

N.N., a Minor, through L.S.,

as Guardian, SUPERIOR COURT OF NEW JERSEY

Names Being Fictitious, LAW DIVISION: SUSSEX COUNTY

Plaintiff, Docket No.

v. Civil Action

BRYAN BOSLAND, JASON STOECKEL,

ERIC STOECKEL, JACQUELINE

STOECKEL, JAMES MOORE, JIMMY D. **COMPLAINT AND JURY DEMAND**

MOORE, and VIRGINIA MOORE,

Defendants.

Plaintiff N.N., a minor, through her guardian L.S., names being fictitious, residing in the Township of Vernon, Sussex County, New Jersey, by way of complaint against Defendants says:

PARTIES

1. Plaintiff N.N., a minor, through her guardian L.S., resides in the Township of Vernon, Sussex County, New Jersey.
2. Defendant Bryan Bosland resides at 18 Up-a-Way Drive, Vernon, Sussex County, New Jersey.
3. Defendant Jason Stoeckel resides at 19 Up-a-Way Drive, Vernon, Sussex County, New Jersey.
4. Defendant Eric Stoeckel resides at 19 Up-a-Way Drive, Vernon, Sussex County, New Jersey.
5. Defendant Jacqueline Stoeckel resides at 19 Up-a-Way Drive, Vernon, Sussex County, New Jersey.
6. Defendant James Moore resides at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey.

7. Defendant Jimmy D. Moore resides at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey.

8. Defendant Virginia Moore resides at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey.

FACTS

9. On or about August 27, 1996 Plaintiff, age thirteen (13), was lawfully on the premises located at 19 Up-a-Way Drive, Vernon, Sussex County, New Jersey, which was owned by Defendants Eric Stoeckel and Jacqueline Stoeckel and occupied by them with their son, Defendant Jason Stoeckel, age nineteen (19).

10. On or about said date Defendant Bryan Bosland, age eighteen (18), was at said premises with the express or implied permission of defendants Eric Stoeckel and Jacqueline Stoeckel.

11. On or about said date and at the address of Defendants as aforesaid, Plaintiff, a minor, was served alcoholic beverages by Defendants Jason Stoeckel and Bryan Bosland.

12. As a result of being served alcoholic beverages by said Defendants, Plaintiff became visibly intoxicated, and suffering the effects of such intoxication Plaintiff was placed in a vulnerable and helpless condition.

13. On or about said date, Defendants Jason Stoeckel and Bryan Bosland caused Plaintiff to leave the home of Defendant Jason Stoeckel in a state of intoxication and they took her to the premises located at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey, which was owned by Defendants Jimmy D. Moore and Virginia Moore, who occupied same with their son James Moore.

14. Defendants Jimmy D. Moore, Virginia Moore, and James Moore knew or should have known that Plaintiff was a minor and that she was visibly intoxicated and visibly sick while she was on their premises.

15. On or about said date at the premises located at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey, Defendant Bryan Bosland did sexually assault Plaintiff, a minor.

COUNT ONE

Assault and Battery

by Defendant Bryan Bosland

16. Plaintiff repeats and makes a part hereof the allegations

contained in each and every prior paragraph of this Complaint as if same were more fully set forth at length herein.

17. On or about August 27, 1996 at the time and place as aforesaid stated, Defendant Bryan Bosland did commit upon Plaintiff an assault and battery through the intentional and unpermitted touching of Plaintiff as heretofore described.

18. As a proximate consequence of the conduct by Defendant Bryan Bosland, Plaintiff has incurred compensatory damages, including but not limited to physical and mental pain and suffering, medical and psychological expenses and diminished enjoyment of life and will continue to suffer such compensatory damages in the future.

19. The conduct of Defendant Bryan Bosland was willful and wanton and Plaintiff is entitled to an award of punitive damages.

WHEREFORE, Plaintiff demands judgment against Defendant Bryan Bosland for compensatory and punitive damages, together with reasonable attorney's fees, costs of suit and such further relief as the Court may deem equitable and just.

COUNT TWO

Negligence

by Defendant Bryan Bosland

20. Plaintiff repeats and makes a part hereof the allegations

contained in each and every prior paragraph of this Complaint as if same were more fully set forth at length herein.

21. Defendant Bryan Bosland had a duty to exercise the foresight, prudence and caution that a reasonably prudent person would exercise while in the company of a minor female.

22. Said Defendant breached the duty of care of a reasonable person in that he engaged in conduct, including but not limited to the following:

a. He failed to recognize, exercise due diligence, or take the appropriate steps that a reasonable and prudent person would take in order to ascertain the true and correct age of Plaintiff;

b. He served alcohol to Plaintiff, a thirteen year old minor;

c. He engaged in sexual relations with Plaintiff, a thirteen year old minor;

d. He failed to recognize the consequences of his actions and the effects upon the physical and psychological wellbeing of Plaintiff.

e. He was otherwise negligent in his actions and conduct towards Plaintiff.

23. As a proximate consequence of the conduct by Defendant Bryan Bosland, Plaintiff has incurred compensatory damages, including but not limited to physical and mental pain and suffering, medical and psychological expenses and diminished enjoyment of life and will continue to suffer such compensatory damages in the future.

WHEREFORE, Plaintiff demands judgment against Defendant Bryan Bosland for compensatory damages, together with reasonable attorney's fees, costs of suit and such further relief as the Court may deem equitable and just.

COUNT THREE

Negligence

by Defendant Jason Stoeckel

24. Plaintiff repeats and makes a part hereof the allegations

contained in each and every prior paragraph of this Complaint as if same were more fully set forth at length herein.

25. On or about August 27, 1996 L.S., in attempting to locate her daughter, Plaintiff N.N., made inquiry of Defendant Jason Stoeckel as to the whereabouts of her daughter.

26. Defendant Jason Stoeckel had a duty to exercise the foresight, prudence and caution that a reasonably prudent person would exercise while in the company of a minor female and while knowing that said minor female was in an intoxicated condition and engaging in sexual relations with an adult male.

27. Said Defendant breached the duty of care of a reasonable person in that he engaged in conduct, including but not limited to the following:

a. He failed to recognize, exercise due diligence, or take the appropriate steps that a reasonable and prudent person would take in order to ascertain the true and correct age of Plaintiff;

b. He served alcohol to Plaintiff, a thirteen year old minor;

c. He concealed the identity of Plaintiff so as to hinder Plaintiff's mother, L. S., in her search for Plaintiff on the evening of August 27, 1996;

d. He aided and abetted Defendant Bryan Bosland's assault and battery on Plaintiff;

e. He was otherwise negligent in his actions and conduct towards Plaintiff.

28. As a proximate consequence of the conduct by Defendant Jason Stoeckel, Plaintiff has incurred compensatory damages, including but not limited to physical and mental pain and suffering, medical and psychological expenses and diminished enjoyment of life and will continue to suffer such compensatory damages in the future.

WHEREFORE, Plaintiff demands judgment against Defendant Jason Stoeckel for compensatory damages, together with reasonable attorney's fees, costs of suit and such further relief as the Court may deem equitable and just.

COUNT FOUR

Negligence

by Defendants Eric Stoeckel

and Jacqueline Stoeckel

29. Plaintiff repeats and make a part hereof the allegations

contained in each and every prior paragraph of this Complaint as if same were more fully set forth at length herein.

30. Plaintiff was a social guest while at the home of Defendants Eric Stoeckel and Jacqueline Stoeckel located at

19 Up-a-Way Drive, Vernon, Sussex County, New Jersey.

31. Defendants Eric Stoeckel and Jacqueline Stoeckel owed a duty of care to a social guest in their home to exercise the foresight, prudence and caution that a reasonably prudent person would exercise when a thirteen year old female minor is in the presence of adult males.

32. Defendants Eric Stoeckel and Jacqueline Stoeckel breached the duty of care of a reasonable prudent person in that each of said Defendants engaged in conduct, including but not limited to the following:

a. They failed to supervise the activities of young adult males and a thirteen year old female minor in their home;

b. They failed to control the availability of alcoholic beverages to minors in their home;

c. They failed to recognize, exercise due diligence, or take the appropriate steps that a reasonable and prudent person would take in order to ascertain the true and correct age of Plaintiff.

33. As a proximate consequence of the conduct by Defendants Eric Stoeckel and Jacqueline Stoeckel, Plaintiff has incurred compensatory damages, including but not limited to physical and mental pain and suffering, medical and psychological expenses and diminished enjoyment of life and will continue to suffer such compensatory damages in the future.

WHEREFORE, Plaintiff demands judgment against Defendants Eric Stoeckel and Jacqueline Stoeckel jointly, severally, or in the alternative, for compensatory and punitive damages, together with reasonable attorney's fees, costs of suit and such further relief as the Court may deem equitable and just.

COUNT FIVE

Negligence

by Defendants James Moore,

Jimmy D. Moore and Virginia Moore

34. Plaintiff repeats and make a part hereof the allegations

contained in each and every prior paragraph of this Complaint as if same were more fully set forth at length herein.

35. Plaintiff was a social guest while at the home of Defendants James Moore, Jimmy D. Moore and Virginia Moore located at 8 Up-a-Way Drive, Vernon, Sussex County, New Jersey.

36. Defendants James Moore, Jimmy D. Moore and Virginia Moore owed a duty of care to a social guest in their home to exercise the foresight, prudence and caution that a reasonably prudent person would exercise when a thirteen year old female minor is in the presence of adult males.

37. Defendants James Moore, Jimmy D. Moore and Virginia Moore breached the duty of care of a reasonable prudent person in that each of said Defendants engaged in conduct including but not limited to the following:

a. They failed to supervise the activities of young adult males and a thirteen year old female minor in their home;

b. They failed to control the availability of alcoholic beverages to minors in their home;

c. They failed to recognize, exercise due diligence, or take the appropriate steps that a reasonable and prudent person would take in order to ascertain the true and correct age of Plaintiff.

38. As a proximate consequence of the conduct by Defendants James Moore, Jimmy D. Moore and Virginia Moore, Plaintiff has incurred compensatory damages, including but not limited to physical and mental pain and suffering, medical and psychological expenses and diminished enjoyment of life and will continue to suffer such compensatory damages in the future.

WHEREFORE, Plaintiff demands judgment against Defendants

James Moore, Jimmy D. Moore and Virginia Moore jointly, severally, or in the alternative, for compensatory and punitive damages, together with reasonable attorney's fees, costs of suit and such further relief as the Court may deem equitable and just.

JURY DEMAND

Plaintiff hereby demands a trial by jury as to all issues.

CERTIFICATION UNDER R. 4:5-1

I hereby certify pursuant to R. 4:5-1 that this matter is not presently the subject of any other action pending in any court or of a pending arbitration proceeding. Furthermore, no such action or arbitration proceeding is being contemplated at this time. Also, to the best of my knowledge, there are no other parties that should be joined in this action at this time.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of R. 4:25-4, Richard D. Pompelio, Esq. is hereby designated as trial counsel on behalf of the plaintiff.

POMPELIO & POMPELIO, ESQS.

Attorneys for Plaintiff

By _____

Richard D. Pompelio

Dated: May 1, 1998