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AMANY RAMADAN,

Plaintiff(s),

vs.

MACY's, Inc.; MACY'S
DEPARTMENT STORES;
FEDERATED DEPARTMENT
STORES, INC.; UNITED STATES OF
AMERICA; UNITED PARCEL
SERVICE; and/or ABC COMPANY 1-10
(being fictitious entities unknown at this
time); JOHN DOES 1-10 (being fictitious
persons unknown at this time),

Defendant(s).

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Civil Action No.:

COMPLAINT and JURY DEMAND

Plaintiff, AMANY RAMADAN, residing in the Township of Paterson, County of Passaic, and District and State of New Jersey, by way of Complaint and jury demand, says as follows:

NATURE OF THE ACTION

1. This is a civil action by Plaintiff against Defendants for their unlawful acts towards and treatment of Plaintiff arising from an incident which took place during the time period on or around December 29, 2017 to January 3, 2018, and continuing thereafter, pertaining to, *inter alia*, the negligent infliction of emotional distress, negligence and intentional infliction

of emotional distress, negligent hiring, supervision and retention, *respondeat superior*, the Federal Tort Claims Act, among other tortious conduct discussed below, by the Defendants against the Plaintiff.

2. Plaintiff has exhausted her claims by filing the required forms with the Defendants and having her claims denied.

JURISDICTION AND VENUE

3. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331, via the Federal Tort Claims Act, and by virtue of the State claims of the Plaintiffs based on 28 U.S.C. § 1367, “Supplemental Jurisdiction,” and in accordance with the principles of pendant jurisdiction.

4. Venue is properly laid in this District pursuant to 28 U.S.C. § 1391 as Plaintiff resides here and this is the District where the events forming the basis for the action occurred.

THE PARTIES

5. At all times relevant to this action, Plaintiff Amany Ramadan (“Plaintiff”) was, and still is, a citizen of the State of New Jersey, residing at 31 Buffalo Avenue, Paterson, NJ 07503.

6. At all times relevant to this action, Defendants Macy’s, Inc., Macy’s Department Stores and Federated Department Stores, Inc., is a chain of department stores that operates online shopping services in the State of New Jersey.

7. At all times relevant to this action, Defendant United Parcel Service, is a messenger and package delivery company operating and providing services throughout the United States, including New Jersey.

8. At all times relevant to this action, Defendant United States of America is the proper defendant in a lawsuit brought pursuant to the Federal Tort Claims Act, against the United States Postal Service.

9. Defendants, John Doe(s) 1-10 and ABC Company (1-10), are fictitious names intended to identify any and all parties whose present identity is unknown to Plaintiff and who are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are responsible for the actions or injuries alleged herein. (All Defendants are herein referred to collectively as “Defendants”.)

10. At all times relevant to this action, defendants acted individually and/or by and through their agents, servants and/or employees, each of whom acted in the course and scope of their employment and authority with and for defendants.

FACTS

11. This action arises out of an incident which took place during the time period on or around December 29, 2017 to January 3, 2018, and continuing thereafter, at the home of plaintiff Amany Ramadan, located at 31 Buffalo Avenue, Paterson, NJ 07503.

12. On or about December 29, 2017, plaintiff placed an online order through Macy’s, for Vince Camuto, Bestan Wide-Calf boots, order #1543091199.

13. On or around the morning of January 3, 2018, the boots were delivered—via the United Parcel Service and United States Postal Service—to plaintiff’s residence at 31 Buffalo Avenue, Paterson, NJ 07503.

14. Later that same day, at or around approximately 5:50pm, plaintiff returned home from work and opened the Macy’s box that had been delivered earlier that day. Upon opening

the Macy's box, plaintiff reached into the package for the box containing the boots. Plaintiff felt something else contained in the package under the boots. Plaintiff did not readily know what was in the package, but stated that it "...looked like meat." Plaintiff was terrified, afraid and shaken.

15. Plaintiff immediately contacted her brother and father, who immediately came to help her. Plaintiff's father contacted the Paterson Police Department, and the police were dispatched to plaintiff's house. It was established that the package supposedly containing the Vince Camuto boots actually contained two dead, skinned cats. Authorities proceeded to notify Animal Control, who arrived at plaintiff's house that same night. Animal control removed the box with the two dead cats to police headquarters.

16. Defendants had a duty to exercise due care towards plaintiff.

17. Defendants' actions and/or omissions to act constituted a breach of the duty of care it owed to plaintiff.

COUNT I

18. Plaintiff incorporates each and every prior allegation as if fully stated herein..

19. The conduct of the Defendants as aforesaid, constitutes negligent infliction of emotional distress.

20. The negligence of Defendants was done while they maintained a duty of care to plaintiff, as a customer utilizing Defendants' online shopping service in the normal course of business.

21. Defendants knew, or should have known, that failure to exercise due care in the performance of, *inter alia*, processing, packing and delivering online orders, would cause plaintiff severe emotional distress.

22. Defendants knew, or should have known, that failure to exercise due care in the performance of, *inter alia*, screening, hiring and supervising its employees would cause plaintiff severe emotional distress.

23. As a further proximate result of such Defendants' negligence, plaintiff was in fright from a reasonable fear of immediately personal injury and also suffered bodily injury.

24. As a further proximate result of such Defendants' negligence, plaintiff suffered extreme emotional, mental and psychiatric distress, including Post Traumatic Stress Disorder.

25. It was reasonably foreseeable that the tortious conduct committed by Defendants would cause genuine and substantial emotional distress and/or mental harm to average persons.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendants' actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT II

26. Plaintiff incorporates each and every prior allegation as if fully stated herein.

27. Defendants have engaged in extreme and outrageous conduct toward Plaintiff.

28. Defendants' extreme and outrageous conduct toward Plaintiff was done intentionally in a fashion intended to produce emotional distress, or recklessly in deliberate disregard of a high degree of probability that emotional distress will follow.

29. Defendants' extreme and outrageous conduct proximately caused and will continue to cause Plaintiff emotional distress so severe that no reasonable person could be expected to endure, resulting in bodily injury.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendant's actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT III

30. Plaintiff incorporates each and every prior allegation as if fully stated herein.

31. The conduct of the Defendants, as aforesaid, constitutes negligence.

32. Defendants maintained a duty of care towards online shoppers, such as plaintiff, consistent with the laws of New Jersey and the U.S. Constitution.

33. Defendants breached such duty by engaging in the conduct stated herein.

34. Defendants breach is a direct and proximate cause of plaintiff's injuries.

35. As a direct and proximate result of Defendants' breach of duty, plaintiff was humiliated and disgraced, suffered great mental anguish, suffered psychiatric and/or psychological symptoms and injuries, and was required to obtain extensive medical treatment for the injuries sustained, and has otherwise been damaged and injured in diverse other manners to her great detriment.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendant's actions, including compensatory,

consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT IV

36. Plaintiff incorporates each and every prior allegation as if fully stated herein.

37. The conduct of Defendants, as aforesaid, constitutes negligent hiring.

38. Defendants, in a business providing services to the public, had a duty to use reasonable care in, *inter alia*, selecting competent and fit employees for the work assigned to them. Further, Defendant was bound to refrain from retaining the services of an unfit employee.

39. Defendants, at the time it hired employee(s), John Doe(s), had reason to believe, or could have determined by reasonable investigation, that the employee was dangerous, and hired the employee(s) anyway.

40. The risk of harm by Defendants' employee(s), John Does, was foreseeable.

41. Defendants' breach of its duty proximately caused plaintiff's injuries.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendants' actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT V

42. Plaintiff incorporates each and every prior allegation as if fully stated herein.

43. The conduct of Defendants, as aforesaid, constitutes negligent retention/supervision.

44. Defendants, in a business providing services to the public, had a duty to use reasonable care in, *inter alia*, selecting competent and fit employees for the work assigned to them. Further, Defendant was bound to refrain from retaining the services of an unfit employee.

45. Defendants negligently hired and retained in their employee Defendants John Does 1-10, had notice of their failure to control their employees, had notice of any prior violations and failed to properly supervise their employees.

46. Defendants learned, or through due diligence could have determined, that its employee(s), John Doe(s), was dangerous, but did not take appropriate action to prevent harm to others.

47. As a result of the negligent retaining and supervising of Defendants' employees John Does 1-10, Plaintiff suffered and will continue to suffer severe and extreme emotional damage

48. The risk of harm by Defendants' employees, John Doe(s), was foreseeable.

49. Defendants' breach of its duty proximately caused plaintiff's injuries.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendants' actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT VI

50. Plaintiff incorporates each and every prior allegation as if fully stated herein.

51. Plaintiff was the victim of tortious conduct perpetrated by Defendants, their agents, servants and/or employees, which tortious conduct consisted of, *inter alia*, those facts previously set forth in this Complaint.

52. On that date and at the time of this incident, and at all times relevant to this action, Defendant John Doe(s), who committed the tortious and negligent conduct as described above, were employed by Defendants.

53. As a result of the tortious conduct perpetrated by Defendants' employees as described above, Plaintiff was humiliated and disgraced, suffered great mental anguish, suffered psychiatric and/or psychological symptoms and injuries, and was required to obtain extensive medical treatment for the injuries sustained, and has otherwise been damaged and injured in diverse other manners to her great detriment.

54. At the time of the tortious conduct that harmed Plaintiff by the Defendants' employees, such employees were acting within the scope of their employment duties and their tortious conduct was therefore imputable to Defendant superiors, including the Defendants Macy's, Inc., Macy's Department Stores and Federated Department Stores, Inc., United States of America, United Parcel Service, and/or ABC Company 1-10 (being fictitious entities unknown at this time), under the Doctrine of Respondeat Superior.

55. At the time of the tortious conduct that harmed Plaintiff, committed by Defendants' employees, agent and servants on behalf of Defendants, such employees were acting within the scope of their apparent authority, such that the negligence, wrongful and tortious acts of the employees was therefore imputable to their employers, Defendants Macy's, Inc., Macy's Department Stores and Federated Department Stores, Inc., United States of America, United

Parcel Service, and/or ABC Company 1-10 (being fictitious entities unknown at this time), under the Doctrine of Respondeat Superior.

56. The tortious conduct that was committed by Defendants' employees was egregious and characterized by malice and reckless negligence and justifying the imposition of punitive damages therefor.

57. The imposition of punitive damages on Defendants for the egregious tortious conduct of Defendants' employees is justified on the grounds that the Defendants authorized/ratified the conduct or that the Defendants were reckless or wanton in retaining the employee(s) who committed the tort after knowledge of the employee's proclivities to engage in such conduct or that the employee(s) who committed the tort occupied a higher, managerial and/or superior position at Defendants' employment.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendant's actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

COUNT VII

58. Plaintiff incorporates each and every prior allegation as if fully stated herein.

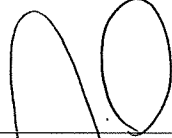
59. The acts and events set forth above constitute, *inter alia*, negligent infliction of emotional distress, negligence and intentional infliction of emotional distress, negligent hiring, supervision and retention, and *respondeat superior*, among other tortious conduct, under state law and the laws of the State of New Jersey. Because these acts and events were undertaken and

caused, in part and/or whole, by United States Postal Service or its agents, the United States government is liable for all damages by such acts, as provided by the Federal Tort Claims Act.

WHEREFORE, Plaintiff Amany Ramadan, individually, demands judgment against Defendants for damages suffered as a result of Defendant's actions, including compensatory, consequential and punitive damages, attorneys' fees, costs of bringing suit and such other and further relief as this Court may deem equitable and just.

THE VESPI LAW FIRM, LLC

Attorneys for Plaintiff

By: 

JARED E. DRILL

Dated: March 13, 2019