

EXHIBIT A

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<p>DARYL ROBERTS, INDIVIDUALLY AND AS ADMINISTRATOR AD PROSEQUENDUM FOR THE ESTATE OF CHERYL ROBERTS,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>ALARIS HEALTH, LLC, ALARIS HEALTH at HAMILTON PARK, AND JOHN DOES 1-10,</p> <p style="text-align: center;">Defendant.</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION, HUDSON COUNTY</p> <p>DOCKET NO. HUD-L-</p> <p>CIVIL ACTION</p> <p><u>COMPLAINT, JURY DEMAND AND DESIGNATION OF TRIAL COUNSEL</u></p>
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Plaintiff, Daryl Roberts (“Daryl” or “Plaintiff”), as Administrator Ad Prosequendum of the Estate of Cheryl Roberts (“The Estate” or “Cheryl”), Deceased, and Daryl individually, by and through his undersigned attorneys, hereby complains and alleges as follows:

PARTIES AND JURISDICTION

1. Cheryl was a natural person, and, at all relevant times, a resident and citizen of the State of New Jersey and she resided at Defendant Alaris Health at Hamilton Park, as further defined below.
2. Daryl is a New Jersey resident who presently resides at 55 Storms Ave., Jersey City, NJ 07306.

3. Daryl was named Administrator Ad Prosequendum of the Estate of his late mother by the Hudson County Surrogate Court. Please see Exhibit A attached.
4. During all relevant times mentioned herein, Defendant Alaris Health at Hamilton Park (hereinafter “AHP”) was a licensed nursing home and long-term care facility located at 525 Monmouth Street, Jersey City, NJ 07302.
5. Defendant AHP is a “Member Health Center” of Alaris Health LLC (together, “Alaris”), a business entity organized and operating under the laws of the State of New Jersey, and, on information and belief, which has its headquarters at 35 Journal Square, Suite 1103, City of Jersey City, County of Hudson, State of New Jersey. Upon information and belief, all individual members of Alaris are residents of Hudson County and the State of New Jersey.
6. As Plaintiff is a resident of and works in Hudson County, New Jersey; as Defendants are located in, reside in, or operate out of Hudson County, New Jersey; as the various incidents and harms to Plaintiff, as detailed herein, occurred in Hudson County, New Jersey; and as Plaintiff’s Complaint sounds in New Jersey State law, this Court is the proper forum for trial in this action.

ALLEGATIONS COMMON TO ALL COUNTS

7. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if they were set forth fully herein.
8. Cheryl was a Certified Nursing Assistant since approximately the early 1990s at Hamilton Park Healthcare Center, which was later purchased by Alaris and became AHP.
9. Cheryl worked full-time as a CNA at AHP.

10. As a consequence of COVID-19, Alaris began restricting visitation to its Hamilton Park facility on or about March 12, 2020, pursuant to guidance issued by the Centers for Medicare and Medicaid Services.
11. Over the next weeks, a growing number of patients and staff began exhibiting signs of COVID-19, including coughing, fevers, and diarrhea.
12. Alaris management consistently told staff including Cheryl that COVID-19 was not present at Alaris and that these symptoms were due to pneumonia and/or seasonal flu.
13. A number of Alaris staff members complained that AHP lacked PPE.
14. Despite this, Alaris did not provide staff with sufficient PPE such as masks, gowns, and eyewear, and even discouraged or prohibited the use of masks until late March.
15. In fact, Alaris intentionally misrepresented the risk of COVID-19 infection to staff and family-members of patients.
16. Alaris intentionally concealed from staff, patients, and patients' families that staff and patients at AHP had and continued to test positive for and display symptoms of COVID-19.
17. March 28, 2020, Cheryl began feeling ill with symptoms of COVID-19 after working the previous evening at AHP.
18. On March 29, 2020, Cheryl went for testing at Journal Square Urgent Care at 32 JSQ Plaza, Jersey City, NJ 07304.
19. On March 30, 2020, Cheryl received a positive result for her COVID-19 test.
20. Cheryl's symptoms worsened and she struggled to breathe.
21. On March 31, 2020, she was admitted to Jersey City Medical Center.
22. Cheryl was placed on a respirator and then a ventilator.
23. On April 5, 2020, Cheryl died due to COVID-19 at the age of 53.

24. Throughout March of 2020, Cheryl exposed herself to minimal risk of COVID-19 infection outside her workplace.

FIRST COUNT – INTENTIONAL TORT

25. Plaintiff repeats and realleges the allegations of the preceding paragraphs as if they were set forth fully herein.

26. By and through the aforementioned actions, including, but not limited to deliberately ignoring safety concerns raised by staff, refusing to provide PPE to staff and discouraging the use of PPE by staff, and hiding the fact that staff and patients had tested positive for and/or displayed symptoms of COVID-19, Defendant Alaris breached its common law duty not to intentionally subject employees to substantially certain harm.

27. In Cheryl's cases, the risk presented by Alaris's aforementioned breach manifested by causing her death due to COVID-19.

WHEREFORE Plaintiff, The Estate of Cheryl Roberts, by and through the Administrator Ad Prosequendum for the Estate, Daryl Roberts, and Daryl Roberts, individually, demands judgment against the Defendants, Alaris Health at Hamilton Park, Alaris Health, LLC, and John Does 1-10 (these names being fictitious as their true identities are presently unknown), jointly, severally, and in the alternative, for compensatory damages, punitive damages, interest, costs of suit, attorneys' fees, and such other relief as the court deems appropriate pursuant to the New Jersey common law, the Survivor's Act, N.J.S.A. 2A:15-3, the Wrongful Death Act, N.J.S.A. 2A:31-1 to -6., and the Punitive Damages Act, N.J.S.A. 2A:15-5.9 et seq.

Respectfully submitted,





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