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Attorneys for Plaintiff Kimberly M. Dixon

KIMBERLY M. DIXON,

Plaintiff,

vs.

**NEWARK HOUSING AUTHORITY, ALBERT
FOSTER, JOHN DOES 1-25 (fictitious names),
JANE DOES 1-25 (fictitious names), and ABC
CORPS., 1-20 (fictitious names),**

Defendants.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION –ESSEX COUNTY**

Docket No.: ESX-L-9779-08

Civil Action

FIRST AMENDED COMPLAINT

NEWARK HOUSING AUTHORITY,

Third-Party Plaintiff,

vs.

**JOHN M. ROTONDI, Ph.D. and CLARA
MAASS MEDICAL CENTER,**

Third-Party Defendants.

KIMBERLY M. DIXON

Plaintiff,

vs.

**JOHN M. ROTONDI, Ph.D. and CLARA
MAASS MEDICAL CENTER,**

Third-Party Defendants.

Plaintiff, KIMBERLY DIXON, by way of Complaint against the Defendants, says:

NATURE OF THE ACTION

This action arises out of the vicious rape of Plaintiff KIMBERLY DIXON by Defendant NEWARK HOUSING AUTHORITY Inspector Defendant ALBERT FOSTER. As the result of the crime of rape committed upon Plaintiff, KIMBERLY DIXON by Defendant ALBERT FOSTER, he was sentenced to seven (7) years in New Jersey State Prison on June 20, 2008. Defendant NEWARK HOUSING AUTHORITY employed Defendant ALBERT FOSTER and its agents, servants and employees were aware of the fact that Defendant ALBERT FOSTER was a dangerous sexual predator prior to the rape of Plaintiff KIMBERLY DIXON. Nevertheless, Defendant NEWARK HOUSING AUTHORITY allowed Defendant ALBERT FOSTER unfettered access to the residences of unprotected females such as Plaintiff KIMBERLY DIXON. This action for compensatory and punitive damages is brought against Defendants NEWARK HOUSING AUTHORITY and ALBERT FOSTER and others for the injuries sustained by Plaintiff KIMBERLY DIXON.

THE VICTIM

1. Plaintiff KIMBERLY DIXON was a citizen of the State of New Jersey at all times pertinent and relevant to the incidents described in this Complaint. At all times referred to herein Plaintiff KIMBERLY DIXON was the single mother of four (4) minor children residing in the City of Newark, Essex County, New Jersey. Plaintiff KIMBERLY DIXON rented an apartment in the City of Newark that received governmental subsidies, and pursuant to law, was subject to the rules, regulations, supervisory power, arbitrariness and discretion of Defendant NEWARK HOUSING AUTHORITY and its agents, servants and employees, including but not

limited to Defendant ALBERT FOSTER.

THE DEFENDANTS

2. Defendant, NEWARK HOUSING AUTHORITY is a public entity operating out of the State of New Jersey which may be served with process at 57 Sussex Avenue located in the City of Newark, New Jersey. Its purpose as a public agency of the City of Newark, New Jersey is to administer what is commonly referred to as “Section 8” housing which is a type of federal assistance program under the Federal Housing Act of 1937 provided by the United States Department of Housing and Urban Development (HUD) dedicated to sponsoring subsidized housing for low-income families and individuals. Defendant, NEWARK HOUSING AUTHORITY publishes its mission on its official website as:

“Our mission is to invest in our families by building and maintaining affordable housing to encourage economic independence and healthy communities.”

3. Defendant ALBERT FOSTER is a former employee of Defendant NEWARK HOUSING AUTHORITY. Defendant ALBERT FOSTER is presently under the custody and control of the New Jersey State Department of Corrections, a resident of the New Jersey State Prison system, having been sentenced for his crimes committed on Plaintiff KIMBERLY DIXON.

4. John Does 1-10 and ABC Corps. 1-10 are persons, employees, representatives and organizations of Defendant NEWARK HOUSING AUTHORITY with responsibility for the hiring, supervision, training and discipline of Defendant ALBERT FOSTER while an employee of Defendant NEWARK HOUSING AUTHORITY.

5. John Does 11-20 and ABC Corps. 11-20 are persons, employees, agents, representatives and organizations of Defendant NEWARK HOUSING AUTHORITY with

information and knowledge regarding the actions of Defendant ALBERT FOSTER while an employee of Defendant NEWARK HOUSING AUTHORITY involving allegations of sexual assault and rape.

FACTS

6. Plaintiff KIMBERLY DIXON legally qualified as a recipient of federally subsidized housing in the City of Newark, and as a result thereof, she established a home for her children and herself. As part of the rental assistance program, Plaintiff KIMBERLY DIXON was required by Defendant NEWARK HOUSING AUTHORITY to submit her home to periodic physical inspections by its agents, servants and employees.

7. At all times referred to herein, Defendant ALBERT FOSTER was an agent, servant and employee of Defendant NEWARK HOUSING AUTHORITY, serving in the capacity, *inter alia*, as housing inspector of Section 8 housing apartments.

8. On or about December 14, 2006 Defendant ALBERT FOSTER, arrived at the apartment of Plaintiff KIMBERLY DIXON, located at 115 Chadwick Avenue, 1st Floor, City of Newark, New Jersey, for the purpose of conducting a scheduled housing inspection under the Section 8 housing assistance program.

9. Plaintiff KIMBERLY DIXON permitted Defendant ALBERT FOSTER entrance into her apartment as required by law wherein Defendant ALBERT FOSTER began the housing inspection.

10. While conducting the housing inspection, Defendant ALBERT FOSTER made verbal advances towards Plaintiff KIMBERLY DIXON of a sexual nature. On each occasion Plaintiff KIMBERLY DIXON rebuffed Defendant ALBERT FOSTER'S advances, resulting in Defendant ALBERT FOSTER becoming angry. Plaintiff KIMBERLY DIXON became extremely frightened for her safety and the safety of her two (2) infant children who were also on

the premises.

11. As Defendant ALBERT FOSTER became angrier from Plaintiff KIMBERLY DIXON'S rejections, Defendant ALBERT FOSTER assaulted Plaintiff KIMBERLY DIXON and forced her down onto her bed, held her down by the neck tore off her clothing and violently raped her while her baby was screaming in the other room. Thereafter, Defendant ALBERT FOSTER threatened Plaintiff KIMBERLY DIXON that if Plaintiff KIMBERLY DIXON told anyone about the crime Defendant ALBERT FOSTER would further harm Plaintiff KIMBERLY DIXON.

12. Defendant ALBERT FOSTER was accused of sexually abusing four (4) women while inspecting their subsidized apartments located in the City of Newark and ultimately pleaded guilty to sexual assault and official misconduct in his capacity as an inspector on behalf of Defendant NEWARK HOUSING AUTHORITY.

13. On June 20, 2008 Defendant ALBERT FOSTER was sentenced to seven (7) years in prison for his crime. Defendant ALBERT FOSTER will not be eligible for parole until February 13, 2013. At the sentencing, Plaintiff KIMBERLY DIXON'S victim impact statement which was read to the court by the Essex County Prosecutor quoted Plaintiff KIMBERLY DIXON:

"I was raped in my home by a public servant with my children nearby. Your home is perhaps the one place where you and your family are supposed to feel safe and free from harm."

14. Defendant ALBERT FOSTER was known to certain officials, employees, representatives and agents of Defendant NEWARK HOUSING AUTHORITY to have had prior acts and occasions of sexual misconduct in his capacity as an employee of the Defendant NEWARK HOUSING AUTHORITY, nevertheless, he was not terminated and his employment

was protected, placing potential women, such as Plaintiff KIMBERLY DIXON, as potential victims of his predatory sexually criminal acts.

15. Defendant NEWARK HOUSING AUTHORITY knew or reasonably should have known that Defendant ALBERT FOSTER was a dangerous individual and instrument of harm to innocent women such as Plaintiff KIMBERLY DIXON, nevertheless, it took no action to prevent the foreseeable harm that would result from his predatory conduct.

COUNT ONE

Negligent Hiring Claim Against Defendant Newark Housing Authority

16. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

17. At the time Defendant NEWARK HOUSING AUTHORITY hired Defendant ALBERT FOSTER for the position of housing inspector it had a duty to make sufficient and diligent inquiry into his fitness to carry out the duties of a public housing inspector and discover that Defendant ALBERT FOSTER possessed the propensity towards harm or improper conduct towards women.

18. Defendant NEWARK HOUSING AUTHORITY was negligent in that it breached such duty and it was foreseeable that the hiring of an individual with the personal characteristics and traits of Defendant ALBERT FOSTER would lead to harm to innocent third parties such as Plaintiff KIMBERLY DIXON.

19. As a result of the negligent hiring of Defendant ALBERT FOSTER on the part of

Defendant NEWARK HOUSING AUTHORITY and the resultant rape of Plaintiff KIMBERLY DIXON by Defendant ALBERT FOSTER, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

20. The conduct of Defendant NEWARK HOUSING AUTHORITY was willful and wanton and plaintiff is entitled as a matter of law to an award of punitive damages.

WHEREFORE, plaintiff KIMBERLY DIXON demands judgment against Defendant NEWARK HOUSING AUTHORITY for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

COUNT TWO

Negligent Retention Claim Against Defendant Newark Housing Authority

21. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

22. Defendant NEWARK HOUSING AUTHORITY had a duty to not retain an employee who was unfit to carry out the duties of a public housing inspector if that person demonstrated or possessed the propensity towards harm or improper conduct towards women.

23. Defendant ALBERT FOSTER was nevertheless retained as an employee by Defendant NEWARK HOUSING AUTHORITY despite the fact that it knew or should have

known that Defendant ALBERT FOSTER was unfit to carry out the duties of a public housing inspector if that person demonstrated or possessed the propensity towards harm or improper conduct towards women.

24. Defendant NEWARK HOUSING AUTHORITY was negligent in that it breached such duty and it was foreseeable that the retention of an individual with the personal characteristics and traits of Defendant ALBERT FOSTER would lead to harm to innocent third parties such as Plaintiff KIMBERLY DIXON.

25. As a result of the negligent retention of Defendant ALBERT FOSTER on part of Defendant NEWARK HOUSING AUTHORITY and the resultant rape of Plaintiff KIMBERLY DIXON by Defendant ALBERT FOSTER, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

26. The conduct of Defendant NEWARK HOUSING AUTHORITY was willful and wanton and Plaintiff KIMBERLY DIXON is entitled as a matter of law to an award of punitive damages.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against Defendant NEWARK HOUSING AUTHORITY for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

COUNT THREE

*Negligent Supervision Claim Against
Defendant Newark Housing Authority*

27. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

28. Defendant NEWARK HOUSING AUTHORITY had a duty to properly supervise its employees, including its employee Defendant ALBERT FOSTER, to prevent any situation that could result in a vicious attack on an innocent third party by one of its employees during the performance of the employee's duties on behalf of the Defendant NEWARK HOUSING AUTHORITY.

29. Defendant ALBERT FOSTER was nevertheless retained as an employee by Defendant NEWARK HOUSING AUTHORITY despite the fact that it knew or should have known that he was unfit to carry out the duties of a public housing inspector if that person demonstrated or possessed the propensity towards harm or improper conduct towards women.

30. Defendant NEWARK HOUSING AUTHORITY was negligent in that it breached such duty because it failed to adequately supervise Defendant ALBERT FOSTER in the performance of his duties, and it was foreseeable that the failure to supervise an individual with the personal characteristics and traits of Defendant ALBERT FOSTER would lead to harm to innocent third parties such as Plaintiff KIMBERLY DIXON.

31. As a result of the negligent supervision of Defendant ALBERT FOSTER on part of Defendant NEWARK HOUSING AUTHORITY and the resultant rape of Plaintiff KIMBERLY DIXON by Defendant ALBERT FOSTER, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily

activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

32. The conduct of Defendant NEWARK HOUSING AUTHORITYH was willful and wanton and plaintiff is entitled as a matter of law to an award of punitive damages.

WHEREFORE, plaintiff demands judgment against defendant Newark Housing Authority for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

COUNT FOUR

Gross Negligence Claim Against Defendant Newark Housing Authority

33. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

34. Defendant NEWARK HOUSING AUTHORITY's officers, employees, agents and servants had prior knowledge of Defendant ALBERT FOSTER'S prior sexual assaults, rapes and abuse of public office committed during his employment with Defendant NEWARK HOUSING AUTHORITY, and thus could have reasonably foreseen that said prior sexual assaults, rapes and abuse of public office would create a risk of physical harm upon Plaintiff KIMBERLY DIXON.

35. Defendant NEWARK HOUSING AUTHORITY'S omissions, conduct, breaches, failures, and negligence were grossly negligent and/or were in conscious willful, wanton and in reckless disregard of KIMBERLY DIXON creating a risk of unreasonable harm to Plaintiff KIMBERLY DIXON.

36. As a result of the failure to provide adequate security on the part of Defendant NEWARK HOUSING AUTHORITY and the resultant rape of Plaintiff KIMBERLY DIXON by Defendant ALBERT FOSTER, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing Plaintiff KIMBERLY DIXON'S normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against defendant Newark Housing Authority for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

COUNT FIVE

Negligent Security Claim Against Defendant Newark Housing Authority

37. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

38. Defendant NEWARK HOUSING AUTHORITY, individually, jointly, and severally, including its agents, servants and employees owed a duty of ordinary care by providing reasonable security to Plaintiff KIMBERLY DIXON.

39. Defendant NEWARK HOUSING AUTHORITY breached said duties owed to Plaintiff KIMBERLY DIXON and were negligent in failing to provide reasonable security, which a reasonably prudent owner, supervisor, operator or employee would have provided

security in order to prevent injury to Plaintiff KIMBERLY DIXON.

40. As a result of the negligent security of Defendant NEWARK HOUSING AUTHORITY and the resultant rape of Plaintiff KIMBERLY DIXON by Defendant ALBERT FOSTER, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against Defendant NEWARK HOUSING AUTHORITY for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

COUNT SIX

Assault and Battery claim against Defendant Foster

41. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

42. Defendant ALBERT FOSTER did commit upon Plaintiff KIMBERLY DIXON an assault, battery and assault and battery.

43. As a direct result of the assault and battery committed by Defendant ALBERT FOSTER upon Plaintiff KIMBERLY DIXON, Plaintiff KIMBERLY DIXON has suffered and will continue to suffer severe and permanent emotional distress, physical manifestations of emotional distress, embarrassment, loss of self-esteem, and other psychological injuries; was prevented and will be continued to be prevented from performing her normal daily activities and

obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, and counseling; and incurred and will continue to incur loss of income and loss of earning capacity.

44. The conduct of Defendant ALBERT FOSTER was willful and wanton and Plaintiff KIMBERLY DIXON is entitled as a matter of law to an award of punitive damages.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against Defendant ALBERT FOSTER for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

THIRD PARTY COMPLAINT AGAINST JOHN M. ROTONDI, PHD.

Plaintiff KIMBERLY DIXON by way of its Third Party Complaint against JOHN M. ROTONDI, PHD. and CLARA MAASS MEDICAL CENTER says:

1. CLARA MAASS MEDICAL CENTER is a community hospital formed under the laws of the State of New Jersey located at 1 Clara Maass Drive in the City of Belleville, County of Essex in the State of New Jersey. CLARA MAASS MEDICAL CENTER was and is affiliated Saint Barnabas Health Care System.

2. Upon information and belief JOHN M. ROTONDI, PHD. was and is a licensed psychologist of the State of New Jersey, with offices located at the CLARA MAASS MEDICAL CENTER.

3. Upon information and belief, JOHN M. ROTONDI, PHD. examined Defendant ALBERT FOSTER pursuant to Defendant NEWARK HOUSING AUTHORITY'S direction.

4. Upon information and belief, Defendant ALBERT FOSTER was examined by JOHN M. ROTONDI, PHD. in order to determine whether he posed a threat to residents of Defendant NEWARK HOUSING AUTHORITY.

5. Upon information and belief, JOHN M. ROTONDI, PHD. deemed Defendant ALBERT FOSTER fit to return to his place of employment with Defendant NEWARK HOUSING AUTHORITY.

COUNT ONE

6. Plaintiff KIMBERLY DIXON repeats and makes part hereof the allegations contained in the previous paragraphs of this Complaint as if same were more fully set forth at length.

7. Assuming the aforementioned examination actually occurred, JOHN M. ROTONDI, PHD. would have had a duty to determine whether Defendant ALBERT FOSTER presented a probability of danger to residents of Defendant NEWARK HOUSING AUTHORITY, specifically, Plaintiff, KIMBERLY DIXON.

8. Upon information and belief, JOHN M. ROTONDI, PHD. breached his duty of care to Plaintiff KIMBERLY DIXON as a resident of Defendant NEWARK HOUSING AUTHORITY when he made an ill-advised opinion that Defendant ALBERT FOSTER did not in fact pose a danger to residents of Defendant NEWARK HOUSING AUTHORITY, including but not limited to Plaintiff KIMBERLY DIXON.

9. Upon information and belief, JOHN M. ROTONDI PHD. failed to exercise that degree of care, knowledge, skill ordinarily possessed and exercised in similar situations by the average member of the profession practicing in the field.

10. Upon information and belief, JOHN M. ROTONDI knew or should have known, that Defendant ALBERT FOSTER posed a threat as a dangerous sexual predator to the residents of Defendant NEWARK HOUSING AUTHORITY, including but not limited to Plaintiff KIMBERLY DIXON.

11. Upon information and belief, as a result of the professional opinion on behalf of JOHN M. ROTONDI PHD. via allowing Defendant ALBERT FOSTER to return to the employment of DEFENDANT NEWARK HOUSING AUTHORITY, Plaintiff KIMBERLY DIXON was sexually assaulted by Defendant ALBERT FOSTER.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against JOHN M. ROTONDI, PHD. for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

THIRD PARTY COMPLAINT AGAINST CLARA MAASS HOSPITAL

12. Plaintiff KIMBERLY DIXON repeats and makes a part hereof the allegations contained in previous paragraphs of this Complaint as if same were more fully set forth at length.

13. Upon information and belief, JOHN M. ROTONDI PHD. was an agent or employee of CLARA MAASS HOSPITAL at the time he examined Defendant ALBERT FOSTER.

14. Upon information and belief, Defendant NEWARK HOUSING AUTHORITY refers Defendant NEWARK HOUSING AUTHORITY employees to CLARA MAASS HOSPITAL for certain medical treatment.

15. Upon information and belief, CLARA MAASS directed Defendant ALBERT FOSTER to JOHN ROTONDI PHD. for the purposes of determining whether Defendant ALBERT FOSTER posed a threat as a dangerous sexual predator to DEFENDANT NEWARK HOUSING AUTHORITY residents including but not limited to Plaintiff KIMBERLY DIXON.

16. Assuming the aforementioned examination actually occurred, CLARA MAASS owed a duty to the residents of Defendant NEWARK HOUSING AUTHORITY including but not limited to Plaintiff KIMBERLY DIXON.

17. Upon information and belief, CLARA MAASS breach said duty by referring Defendant ABLERT FOSTER to JOHN M. ROTONDI PHD. due to his alleged negligence in identifying the fact that Defendant ALBERT FOSTER was a dangerous sexual predator causing the sexual assault upon Plaintiff KIMBERLY DIXON.

WHEREFORE, Plaintiff KIMBERLY DIXON demands judgment against CLARA MAASS for compensatory and punitive damages, together with attorneys' fees, costs of suit and such further relief as the court may deem equitable and just.

GRAY, L.L.C.

POMPELIO, FOREMAN &

Attorneys for Plaintiff
KIMBERLY DIXON

By: _____
PAUL S. FOREMAN, ESQ.
Attorneys for Plaintiff

DATED: July 23, 2009

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff hereby demands a trial by jury on all issues so triable.

CERTIFICATION

The undersigned hereby certifies that the matter in controversy is not the subject of any other action pending in any other court or of any pending arbitration proceeding and that no other action or arbitration proceedings are presently contemplated.

The undersigned further certifies that there are no other parties of which he is presently aware or should be joined in this action.

DESIGNATION OF TRIAL COUNSEL

PLEASE TAKE NOTICE that Paul S. Foreman, Esq., is hereby designated as trial counsel in the above captioned matter.

GRAY, L.L.C.

POMPELIO, FOREMAN &

Attorneys for Plaintiff
KIMBERLY DIXON

By: _____
PAUL S. FOREMAN, ESQ.
Attorneys for Plaintiff

DATED: July 23, 2009

DEMAND FOR INTERROGATORIES

Plaintiff demands that the defendant produces certified answers to the Form C and Form C(1) Interrogatories within sixty (60) days of service of this Complaint.

DEMAND FOR DOCUMENTS

Plaintiff demands that the defendant produce copies of any and all documents in his possession with regard to any of the issues set forth in this Complaint.

GRAY, L.L.C.

POMPELIO, FOREMAN &

Attorneys for Plaintiff
KIMBERLY DIXON

By: _____
PAUL S. FOREMAN, ESQ.
Attorneys for Plaintiff

DATED: July 23, 2009