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FILED  
MORRIS COUNTY  
APR 17 11:01  
CIVIL DIVISION

ARMANDO ZALLA AND MARKELJANA  
ZALLA, his wife, EGI ZALLA and  
MARKEZ ZALLA, minor children of  
plaintiffs ARMANDO and MARKELZANA  
ZALLA,

Plaintiffs,

vs.

KINGS SUPERMARKETS, INC., t/a  
KINGS SUPERMARKET OF  
MORRISTOWN, ABC CORPORATION 1-  
10 AND JOHN and JANE DOES 1-10,

Defendants.

: SUPERIOR COURT OF NEW JERSEY  
: LAW DIVISION- MORRIS COUNTY

: DOCKET NO.: MOR-L- **2106-08**

Civil Action

**COMPLAINT AND JURY DEMAND**

Plaintiff, Armando Zalla, resides with Markeljana Zalla his wife and Egi and  
Markez, their minor children at 1 Washington Avenue, Morristown, New Jersey 0796-  
4341, Town of Morristown, County of Morris, State of New Jersey by way of complaint  
against the defendants say:

**FIRST COUNT**

1. On or about April 21, 2007, the defendant Kings Supermarket Corporation, t/a  
Kings of Morristown, was the owner and operator and was in control of the premises  
known as Kings of Morristown, located at 101 South Street, Morristown, New Jersey.

2. The defendant, Kings Supermarket Corporation, t/a Kings Supermarket of Morristown has locations throughout New Jersey including Morris County.

3. At the above time and place, Markeljana Zalla was a guest and business invitee lawfully making use of the facilities provided by the defendant on its premises in the Town of Morristown.

4. The defendant was under a duty and had undertaken to provide supervision of its facilities and was under a duty to provide a safe place for plaintiff, who was a guest and business invitee and, as a purveyor of fine food and drink, was warranted to provided meats, fruits, vegetables and other foods in a hygienic, clean and careful manner.

5. At the above date and time while having ordered sliced delicatessen meats at the delicatessen counter of this King Supermarket, the King's employee, whose identity is unknown at this time, was in the process of filling an order of bologna which had been requested by Markeljana Zalla.

6. During the preparation of the order for Markeljana Zalla, the defendant, Jane Doe, presently an unknown female delicatessen counter employee for Kings Supermarket in Morristown, apparently suffered injury to herself which was not only characterized by excessive blood which caused the defendant employee to immediately cease work at the slicing apparatus in order to seek medical attention.

7. In a very brief time thereafter, a male employee of Kings Supermarket, John Doe, currently an unknown male employee of the delicatessen counter at Kings Supermarket in Morristown appeared, and without paying heed or care the unhygienic and

contaminated condition of the bloodied food slicer, simply continued the order packaging it and providing it to Markeljana Zalla.

8. John Doe, the currently unknown male deli counter employee provided the undoubtedly contaminated food to Ms. Zalla negligently and without due care as to the potential for disease resulting from the ingestion of blood and blood by-products as well as human flesh. On February 26, 2007, plaintiff Armando Zalla, in the process of preparing sandwiches for his two children, aged \_\_\_\_\_ and \_\_\_\_\_, ingested the first several slices of bologna from the package. After having done so, he then noticed a piece of foreign matter which was obviously a segment of human flesh, which had been discovered between slices of the luncheon meat purchased the prior day by his wife.

9. A daughter, Egi Zalla, suffered extreme revulsion upon seeing the flesh fragment and ran away from the scene of the discovery.

10. Plaintiff Armando Zalla, was shocked and experienced intense revulsion and ran to the bathroom and, by his own words, "vomited like crazy".

11. As a direct result of the negligence of Kings Supermarket and its employees, Mr. Zalla continues to experience nausea upon viewing food. He also has suffered decreased appetite and loss of weight, depression, nightmares and other psychological and psychiatric injuries proximately caused by this incident.

**WHEREFORE**, plaintiff, Armando Zalla, demands judgment against the defendants for damages, interests, cost of suit and other relief to which he may be entitled.

**COUNT TWO**

1. Plaintiff, Armando Zalla, repeats each and every allegation contained in the above Counts of this Complaint as though set forth herein in full.

2. The plaintiff Markeljana Zalla, is the wife of Armando Zalla, the injured plaintiff.

3. As a direct and proximate result of the injuries plaintiff, Armando Zalla, this plaintiff, Markeljana Zalla will be deprived of the consortium and services of plaintiff Armando Zalla.

**WHEREFORE**, plaintiff, Markeljana Zalla, demands judgment against the defendants together with interests, cost of suit and such other relief to which plaintiffs may be entitled.

**COUNT THREE**

1. Plaintiffs repeat and reallege every allegation contained in the above Counts of this Complaint as though set forth herein in full.

2. Defendant, Kings Supermarket, has a duty to the consuming public to maintain its facilities in a safe, healthy and hygienic manner.

3. At the time and date of the incident giving rise to the instant suit, the Kings delicatessen department employee caused herself to suffer injury which resulted in excessive sanguination in and about the area of the food preparation area, specifically the slicer which was being used to prepare plaintiff Markeljana Zalla's order.

4. Once the injured employee was removed from the scene, another employee undertook completion of the Zalla order without any concern as to the hygienic condition of the meat slicer and the immediate area, despite having an affirmative responsibility to do so.

5. As a result, the blood expelled by the injured employee was most likely absorbed and became part of the sliced bologna order and, as a result, would not be blatant to any consumer in due course.

6. Plaintiff Armando Zalla continues to suffer disturbances of sleep, nightmares and other psychological and psychiatric disorders resulting from his justifiable belief that he had indeed ingested food which had absorbed human blood which was proximately caused by the individual and collective negligence of Kings employees and their supervisors.

7. As a direct and proximate result of the negligence of the defendants and their agents, Armando Zalla has sustained severe and painful permanent injuries, and he will continue to endure substantial mental pain and suffering resulting in physical manifestations and perhaps permanent disability which will require psychiatric and other medical care and treatment in the present and future.

**WHEREFORE**, plaintiffs demand judgment against the defendants for damages together with interests, cost of suit and such other relief to which the plaintiff may be entitled or as otherwise determined by the Court.

**CERTIFICATION**

Pursuant to R. 4:5-1, the undersigned counsel for plaintiffs hereby certifies that, to the best of his knowledge, this matter in controversy is not the subject of any pending or contemplated court action or arbitration proceeding and knows of no other party who should be joined in this suit.

By: Thomas C. Pluciennik  
THOMAS C. PLUCIENNIK, ESQ.

DATED:

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, Thomas C. Pluciennik, Esq. is hereby designated as trial counsel for the plaintiff in the above stated matter.

**JURY DEMAND**

Plaintiffs Armando Zalla and Markeljana Zalla hereby demand trial by jury on all issues.

By: Thomas C. Pluciennik  
THOMAS C. PLUCIENNIK, ESQ.  
Attorney for Plaintiffs

DATED: