

File No. WH-101-CM  
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Attorneys for Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ANA BREA and JORGE RICARDO :  
:   
Plaintiffs :   
:   
vs. : CIVIL ACTION NO.   
:   
WHOLE FOODS MARKET, JOHN DOE, :   
JOHN DOES 2-10, ABC INC. 1-10 and :   
XYZ CO. 1-10 :   
:   
Defendants :   
:

PETITION FOR REMOVAL

Petitioner, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market by its attorneys, Fishman McIntyre Levine Samansky, P.C., respectfully petitions the United States District Court for the District of New Jersey as follows:

1. Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market first received a copy of the Complaint on or about March 11, 2022 through their registered agent.
2. This case was commenced on March 9, 2022 in the Superior Court of New Jersey, Law Division, Bergen County Suit is identified in the Superior Court as Brea, Ana and Ricardo, Jorge v. Whole Foods Market, Docket No. L-1373-22. (See Exhibit A)
3. The filing of this Petition for Removal is timely because it is filed within thirty days of the date Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market first received

notice of the lawsuit.

4. The plaintiff's Complaint in the Superior Court of New Jersey, Law Division, Bergen County, asserts damages of a non-specified amount. Plaintiff alleges in the Complaint that defendant allowed a dangerous condition to exist, namely an employee pushing a trolley with boxes, which in turn struck the plaintiff causing her to fall and sustain severe and permanent injuries. As such, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market believes that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

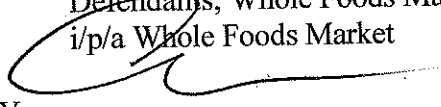
5. Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market is informed and believes that Plaintiff, Ana Brea, is an individual citizen of the State of New Jersey. Defendant/petitioner, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market is incorporated in the State of Delaware and its principal place of business is in the State of Texas. The action is therefore between citizens and a corporation of other states.

6. Accordingly, this action is removable to this Court pursuant to 28 U.S.C. § 1441.

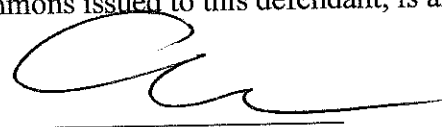
WHEREFORE, Petitioner, Defendants, Whole Foods Market Group, Inc. i/p/a Whole Foods Market in the action described herein, which is currently pending in the Superior Court of the State of New Jersey, Law Division, Bergen County, Docket No. L-1373-22, prays that this action be removed therefrom to this Court.

DATED: March 15, 2022

Defendants, Whole Foods Market Group, Inc.  
i/p/a Whole Foods Market

BY:   
Christopher E. McIntyre, Esq.

I certify that a true copy of the Complaint filed in the Superior Court of the State of New Jersey, County of Bergen, along with a copy of the Summons issued to this defendant, is annexed hereto as Exhibit A.

BY:   
Christopher E. McIntyre, Esq.

# EXHIBIT A

**PETER N. DAVIS & ASSOCIATES**

Nicholas Barone, Esq.

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Attorneys for Plaintiffs, Ana Brea & Jorge Ricardo

Our File No.: 207525

ANA BREA AND JORGE RICARDO,

*Plaintiff,*

vs.

*Defendants,*

WHOLE FOODS MARKET, JOHN  
DOE, JOHN DOES 2-10, ABC INC. 1-10  
AND XYZ CO. 1-10.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: BERGEN COUNTY

DOCKET NO. BER-L-

*Civil Action*

**COMPLAINT, JURY DEMAND,  
DESIGNATION OF TRIAL COUNSEL  
and CERTIFICATION PURSUANT TO  
R. 4:5-1**

The Plaintiffs, Ana Brea and Jorge Ricardo, residing at 300 Avalon Drive, in the Borough of Wood-Ridge, County of Bergen, and State of New Jersey, by way of Complaint against the Defendants, say:

**FIRST COUNT**

1. On or about October 4, 2020, the Plaintiff, Ana, was a business invitee at the location known as Whole Foods Market, 300 Bergen Town Center, in the Borough of Paramus, County of Bergen, State of New Jersey.
2. On or about the same time and place, the Defendant, Whole Foods Market, owned and/or operated and/or managed and/or maintained and/or was charged with the duty of care to the aforesaid premises, located at 300 Bergen Town Center, in the Borough of Paramus, County of Bergen, State of New Jersey.
3. On or about the same time and place, the Defendant, Whole Foods Market, negligently and carelessly owned and/or operated and/or managed and/or maintained and/or discharged their duty of

care to the aforesaid premises, by allowing a dangerous condition to exist, namely an employee pushing a trolley with boxes, which in turn struck the Plaintiff, causing her to fall.

4. As a direct and proximate result of the negligence of the Defendant, Whole Foods Market as aforesaid, the Plaintiff, Ana Brea, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure her injuries, and has suffered a loss of income.

**WHEREFORE**, the Plaintiff, Ana Brea, demands judgment for damages against Defendant, Whole Foods Market, together with interest, costs of suit and attorney's fees.

### SECOND COUNT

1. The Plaintiff, Ana Brea, repeats each and every allegation of the First Count as if set forth at length herein.

2. On or about October 4, 2020, the Plaintiff, Ana Brea, was a business invitee at the location known as Whole Foods Market, 300 Bergen Town Center, in the Borough of Paramus, County of Bergen, and State of New Jersey.

3. On or about the same time and place, the Defendant, John Doe, negligently and carelessly pushed a trolley with boxes on the same, which in turn struck the Plaintiff, causing her to fall.

4. As a direct and proximate result of the negligence of the Defendant, John Doe, as aforesaid, the Plaintiff, Ana Brea, sustained severe and permanent injuries, endured and will endure great pain and suffering, has expended and will continue to expend great sums of money in order to cure her injuries, and has suffered a loss of income.

**WHEREFORE**, the Plaintiff, Ana Brea, demands judgment for damages against the Defendant, John Doe, together with interest, cost of suit and attorney's fees.

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