused flood waters and debris to damage properties and businesses owned by Plaintiffs and the putative class members; and,
- k. Whether Defendants are liable under the New Jersey Tort Claims Act.

79. The prosecution of separate actions would likely result in inconsistent or varying rulings on these questions, leading to incompatible standards of conduct for the Defendants.

80. The prosecution of any individual action also risks creating precedent that would bind putative class members or otherwise impair or impede their claims.

81. For many putative class members, filing and prosecuting an individual action would be too expensive.

82. A single class action is therefore superior to any other available method for the fair and efficient adjudication of this controversy.



83. Plaintiffs' claims and the putative class members' claims should be concentrated in Somerset County, where the tortious conduct and loss occurred.

84. Management of the class through this one case will not present any difficulties.

85. A single class action will reduce litigation, save judicial resources, and provide a fair and speedy resolution.

86. Defendants' future conduct will affect each putative class member, making the requested injunctive relief appropriate for the entire proposed class.

87. Without a class action and injunctive relief, Defendants will likely damage Plaintiffs and the proposed class again.

**COUNT I – NEGLIGENCE**  
**(Against Defendant New Jersey Transit Corporation)**

88. Plaintiffs repeat all other paragraphs as though stated in full below.

89. At all relevant times, Defendant NJ Transit's officers, employees, and servants operated Train 5451 in a negligent, careless, and reckless manner, causing Train 5451 to become stuck between the flood gates known as the Segment R2 NJ Transit Closure Gate.

90. As a direct and proximate result of this negligence, carelessness, and recklessness, Plaintiffs and the putative class members' properties and businesses were damaged or destroyed by flood waters, debris, and other hazardous materials.

91. At all relevant times, Defendant NJ Transit's officers, employees, and servants were acting within the scope of their employment with NJ Transit.

92. Defendant NJ Transit is thus liable to Plaintiffs and the proposed class under N.J.S.A. § 59:2-2.

**WHEREFORE**, Plaintiffs, for themselves and the proposed class, demand judgment against Defendants and pray for the following relief:

- (a) An order certifying the class defined above, appointing Plaintiffs as the class representatives, and appointing the undersigned counsel as class counsel;
- (b) An order requiring Defendants to retain a qualified third party to conduct an independent investigation of the circumstances of the operational failures described above and to make recommendations for preventing future failures;
- (c) An award of attorney's fees and costs under R. 4:32-2, R. 59:9-5, or any other applicable law;
- (d) An award of damages and post-judgment interest; and,
- (e) All other relief that is just and proper.

**COUNT II - NEGLIGENCE**

**(Against Defendants Somerset County and Somerset County Public Works)**

93. Plaintiffs repeat all other paragraphs as though stated in full below.

94. At all relevant times, Defendants Somerset County and Somerset County Public Works' officers, employees, and servants had a duty to operate the flood control system, including the Segment R2 NJ Transit Closure Gate, in accordance with the pre-established policies and procedures set forth in the Somerset County Flood Information System: Operations Manual and/or other official documents.

95. Defendants Somerset County and Somerset County Public Works' officers, employees, and servants were negligent, careless, and reckless in failing to close the flood gates known as the Segment R2 NJ Transit Closure Gate on September 1, 2021.

96. Defendants Somerset County and Somerset County Public Works' officers, employees, and servants were negligent, careless, and reckless in failing to notify Defendant NJ Transit that the flood gates needed to be closed on September 1, 2021.

97. As a direct and proximate result of this negligence, carelessness, and recklessness, Plaintiffs and the putative class members' properties and businesses were damaged or destroyed by flood waters, debris, and other hazardous materials.

98. At all relevant times, Defendants Somerset County and Somerset County Public Works' officers, employees, and servants were acting within the scope of their employment with Somerset County and/or Somerset County Public Works.

99. Defendants Somerset County and Somerset County Public Works are thus liable to Plaintiffs and the proposed class under N.J.S.A. § 59:2-2.

**WHEREFORE**, Plaintiffs, for themselves and the proposed class, demand judgment against Defendants and pray for the following relief:

- (a) An order certifying the class defined above, appointing Plaintiffs as the class representatives, and appointing the undersigned counsel as class counsel;
- (b) An order requiring Defendants to retain a qualified third party to conduct an independent investigation of the circumstances of the operational failures described above and to make recommendations for preventing future failures;
- (c) An award of attorney's fees and costs under R. 4:32-2, R. 59:9-5, or any other applicable law;
- (d) An award of damages and post-judgment interest; and,
- (e) All other relief that is just and proper.

**COUNT III – DANGEROUS CONDITION**  
**(Against Defendant New Jersey Transit Corporation)**

100. Plaintiffs repeat all other paragraphs as though stated in full below.

101. At all relevant times, Defendant NJ Transit owned, occupied, operated, maintained, and/or controlled the Raritan Valley railroad line, including the portion that runs through the Segment R2 NJ Transit Closure Gate.

102. Defendant NJ Transit did so negligently, carelessly, and recklessly own, occupy, operate, maintain, and/or control the Raritan Valley railroad line, creating a dangerous condition—a disabled train that prevented the flood gates from closing.

103. As a direct and proximate result of this negligence, carelessness, and recklessness, Plaintiffs and the putative class members' properties and businesses were damaged or destroyed by flood waters, debris, and other hazardous materials.

104. Defendant NJ Transit's failure to protect Plaintiffs and the proposed class from this nuisance was palpably unreasonable.

105. Defendant NJ Transit is thus liable in nuisance to Plaintiffs and the proposed class under N.J.S.A. § 59:4-2.

**WHEREFORE**, Plaintiffs, for themselves and the proposed class, demand judgment against Defendants and pray for the following relief:

- (a) An order certifying the class defined above, appointing Plaintiffs as the class representatives, and appointing the undersigned counsel as class counsel;
- (b) An order requiring Defendants to retain a qualified third party to conduct an independent investigation of the circumstances of the operational failures described above and to make recommendations for preventing future failures;
- (c) An award of attorney's fees and costs under R. 4:32-2, R. 59:9-5, or any other applicable law;
- (d) An award of damages and post-judgment interest; and,
- (e) All other relief that is just and proper.

**COUNT IV – DANGEROUS CONDITION**  
**(Against Defendants Somerset County and Somerset County Public Works)**

106. Plaintiffs repeat all other paragraphs as though stated in full below.



107. At all relevant times, Defendants Somerset County and Somerset County Public Works owned, occupied, operated, maintained, and/or controlled the Segment R2 NJ Transit Closure Gate.

108. Defendants Somerset County and Somerset County Public Works did so negligently, carelessly, and recklessly own, occupy, operate, maintain, and/or control the Segment R2 NJ Transit Closure Gate, leading to a dangerous condition—a disabled train that prevented the flood gates from closing.

109. As a direct and proximate result of this negligence, carelessness, and recklessness, Plaintiffs and the putative class members' properties and businesses were damaged or destroyed by flood waters, debris, and other hazardous materials.

110. Defendants Somerset County and Somerset County Public Works' failure to protect Plaintiffs and the proposed class from this nuisance was palpably unreasonable.

111. Defendants Somerset County and Somerset County Public Works are thus liable in nuisance to Plaintiffs and the proposed class under N.J.S.A. § 59:4-2.

**WHEREFORE**, Plaintiffs, for themselves and the proposed class, demand judgment against Defendants and pray for the following relief:

- (a) An order certifying the class defined above, appointing Plaintiffs as the class representatives, and appointing the undersigned counsel as class counsel;
- (b) An order requiring Defendants to retain a qualified third party to conduct an independent investigation of the circumstances of the operational failures described above and to make recommendations for preventing future failures;
- (c) An award of attorney's fees and costs under R. 4:32-2, R. 59:9-5, or any other applicable law;
- (d) An award of damages and post-judgment interest; and,
- (e) All other relief that is just and proper.

**COUNT V – GENERAL LIABILITY**  
**(Against All Fictitious Defendants)**

112. Plaintiffs repeat all other paragraphs as though stated in full below.

113. John Does 1–10 (fictitious names) are unknown individuals whose negligence, carelessness, and/or recklessness caused or contributed to the damages sustained by Plaintiffs and the proposed class.

114. ABC Corporations 1–10 (fictitious names) are unknown entities whose negligence, carelessness, and/or recklessness caused or contributed to the damages sustained by Plaintiffs and the proposed class.

115. Defendants John Does 1–10 and ABC Corporations 1–10 are thus liable to Plaintiffs and the proposed class.

**WHEREFORE**, Plaintiffs, for themselves and the proposed class, demand judgment against Defendants and pray for the following relief:

- (a) An order certifying the class defined above, appointing Plaintiffs as the class representatives, and appointing the undersigned counsel as class counsel;
- (b) An order requiring Defendants to retain a qualified third party to conduct an independent investigation of the circumstances of the operational failures described above and to make recommendations for preventing future failures;
- (c) An award of attorney’s fees and costs under R. 4:32-2, R. 59:9-5, or any other applicable law;
- (d) An award of damages and post-judgment interest; and,
- (e) All other relief that is just and proper.

**DEMAND FOR TRIAL BY JURY**

Plaintiffs demand a trial by jury as to all triable issues.

**DESIGNATION OF TRIAL COUNSEL**

Plaintiffs designate Jeremy E. Abay, Esq., Mary Kate McDevitt, Esq., Eric G. Kahn, Esq., and Sean B. Pryzbylkowski, Esq. as trial counsel.

**CERTIFICATION UNDER R. 4:5-1**

I, the undersigned, certify that the matter in controversy is not the subject of any other action pending in any court or of a pending arbitration proceeding or of any other contemplated action or arbitration proceeding.

**NOTICE TO PRODUCE**

Pursuant to R. 4:18-1, Plaintiffs demand that Defendants New Jersey Transit Corporation, Somerset County, and Somerset County Public Works produce copies of the below documents and communications within 30 days of service of this Complaint:

1. The Somerset County Flood Information System: Operations Manual.
2. Any document, policy, or procedure related to the operation of flood control features in Bound Brook, New Jersey, including, but not limited to, the Segment R2 NJ Transit Closure Gate.
3. Any document or communication identifying the individuals and/or entities responsible for operating the flood control features in Bound Brook, New Jersey, including, but not limited to, the Segment R2 NJ Transit Closure Gate.

4. All communications since 2007 between New Jersey Transit Corporation and Somerset County or Somerset County Public Works related to the Segment R2 NJ Transit Closure Gate.

5. Any insurance policy and declaration pages that apply or may apply to the claims stated in this Complaint.

6. Any claims that New Jersey Transit Corporation, Somerset County, or Somerset County Public Works received pursuant to the New Jersey Tort Claims Act, N.J.S.A. §§ 59:8-1 to 59:8-11, that relate to the flood event beginning on or about September 1, 2021.

Respectfully submitted by:

**PIETRAGALLO GORDON ALFANO  
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/s/ Jeremy E. Abay

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*Attorneys for Plaintiffs and the Proposed Class*

Dated: February 1, 2023



# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Hurricane Ida Class Action Alleges Somerset County, NJ 'Recklessly' Failed to Close Floodgates Before, During Storm](#)

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