

SUMMONS - CIVIL

JD-CV-1 Rev. 10-15
 C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
 52-48, 52-259, P.B. §§ 3-1 through 3-21, 8-1, 10-13

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov



See other side for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350) 300 GRAND STREET, WATERBURY, CT 06702	Telephone number of clerk (with area code) (203) 591-3300	Return Date (Must be a Tuesday) <u>7-16</u> / <u>2</u> / <u>016</u> Month Day Year
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349) WATERBURY	Case type code (See list on page 2) Major: Minor:

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code) Garrett M. Moore, Sr., Moore, O'Brien & Foti, 891 Straits Turnpike, Middlebury, CT 06762		Juris number (to be entered by attorney only) 308035
Telephone number (with area code) (203) 272-5881	Signature of Plaintiff (If self-represented)	
The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Email address for delivery of papers under Section 10-13 (if agreed to) GMOORE@MOJYLAW.COM

Number of Plaintiffs: **1** Number of Defendants: **2** Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: GRECHIKA, JAMES Address: 42 MANILLA STREET, OAKVILLE, CT 06779	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: WFM PROPERTIES CHESHIRE, LLC 550 BOWIE STREET, AUSTIN, TX 78703 Address: Agent for Service: C T CORPORATION SYSTEM, ONE CORPORATE CENTER, HARTFORD, CT 06103	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

Notice to Each Defendant

1. **YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left GARRETT M. MOORE, SR.	Date signed 07/19/2016
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If this Summons is signed by a Clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.	For Court Use Only File Date
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I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket Number
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DOCKET NO.: UWY-CV-15-6025912-S : **SUPERIOR COURT**
JAMES GRECHKA : **J. D. OF WATERBURY**
V. : **AT WATERBURY**
WHOLE FOODS MARKET
GROUP, INC., ET AL : **JUNE 29, 2016**

AMENDED COMPLAINT

FIRST COUNT:
(JAMES GRECHKA V. WHOLE FOODS MARKET GROUP, INC.)

1. At all times mentioned herein, the defendant, **WHOLE FOODS MARKET GROUP, INC.**, was and is a foreign corporation authorized to transact business in the State of Connecticut with a principal place of business located at 550 Bowie Street, Austin, Texas.

2. At all times mentioned herein, the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its servants and/or employees, owned, possessed, managed, controlled and/or maintained the Whole Foods Market Distribution Center premises located at 400 East Johnson Avenue, Cheshire, Connecticut, including the exterior brick/paver stone walkway.

3. On October 4, 2013 and at all times mentioned herein, the plaintiff, **JAMES GRECHKA**, was lawfully walking on the subject premises, on the exterior brick/paver stone walkway when he was caused to fall due to a broken and/or uneven surface on the

exterior front walkway area, thereby causing the plaintiff to suffer the injuries and losses more fully set forth below.

4. The incident was caused by the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, in one or more of the following ways:

- a. It failed to properly maintain the exterior brick/paver stone walkway area;
- b. It failed to properly and reasonably inspect the exterior brick/paver stone walkway area on the premises;
- c. It knew or in the exercise of reasonable care and inspection should have known of the aforementioned conditions and should have taken measures to remedy and correct the same but this they carelessly and negligently failed to do;
- d. It failed to warn the plaintiff of the dangerous condition of the exterior brick/paver stone walkway area on the premises;
- e. It failed to erect barriers for those lawfully on the premises not to use the subject exterior brick/paver stone walkway area and/or prevent those lawfully on the premises from falling due to the dangerous and/or hazardous condition; and/or

f. It failed to repair the exterior brick/paver stone walkway area in a timely manner.

5. As a result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, suffered the following injuries, some or all of which may be permanent in nature:

- a. Left wrist pain;
- b. Left arm pain;
- c. Right forearm laceration;
- d. Right arm pain;
- e. Right hand laceration;
- f. Right hand pain;
- g. Left wrist fracture requiring surgical intervention with associated pain and discomfort; and
- h. Pain and suffering, both mental and physical.

6. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was forced to expend large sums of money for hospital and medical care,

surgery, medicines, diagnostic tests and therapy, all necessary to his recovery, and may be forced to expend additional sums in the future.

7. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHIKA**, was unable to work, to his financial detriment.

8. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHIKA**, has sustained a loss of earning capacity.

9. As a further result of the negligence of the defendant, **WHOLE FOODS MARKET GROUP, INC.**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was unable, and remains unable, to participate in and enjoy his usual activities.

SECOND COUNT: (JAMES GRECHKA V. WFM PROPERTIES CHESHIRE, LLC)

1. At all times mentioned herein, the defendant, **WFM PROPERTIES CHESHIRE, LLC**, was and is a foreign corporation authorized to transact business in the State of Connecticut with a principal place of business located at 550 Bowie Street, Austin, Texas.

2. The plaintiff first learned of the identity of **WFM PROPERTIES CHESHIRE, LLC** through interrogatory responses dated May 14, 2015 and was later confirmed on June 29, 2016 when the co-defendant, **WHOLE FOODS MARKET GROUP, INC.**, responded to the plaintiff's Requests for Admissions.

3. At all times mentioned herein, the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its servants and/or employees, owned, possessed, managed, controlled and/or maintained the property on which the Whole Foods Market Distribution Center premises was located, 400 East Johnson Avenue, Cheshire, Connecticut, including the exterior brick/paver stone walkway.

4. On October 4, 2013 and at all times mentioned herein, the plaintiff, **JAMES GRECHIKA**, was lawfully walking on the subject premises, on the exterior front walkway when he was caused to fall due to a broken and/or uneven surface on the exterior brick/paver stone walkway area, thereby causing the plaintiff to suffer the injuries and losses more fully set forth below.

5. The incident was caused by the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, in one or more of the following ways:

- a. they failed to properly maintain the exterior brick/paver stone walkway area;

- b. they failed to properly and reasonably inspect the exterior brick/paver stone walkway area on the premises;
- c. they knew or in the exercise of reasonable care and inspection should have known of the aforementioned conditions and should have taken measures to remedy and correct the same but this they carelessly and negligently failed to do;
- d. they failed to warn the plaintiff of the dangerous condition of the exterior brick/paver stone walkway area on the premises;
- e. they failed to erect barriers for those lawfully on the premises not to use the subject exterior brick/paver stone walkway area and/or prevent those lawfully on the premises from falling due to the dangerous and/or hazardous condition; and/or
- f. they failed to repair the exterior front walkway area in a timely manner.

6. As a result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, his agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, suffered the following injuries, some or all of which may be permanent in nature:

- a. Left wrist pain;
- b. Left arm pain;

- c. Right forearm laceration;
- d. Right arm pain;
- e. Right hand laceration;
- f. Right hand pain;
- g. Left wrist fracture requiring surgical intervention with associated pain and discomfort; and
- h. Pain and suffering, both mental and physical.

7. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was forced to expend large sums of money for hospital and medical care, surgery, medicines, diagnostic tests and therapy, all necessary to his recovery, and may be forced to expend additional sums in the future.

8. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHIKA**, was unable to work, to his financial detriment.

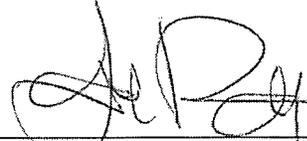
9. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and /or employees, the plaintiff, **JAMES GRECHIKA**, has sustained a loss of earning capacity.

10. As a further result of the negligence of the defendant, **WFM PROPERTIES CHESHIRE, LLC**, its agents, servants and/or employees, the plaintiff, **JAMES GRECHIKA**, was unable, and remains unable, to participate in and enjoy his usual activities.

WHEREFORE, the plaintiff claims money damages.

THE PLAINTIFF,
JAMES GRECHIKA

By



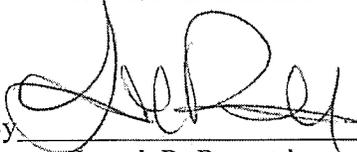
Joseph R. Rosetti
Moore, O'Brien & Foti
891 Straits Turnpike
Middlebury, CT 06762
Phone: (203) 272-5881
Juris No.: 408519
His Attorneys

DOCKET NO.: UWY-CV-15-6025912-S : SUPERIOR COURT
JAMES GRECHIKA : J. D. OF WATERBURY
V. : AT WATERBURY
WHOLE FOODS MARKET
GROUP, INC., ET AL : JUNE 29, 2016

STATEMENT OF AMOUNT IN DEMAND

The amount of money damages claimed is greater than Fifteen Thousand Dollars (\$15,000.00), exclusive of interest and costs.

THE PLAINTIFF,
JAMES GRECHIKA

By 

Joseph R. Rossetti
Moore, O'Brien & Foti
891 Straits Turnpike
Middlebury, CT 06762
Phone: (203) 272-5881
Juris No.: 408519
His Attorneys

CERTIFICATION

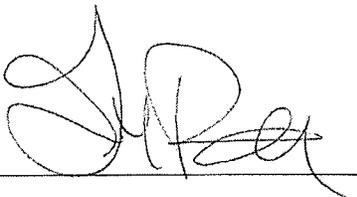
I certify that a copy of this document was mailed or delivered electronically or non-electronically on June 29, 2016 to all attorneys and self-represented parties of record and to all parties who have not appeared in this matter and that written consent for electronic delivery was received from all attorneys and self-represented parties receiving electronic delivery.

Janice D. Lai, Esq.

Ryan Ryan Deluca LLP

360 Bloomfield Avenue, Suite 301

Windsor, CT 06095

By 

Joseph R. Rossetti

OFFICER'S RETURN TO COURT

STATE OF CONNECTICUT:

: SS: HARTFORD

JULY 25, 2016

COUNTY OF HARTFORD :

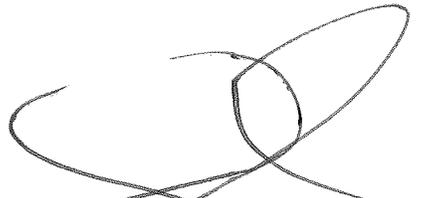
Then and by virtue hereof and by direction of the Plaintiff's attorney, I made due and legal service upon the within named Defendant, **WFM PROPERTIES CHESHIRE, LLC**, by leaving a verified true and attested copy of the original MOTION TO CITE IN, CERTIFICATION, ORDER, WRIT SUMMONS-CIVIL, AMENDED COMPLAINT, STATEMENT OF AMOUNT IN DEMAND, CERTIFICATION, with GARY SCAPPINI, who is authorized to accept service for CT CORPORATION SYSTEM, AGENT FOR SERVICE for the within named Defendant, at One Corporate Center, Floor 14, 20 Church Street, Hartford, Connecticut.

The within is the original MOTION TO CITE IN, CERTIFICATION, ORDER, WRIT SUMMONS-CIVIL, AMENDED COMPLAINT, STATEMENT OF AMOUNT IN DEMAND, CERTIFICATION, with my doings hereon endorsed.

ATTEST:

FEES:

Service	\$40.00
Pages	11.00
Endorsements	2.00
Travel	<u>17.00</u>
TOTAL:	<u>\$70.00</u>



JOHN LEPITO, JR.
STATE MARSHAL
Hartford County