

Lynch ♦ Martin  
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Attorneys for Plaintiff(s)

DANIELLE J. GRUSKOWSKI, a minor,  
by her Guardian *ad Litem* Diane T.  
Gruskowski; and DIANE T.  
GRUSKOWSKI, Individually and as the  
Administratrix Ad Prosequendum of the  
Estate of DANIELLE J. GRUSKOWSKI,

Plaintiff(s),

-vs-

SPECTRUM FOR LIVING  
DEVELOPMENT, INC.; JOY JACKSON;  
SPECTRUM FOR LIVING GROUP  
HOMES, INC.; SPECTRUM FOR LIVING  
MIDDLESEX, INC.; GALINA  
KUPERSHTEYN; RON MARTIN; JOHN  
DOES #1-10 and/or RICHARD ROES #1-  
10, ABC CORP., 1-10,

Defendant(s).

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MIDDLESEX COUNTY

DOCKET NO. MID-L-6646-01

Civil Action

**FIRST AMENDED COMPLAINT AND  
JURY DEMAND**

Plaintiff, DANIELLE J. GRUSKOWSKI, a Minor, by and through her Guardian *ad Litem*, DIANE T. GRUSKOWSKI, and, DIANE GRUSKOWSKI, Administratrix Ad Prosequendum of the Estate of DANIELLE J. GRUSKOWSKI, and DIANE GRUSKOWSKI, individually, residing at 193 Carteret Avenue, Carteret, Middlesex County, New Jersey, complaining of the Defendants, by and through their attorneys, allege and say upon information and belief:

**FIRST COUNT**

1. On or about December 24, 2001, the plaintiff, Danielle J. Gruskowski, was a resident of Spectrum for Living Development, Inc., Edison, New Jersey.

2. At the same time and place, the defendant, Joy Jackson was an agent, servant, and/or employee of the defendant, Spectrum For Living Development, Inc., assigned to perform work at said location.

3. The defendant, Joy Jackson during the course of her employment as aforesaid, negligently injured the plaintiff, Danielle J. Gruskowski, by severely burning her with a scalding beverage (tea) about the face and neck.

4. The defendant, Spectrum For Living Development, Inc., and/or their respective principals and/or managers, negligently hired, trained, supervised, and/or controlled Joy Jackson, resulting in the plaintiff, Danielle J. Gruskowski, being severely burned by the defendant, Joy Jackson.

5. The defendants, John Does #1-10 and Richard Roes #1-10, ABC Corp., 1-10 are fictitious names representing one or more persons, partnerships, or corporations, whose identities are presently unknown to plaintiff.

6. As a direct and proximate result of the negligence of the defendants, jointly and/or severally, the plaintiff was caused to suffer severe, multiple and permanent bodily injury; has suffered and continues to suffer great pain and anguish; has and continues to suffer the loss of enjoyment of life; has and continues to suffer severe emotional distress; and has incurred and continues to incur expenses for medical care and attention.

**WHEREFORE**, plaintiff, Danielle J. Gruskowski, by her Guardian *ad Litem*, Diane T. Gruskowski, demands judgment against the defendants, jointly and/or severally, for compensatory and punitive damages, interest and costs of suit.

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**SECOND COUNT**

1. The plaintiff, Danielle J. Gruskowski, repeats and realleges each and every allegation of the First Count as if set forth herein at length.

2. The defendant, Joy Jackson, willfully, wantonly and intentionally

severely burned the plaintiff, Danielle J. Gruskowski, about her face and neck.

3. The defendants, Spectrum for Living Development, Inc., Joy Jackson, John Does #1-10 and/or Richard Roes #1-10, ABC Corp., 1-10, willfully, wantonly and intentionally acted in concert and/or conspired with each other or other unknown individuals to physically assault and/or cause emotional distress to the plaintiff, Danielle J. Gruskowski.

4. The joint and/or several conduct of the defendants, Spectrum for Living Development, Inc., Joy Jackson, John Does #1-10 and/or Richard Roes #1-10, ABC Corp., 1-10 was extreme and outrageous.

5. As a direct and proximate result of the willful, wanton and intentional conduct of the defendants, jointly and/or severally, the plaintiff was caused to suffer severe, multiple and permanent bodily injury; has suffered and continues to suffer great pain and anguish; has and continues to suffer the loss of enjoyment of life; has and continues to suffer severe emotional distress; and has incurred and continues to incur expenses for medical care and attention.

**WHEREFORE**, plaintiff, Danielle J. Gruskowski, by her Guardian *ad Litem*, Diane T. Gruskowski, demands judgment against the defendants, jointly and/or severally, for compensatory and punitive damages, interest and costs of suit as provided by any and all applicable laws as revealed through discovery and litigation.

### **THIRD COUNT**

1. The plaintiff, Diane T. Gruskowski, repeats and realleges each and every allegation of the First Count and Second Count as if set forth herein at length.

2. At all times relevant hereto, the plaintiff, Diane T. Gruskowski, was the mother and Guardian *ad Litem* of the plaintiff, Danielle J. Gruskowski.

3. As a direct and proximate result of the negligent and/or willful, wanton and

intentional conduct of defendants jointly and/or severally, the plaintiff, Diane T. Gruskowski, was caused to suffer and will continue to suffer the loss of the companionship of the plaintiff, Danielle J. Gruskowski, and has and will continue to incur expenses for her medical care and attention.

**WHEREFORE**, plaintiff, Diane T. Gruskowski, demands judgment against the defendants, jointly and/or severally, for compensatory and punitive damages, interests and costs of suit as provided by any and all applicable laws as revealed through discovery and litigation.

#### **FOURTH COUNT**

1. Danielle Gruskowski died intestate on or about 11/5/02 and subsequent thereto, letters of Administration ad prosequendum were issued to Diane T. Gruskowski who is duly authorized to bring this action as Administratrix ad prosequendum.
2. In or about October-November, 2002, Danielle Gruskowski came under the care and treatment of the Defendants SPECTRUM FOR LIVING DEVELOPMENT, INC.; SPECTRUM FOR LIVING GROUP HOMES, INC.; SPECTRUM FOR LIVING MIDDLESEX, INC.; GALINA KUPERSHTEYN; RON MARTIN; JOHN DOES #1-10 and/or RICHARD ROES #1-10, ABC CORP., 1-10, by and through their agents, servants, employees, staff, principal, physicians, and nurses, all of whom are hereby designated as John Does and Jane Does including but not limited to GALINA KUPERSHTEYN, RN.
3. At all relevant times was licensed as a nurse in New Jersey and such relationship existed with the decedent.
4. The above fictitious named defendants are the names of the nurses and/or physicians, the identities and/or culpability of such individuals being presently unknown to Plaintiff, which individuals participated in the care and treatment of

decedent.

5. At the time and place aforesaid, and for some time prior and subsequent thereto, GALINA KUPERSHTEYN, RN as well as the rest of the defendants, deviated from accepted standards of medical and/or nursing care in their diagnosis, care and treatment of decedent and were otherwise negligent, said negligence resulting in the death of Danielle Gruskowski and causing great pain, suffering and other damage as has been set forth in discovery, motion practice and otherwise through this litigation, and as is set forth in the 10/21/03 report of Steven Wolinsky, MD, which is incorporated in this complaint by reference herein and made a part hereof as "Exhibit A".
6. The Affidavit of Merit will be incorporated as per the time allowed by the New Jersey Court Rules, if not already attached hereto.
7. As a direct and proximate result of the conducts of the Defendants, as aforesaid, Danielle Gruskowski was caused to suffer and die, and died on November 5, 2002, and left surviving him his mother, Diane T. Gruskowski who is duly authorized to bring this action as Administratrix ad prosequendum.

**WHEREFORE**, plaintiff, Diane T. Gruskowski, demands judgment against the defendants, jointly and/or severally, for compensatory and punitive damages, interests and costs of suit as provided by law including but not limited to as provided under the New Jersey Survival Act, N.J.S.A. 2A:15-3 and the New Jersey Wrongful Death Act, together with interest and costs of suit.

**JURY DEMAND**

Plaintiffs hereby demand trial by jury on all issues herein presented.

**TRIAL COUNSEL DESIGNATION**

**PLEASE TAKE NOTICE** that pursuant to R. 4:25-4, Gerald H. Clark, Esq. is

designated trial counsel in the within action.

**CERTIFICATION PURSUANT TO R.4:5-1**

Gerald Clark does hereby certify as follows:

1. I am an Attorney at Law of the State of New Jersey, and an associate of the law firm of Lynch Martin Kroll, attorneys for the plaintiffs, and am familiar with the above captioned matter.

2. To the best of my knowledge, information, and belief, there is no other action pending about the subject matter of this Complaint in any court or arbitration proceeding, other than municipal complaints in Edison, New Jersey, under Case No. 00060433, nor are there any other persons known to me who should be added as parties to this matter, nor are there any other actions contemplated.

3. I do hereby certify that the foregoing statements made by me are true to the best of my knowledge, and if knowingly made false, I am subject to punishment.

LYNCH ♦ MARTIN  
Attorneys for Plaintiffs

By: \_\_\_\_\_  
GERALD CLARK

Dated: