

**NAGEL RICE, LLP**

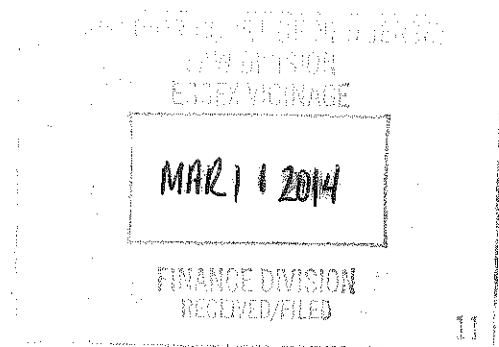
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Attorneys for Plaintiffs



JAMIE SCHARE FRIEDLAND,  
Administrator ad Prosequendum of the Estate  
of Dustin J. Friedland, and JAMIE SCHARE  
FRIEDLAND, individually,

Plaintiffs,

v.

TAUBMAN CENTERS, INC., SHORT  
HILLS ASSOCIATES, L.L.C., UNIVERSAL  
PROTECTION SERVICE, LLC, MICHAEL  
MCAVINUE, THE MILLBURN-SHORT  
HILLS VOLUNTEER FIRST AID SQUAD,  
INC., JOHN DOES 1-20 (being fictitious  
names); and ABC ENTITIES 1-20 (being a  
fictitious names);

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION- ESSEX COUNTY  
DOCKET NO.:

CIVIL ACTION

**COMPLAINT AND JURY DEMAND**

Plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland and Jamie Schare Friedland, individually, residing at 231 Park Avenue, Hoboken, NJ 07030 by way of Complaint against the defendants say:

**FACTS COMMON TO ALL COUNTS**

1. At all times relevant hereto, Jamie Schare Friedland was the wife of Dustin J. Friedland. Dustin J. Friedland died on December 15, 2013.

2. At all times relevant hereto, defendant, Taubman Centers, Inc., (hereinafter "Taubman"), with a principal place of business located in Bloomfield Hills, Michigan, was the owner and/or operator of The Mall at Short Hills in Short Hills, New Jersey (the "Mall").

3. At all times relevant hereto, defendant, Short Hills Associates, L.L.C, (hereinafter "SHA"), with a principal place of business located in Bloomfield Hills, Michigan, was the owner and/or operator of the Mall.

4. At all times relevant hereto, IPC International Corp., (hereinafter "IPC"), with a principal place of business located in Bannockburn, Illinois provided security services to the Mall pursuant to a contract with the owner of the Mall. IPC filed for bankruptcy on or about August 9, 2013. As part of the bankruptcy, IPC entered into an asset purchase agreement in or around August, 2013 with defendant, Universal Protection Service, LLC.

5. At all times relevant hereto, upon information and belief, defendant, Universal Protection Service, LLC (hereinafter "Universal"), with a principal place of business located in Santa Ana, California, provided security services to the Mall.

6. At all times relevant hereto, upon information and belief, defendant, Michael McAvinue, ("McAvinue") residing in Plainfield, New Jersey, was the general manager at the Mall.

7. At all times relevant hereto, defendant, The Millburn-Short Hills Volunteer First Aid Squad, Inc., (hereinafter "First Aid Squad"), with a principal place of business located in Millburn New Jersey, provided emergency medical/rescue services at the Mall and to plaintiffs.

8. At all times relevant hereto, defendants, John Does 1-20, were individuals, whose identities are not currently known, who were responsible for the operations, maintenance, construction, security, safety, design and/or inspections of the area where the incident described herein occurred, and the Mall and/or emergency medical/rescue services at the Mall and to plaintiffs.

9. All or some of the John Does 1-20 were principals, agents, ostensible agents, servants and/or employees of defendants, Taubman, SHA, Universal and First Aid Squad.

10. As such, defendants, Taubman, SHA, Universal and First Aid Squad are vicariously liable and vicariously responsible for any negligent acts, grossly negligent acts and/or omissions on the part of defendants, John Does 1-20.

11. At all times relevant hereto, defendants, ABC ENTITIES 1-20, whose identities are not currently known, were responsible, directly or by and through their principals, agents, ostensible agents, servants and/or employees, for the operations, maintenance, construction, security, safety, design and inspections of the area where the incident described herein occurred and the Mall.

12. On December 15, 2013, Jamie Schare Friedland and her husband, Dustin Friedland, visited the Mall as invitees. They parked their late model Range Rover on the parking deck and upon returning to their car at approximately 9:00 p.m. were assaulted by several individuals who carjacked their Range Rover and shot and killed Dustin J. Friedland.

13. Upon information and belief, the Mall contains 1,374,000 square feet of luxury retail floor space, which is the home to some of the most exclusive and expensive retailers of luxury goods in the country, including Cartier, Chanel, Dior, Gucci, Hermes, and Louis Vuitton.

14. In fact, the Mall is one of only two malls in the United States to have the luxury retailers Saks, Bloomingdale's, Macy's, Nordstrom, and Neiman Marcus all under one roof, and is home to an additional 42 luxury retailers found nowhere else in the state.

15. The Mall has recently been identified as one of America's "10 Most Profitable Malls" in the country by US News and World Report, generating approximately \$1,000 in sales per square foot per year.

16. Essex County New Jersey in which the Mall is situated has an alarmingly high rate of carjackings. In 2013, it is reported that there were at least 475 carjackings in Essex County. This number has dramatically increased over the last few years from 271 in 2010 and 277 in 2011. To put this in perspective, it is reported that there were 208 carjackings in all of New Jersey in 2007 and approximately 159 carjackings in all of New York City in 2013. The carjacking epidemic in Essex County was known to the Defendants for years prior to the incident in this case. In fact, Essex County started a task force to deal with the carjacking problem.

17. Sunday, December 15, 2013, which was the day of the incident, was one of the busiest shopping days of the year. Further, the Mall attracted upscale shoppers who drive expensive automobiles which are targeted by carjackers. The Range Rover which was the vehicle driven by the plaintiffs was highly sought after by carjackers, and the Mall was a prime target for carjackings and other crimes.

18. Statistics on carjackings in New Jersey further show that weekends account for the highest percentage of carjackings, with December being one of the most crime ridden months.

19. Due to the luxury nature of the retailers at the Mall, and the clientele it attracts, and the easy access to main thoroughfares, the Mall has been the target of criminals looking to rob and/or assault its patrons and/or invitees.

20. For example, upon information and belief, in 2009 a 56 year old female shopper, while attempting to leave the Mall, was attacked and robbed of money and jewelry by a knife wielding man, who then attempted to kidnap her from the parking lot, and carjack her car.

21. Further, upon information and belief, in 2006 two female shoppers were carjacked at gunpoint in the parking lot of the Mall while getting into their Jeep.

22. Further, upon information and belief, a 76 year old woman from Caldwell, New Jersey who was returning to her car was robbed of cash and jewelry by a man who, telling the woman he had a gun, found his way into her Cadillac parked near the Saks Fifth Avenue store.

23. Despite these repeated incidents, and the grave threat posed to its shoppers and patrons, several years ago the Mall ceased hiring police officers to provide security at the Mall, citing budgetary concerns. In order to increase profits, the owners and operators of the Mall elected to provide reduced security for its shoppers, patrons and invitees.

24. This action is brought pursuant to the Wrongful Death Act and the Survivorship Act.

#### **FIRST COUNT**

25. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

26. The defendants Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 had a duty to provide safe and secure premises for all patrons and/or invitees and breached that duty causing grievous damages to the plaintiffs. The defendants Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 were negligent and careless in failing to maintain safe and secure premises for all patrons and/or invitees which allowed criminal acts to be perpetrated on the Mall premises and caused catastrophic and permanent damages to the plaintiffs.

27. The defendants Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 knew or should have known that oversize rescue vehicles would not be able to

access the parking garage, and should have taken appropriate precautions and actions to address this.

28. As a direct and proximate result of the negligence and carelessness of the defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20, Dustin J. Friedland, sustained severe and permanent injuries until the time of his death.

29. As a direct and proximate result of the negligence and carelessness of the defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20, medical, hospital and funeral expenses were incurred on behalf of Dustin J. Friedland.

30. As a direct and proximate result of the negligence and carelessness of the defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20, those who were dependent upon Dustin J. Friedland for financial support, financial contribution, assistance, advice, guidance, counsel, household services and other matters have been, and will in the future continue to be, deprived of same.

WHEREFORE, plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland, and individually, demand judgment against defendants Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 jointly, severally or in the alternative for damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

### **SECOND COUNT**

31. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

32. At all times relevant hereto, Jamie Schare Friedland, was the lawful wife of Dustin J. Friedland.

33. As such, plaintiff, Jamie Schare Friedland, was entitled to the society, services, support, companionship, advice and guidance of her husband, Dustin J. Friedland.

34. As a direct and proximate result of the negligence and carelessness on the part of the defendants, plaintiff, Jamie Schare Friedland, has been, and will in the future continue to be, deprived of the society, services, support, companionship, advice and guidance of her husband, Dustin J. Friedland.

WHEREFORE, plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland, and individually, demands judgment against defendants jointly, severally or in the alternative for damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

### **THIRD COUNT**

35. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

36. Plaintiff Jamie Share Friedland was married to Dustin J. Friedland and witnessed the assault and cold-blooded murder of her husband.

37. As a direct and proximate result of the negligence and carelessness on the part of the defendants and of witnessing the horrifying acts resulting in the death of her husband, Jamie Share Friedland has, and will in the future continue to suffer from, severe and permanent injuries.

WHEREFORE, plaintiffs, Jamie Schare Friedland demands judgment against defendants jointly, severally or in the alternative, for damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

#### FOURTH COUNT

38. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

39. The defendants First Aid Squad and John Does 1-20 had a duty to provide emergency medical/rescue services to plaintiffs in good faith and in a competent manner. Plaintiffs were attacked and carjacked at the Mall. A 911 call was made. It took an extended and excessive period of time from the time the call was placed until an ambulance from the First Aid Squad responded to the scene. The delay was caused in part by the ambulance not being able to access the parking deck because it was too large to fit underneath the deck, forcing the First Aid Squad attendants travelling in the ambulance to have to wheel a stretcher up the ramp to retrieve Mr. Friedland, and then wheel him back down in the stretcher, thus delaying critical care necessary to save Mr. Friedland's life.

40. The First Aid Squad and John Does 1-20 knew or should have known that the ambulance could not access the parking deck at the Mall as the size of the ambulance was too large. The First Aid Squad and John Does 1-20 failed to take action to remedy this issue.

41. The defendants First Aid Squad and John Does 1-20 were grossly negligent and their actions, inactions and/or omissions were willful and wanton. The defendants First Aid Squad and John Does 1-20 breached their duty to plaintiffs, and, upon information and belief, did not act in good faith in rendering services to plaintiffs. As a result, plaintiffs sustained grievous damages.

42. With regard to the rendering of services to plaintiffs, the defendants, First Aid Squad and John Does 1-20's gross negligence, actions and omissions in part related to and arose out of the operation of a motor vehicle.



43. As a direct and proximate result of the gross negligence, failure to act in good faith, and/or willful and wanton actions and/or omissions of defendants First Aid Squad and John Does 1-20, Dustin J. Friedland sustained catastrophic injuries and damages and Jamie Schare Friedland sustained severe and permanent injury.

WHEREFORE, plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland, and individually demands judgment against defendant First Aid Squad and John Does 1-20, jointly, severally or in the alternative for damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

#### **FIFTH COUNT**

44. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

45. At all relevant times hereto, defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 knew or should have known, among other things, that Sunday, December 15, 2013 was one of the busiest shopping days of the year, that weekends account for the highest percentage of carjackings in New Jersey, that December is one of the most crime ridden months for carjackings in New Jersey, that Essex County New Jersey, in which the Mall is situated, had an alarmingly high rate of carjackings and other crimes, that carjackings in Essex County reached epidemic proportions, that the Mall attracted upscale shoppers, that the Mall attracted shoppers who drive expensive automobiles, that the Range Rover which was the vehicle driven by the plaintiffs was highly sought after by carjackers, and that the Mall has easy access to main highways.

46. For an extended period of time prior to the incident in this case, Defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 willfully and

wantonly failed to take steps to protect patrons, shoppers and/or invitees, placed financial interests ahead of the safety and protection of patrons, shoppers and/or invitees, disregarded known facts regarding the epidemic of carjackings in Essex County New Jersey, and otherwise acted with disregard for the safety of patrons and invitees.

47. For an extended period of time prior to the incident in this case, Defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 knew that serious harm would arise from their conduct.

48. As a result of the foregoing, plaintiffs were carjacked, Dustin Friedland suffered grievous injuries and was killed and Jamie Schare Friedland was severely injured.

49. The harm suffered by plaintiffs was the result of the defendants, Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20's acts or omissions, and such acts or omissions were actuated by actual malice or accompanied by a wanton and willful disregard of plaintiffs and/or invitees and patrons of the Mall who foreseeably might be harmed by those acts or omissions.

50. WHEREFORE, plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland, and individually demands judgment against defendants Taubman, SHA, Universal, McAvinue, John Does 1-20 and ABC ENTITIES 1-20 jointly, severally or in the alternative for punitive damages, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

#### **SIXTH COUNT**

51. Plaintiffs repeat and reallege every preceding paragraph of this Complaint.

52. At all times relevant hereto, defendants, John Does 1-20, were individuals, whose identities are not currently known, who were responsible for the operations, maintenance,

construction, security, design, safety, and inspections of the area where the incident described herein occurred and the Mall.

53. All or some of the John Does 1-20 were principals, agents, ostensible agents, servants and/or employees of defendants, Taubman, SHA, Universal and First Aid Squad.

54. As such, defendants, Taubman, SHA, Universal and First Aid Squad are vicariously liable and vicariously responsible for any negligent acts, grossly negligent acts and/or omissions on the part of defendants, John Does 1-20.

55. At all times relevant hereto, defendants, ABC ENTITIES 1-20 whose identity is not currently known, were responsible directly or by and through its principals, agents, ostensible agents, servants and/or employees for the operations, maintenance, construction, security, safety, design and inspections of the area where the incident described herein occurred and the Mall.

56. As a result of the negligence and carelessness of the defendants, John Does 1-20 and ABC ENTITIES 1-20, Dustin J. Friedland sustained catastrophic injuries and was killed, and Jamie Schare Friedland sustained severe and permanent injury.

WHEREFORE, plaintiffs, Jamie Schare Friedland, administrator *ad prosequendum* of the Estate of Dustin J. Friedland, and individually demands judgment against defendants John Does 1-20 and ABC ENTITIES 1-20 jointly, severally or in the alternative for damages, damages pursuant to the Wrongful Death Act, damages pursuant to the Survivorship Act, interest, costs of suit, attorney's fees, and such other relief as the Court deems just and equitable.

**NAGEL RICE, LLP**  
Attorneys for Plaintiffs

By: \_\_\_\_\_

BRUCE H. NAGEL

Dated: March 11, 2014

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury on all issues.

**DESIGNATION OF TRIAL COUNSEL**

Bruce H. Nagel, Esq. is hereby designated as trial counsel in the above captioned matter.

**DEMAND FOR INSURANCE COVERAGE**

In accordance with R. 4:10-2, defendants are demanded to provide a complete copy of their applicable insurance policies and declaration sheets demonstrating coverage within thirty (30) days of service of this Complaint.

**DEMAND FOR INTERROGATORIES**

Plaintiffs demand that the defendants each produce certified answers to the Form C and Form C(2) Interrogatories within sixty (60) days of service of this Complaint.

**NAGEL RICE, LLP**  
Attorneys for Plaintiffs

By:  \_\_\_\_\_  
BRUCE H. NAGEL

Dated: March //, 2014

**RULE 4:5-1 CERTIFICATION**

I hereby certify that to the best of my knowledge the matter in controversy is not the subject of another action pending in any Court or of a pending arbitration proceeding, and that plaintiffs either have filed or will likely file tort claim notices against the Township of Millburn and others, and that we intend to join those parties after the statutory waiting period expires.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

**NAGEL RICE, LLP**  
Attorneys for Plaintiffs

By:   
BRUCE H. NAGEL

Dated: March 11, 2014