

**COMPLAINT TO BE APPOINTED GENERAL ADMINISTRATOR AND ADMINISTRATOR ad PROSEQUENDUM.**

**POMPELIO & POMPELIO**  
**Attorneys at Law**  
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**Attorneys for Plaintiff**

\_\_\_\_\_  
**IN THE MATTER OF THE ESTATE**  
**OF L.D., deceased**

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: SUPERIOR COURT OF NEW JERSEY  
: CHANCERY DIVISION -PROBATE PART  
: PASSAIC COUNTY  
: DOCKET NO.  
:  
: Civil Action  
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: **VERIFIED COMPLAINT**  
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Plaintiff, **A.C.**, residing at \_\_\_\_\_ Passaic County, New Jersey, by way of Complaint in the within matter, says:

**FIRST COUNT**

1. Plaintiff is the natural parent of L.D , who died, a resident of Passaic County, New Jersey on February 6, 2001 at the age of 34 years.

2. In addition to plaintiff, the said L.D is survived by her two minor children, \_\_\_\_\_(DOB 6/20/97), and \_\_\_\_\_ (DOB 8/24/99), both of whom have been in the care and custody of plaintiff since February 6, 2001 pursuant to an order of the court in the matter entitled: New Jersey Division of Youth and Family Services (Plaintiff) v. J.D. (Defendant), In the Matter of \_\_\_\_\_ and \_\_\_\_\_ (minors). Superior Court of New Jersey, Chancery Division-Family Part, County of Passaic, Docket No.\_\_\_\_\_. Immediately after the death of L.D , the New Jersey Division of Youth and Family Services assumed jurisdiction over the two minor

children and placed the care of them with plaintiff. On August 22, 2001, the court entered an order transferring custody of \_\_\_\_ AND \_\_\_\_\_ to plaintiff. (Exhibit "A" attached.)

3. Defendant J.D., was married to the decedent at the time of her death and is the natural father of the two minor children. They resided at the home they owned as tenants by the entirety located at \_\_\_\_\_

4. There is a long history of domestic violence committed by defendant JD upon his spouse, L.D . On or about February, 6, 2001, defendant J.D., beat L.D into a state of unconsciousness in their home while their youngest child was in the home. L.D. died from the injuries sustained as a result of the beating. The autopsy indicated that the decedent suffered multiple blunt-force trauma with severe damage to the victim's liver, pancreas and intestines. There were old and new rib fractures as well as other bruises and scratches. The immediate cause of death listed on the death certificate is "blunt force injury of chest and abdomen." (Exhibit B.)

5. Defendant J.D., was charged with the murder of L.D immediately after her death. He has been released from custody on \$300,000 bail.

6. On behalf of the two minor children of her daughter, plaintiff has engaged the services of legal counsel in order to file a wrongful death action on their behalf against defendant J.D., A copy of the complaint which plaintiff seeks to file is attached hereto as Exhibit "C".

7. Pursuant to the provisions of N.J.S.A. 2A:31-2 any action commenced for damages for the wrongful act of another shall be brought in the name of an administrator ad Prosequendum of the decedent for whose death damages are sought .....

8. As surviving spouse of L.D, defendant J.D., would otherwise be entitled to serve as general administrator and administrator ad Prosequendum of the decedent's estate. He is disqualified from serving in these capacities because he caused her death and his interests conflict with the interests of the two minor children.

9. The two minor children, \_\_\_\_ and \_\_\_\_\_ as the heirs at law of L.D, are the sole individuals entitled to recover from the wrongful death and survivor action. They are also the sole individuals entitled to inherit from their mother's estate.

10. Plaintiff, A.C , mother of the victim and sole custodian of \_\_\_\_and \_\_\_\_ is the most appropriate person for the Court to appoint as general administrator and administrator ad Prosequendum of the decedent's estate.

11. L.D and defendant J.D., acquired numerous assets of considerable value during their marriage. L.D had received stock options from her employer Pfizer Corporation. Prior to her death, defendant J.D., forced her to sell these stock options at a consideration of approximately \$90,000. While a portion of this money was used to purchase the property at Divan Way, Clifton, New Jersey, much of the remaining cash was placed in a bank account, to which the defendant has had unfettered access since he caused the death of his wife. In addition to other personal assets of the decedent, the parties jointly owned the one family house at 3 Divan Way at the time of decedent's death. Defendant J.D., is presently living alone at this property while the two minor children reside with plaintiff A.C . Defendant does not provide any financial support to plaintiff for his children.

12. The criminal charges against defendant will not, in all probability, go to trial in criminal court for many months year. If the assets of the decedent to which defendant has complete access are not frozen in order to protect the claims of the two minor children, they will suffer immediate and irreparable financial harm.

WHEREFORE, plaintiff demands judgment as follows:

- A Appointing plaintiff A.C as general administrator of the estate of L.D
- B. Appointing plaintiff A.C as administrator ad Prosequendum of the estate of L.D.
- C. For a temporary and permanent injunction against defendant J.D., , restraining him from using, transferring and/or encumbering any personal assets acquired by him either solely or jointly with decedent L.D and from transferring and/or encumbering any real property assets

acquired by him either solely or jointly with decedent L.D pending the final outcome of the wrongful death action and this matter.

D. That defendant, J.D., , be compelled to account for all such assets and any actions taken by him relative to same and that he file such accounting in accordance with the order of the court.

E. Temporarily and permanently restraining and enjoining defendant from taking or otherwise using such assets pending the outcome of this matter; and imposing a constructive trust on all such assets pending the outcome of this matter.

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G. For such further relief as this Court may deem equitable and just.

#### CERTIFICATION UNDER RULE 4:5-1

Plaintiffs hereby certify that the within controversy is not the subject of any other action pending in court or arbitration proceeding, except that the following:

In New Jersey Division of Youth and Family Services (Plaintiff) v. JD (Defendant), In the Matter of \_\_\_\_\_ and \_\_\_\_\_ (minors). Superior Court of New Jersey, Chancery Division-Family Part, County of Passaic, Docket No. . By Order of the Court dated August 22, 2001, custody of the minor children was transferred to plaintiff, AC.

Further, Plaintiffs know of no other party that should be joined in this action.

#### DESIGNATION OF TRIAL COUNSEL

Plaintiff hereby requests the Court to record that Richard D. Pompelio, Esq., is hereby designated as trial counsel.

POMPELIO & POMPELIO

By:  
RICHARD D. POMPELIO  
Attorney for Plaintiff

Dated: October , 2001

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CERTIFICATION OF VERIFICATION

AC, of full age, hereby certifies:

1. I am a plaintiff in the above-entitled action, and I make this Verification based upon personal knowledge.

2. I have read the foregoing Verified Complaint, and the statements contained therein are true to the best of my knowledge, information and belief.

I hereby 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.

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AC

October , 2001