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*Attorneys for Plaintiffs*

JOHN STYPA, LINDA JACUKOWICZ,	)	
AMY MATZA, PATRICK NORRIS,	)	
PATRICIA BEGANE-NORRIS,	)	
ELIZABETH DEMBESKI,	)	
RAYMOND DEMBESKI, BRITT SIMON,	)	
LAURA SIMON, ANTHONY VALLARO,	)	
DANIEL P. MURPHY, JOYCE MURPHY,	)	
DR. KENNETH COSTA, NANCY COSTA,	)	
KEN DZIERZAWIEC,	)	
SHARON DZIERZAWIEC, RAY FILLER,	)	
CHERYL FILLER,	)	
ANTHONY GEMIGNANI,	)	
ALLSTAR MUSIC ACADEMY LLC.,	)	
on behalf of themselves and all others similarly	)	
situated,	)	SUPERIOR COURT OF NEW JERSEY
	)	
	)	LAW DIVISION
Plaintiffs,	)	
	)	HUNTERDON COUNTY
vs.	)	
	)	DOCKET NO. _____
	)	
	)	CLASS ACTION
FIRST ENERGY CORP., JERSEY CENTRAL	)	
POWER & LIGHT, JOHN DOES 1-10 AND	)	
ABC CORP. 1-10	)	
	)	CIVIL ACTION COMPLAINT,
	)	DESIGNATION OF TRIAL COUNSEL
Defendants.	)	AND JURY DEMAND
	)	

1. Plaintiffs, JOHN STYPA, LINDA JACUKOWICZ, AMY MATZA, PATRICK  
 NORRIS, PATRICIA BEGANE-NORRIS, ELIZABETH DEMBESKI, RAYMOND  
 DEMBESKI, BRITT SIMON, LAURA SIMON, ANTHONY VALLARO, DANIEL P.  
 MURPHY, JOYCE MURPHY, DR. KENNETH COSTA, NANCY COSTA, KEN

DZIERZAWIEC, SHARON DZIERZAWIEC, RAY FILLER, CHERYL FILLER, ANTHONY GEMIGNANI, ALLSTAR MUSIC ACADEMY LLC., bring this action on behalf of themselves and all similarly situated New Jersey residents who have been denied electric and/or gas services for which they contracted or agreed to purchase from defendants.

2. Plaintiffs seek certification of a class under R. 4:32-1, consisting of New Jersey individuals and/or businesses, residing or operating in the State of New Jersey, who have contracted with defendants for electric and/or gas services and goods, and who have been denied such services and goods as a result of the actions and inactions of defendants.

### **PARTIES**

3. Plaintiff JOHN STYPA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

4. Plaintiff LINDA JACUKOWICZ, is a natural person and resident of New Jersey, residing in Pittstown of Hunterdon County.

5. Plaintiff AMY MATZA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

6. Plaintiff PATRICK NORRIS, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

7. Plaintiff PATRICIA BEGANE-NORRIS, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

8. Plaintiff ELIZABETH DEMBESKI, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

9. Plaintiff RAYMOND DEMBESKI, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

10. Plaintiff BRITT SIMON, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

11. Plaintiff LAURA SIMON, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

12. Plaintiff ANTHONY VALLARO, is a natural person and resident of New Jersey, residing in Freehold of Monmouth County.

13. Plaintiff DANIEL P. MURPHY, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

14. Plaintiff JOYCE MURPHY, is a natural person and resident of New Jersey, residing in Annandale of Hunterdon County.

15. Plaintiff DR. KENNETH COSTA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

16. Plaintiff NANCY COSTA, is a natural person and resident of New Jersey, residing in Whitehouse Station of Hunterdon County.

17. Plaintiff KEN DZIERZAWIEC, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

18. Plaintiff SHARON DZIERZAWIEC, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

19. Plaintiff RAY FILLER, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

20. Plaintiff CHERYL FILLER, is a natural person and resident of New Jersey, residing in Lebanon of Hunterdon County.

21. Plaintiff ANTHONY GEMIGNANI, is a natural person and resident of New Jersey, residing in Flemington of Hunterdon County.

22. Plaintiff ALLSTAR MUSIC ACADEMY LLC., is a limited liability corporation operating in Flemington of Hunterdon County in the State of New Jersey.

23. Defendant FIRST ENERGY CORP., is an energy and power corporation headquartered in Akron, Ohio, that conducts business in the State of New Jersey.

24. Defendant JERSEY CENTRAL POWER & LIGHT, is a utility company headquartered in Akron, Ohio, that conducts business in the State of New Jersey.

25. Defendants JOHN DOES 1-10, are individuals with knowledge of and responsibility for Plaintiff's injuries.

26. Defendants ABC CORPS. 1-10, are corporations with knowledge of and responsibility for Plaintiff's injuries.

**FIRST COUNT**  
**BREACH OF CONTRACT**

27. On or about October 29, 2012, defendants owned, leased, rented, operated and/or maintained a business in the State of New Jersey, and such business was a public utility that provided electric and/or gas services and goods to the Plaintiffs.

28. On the above date, plaintiffs were similarly situated customers of defendants' services and goods. By way of individual contracts, plaintiffs agreed to pay for electric and/or gas services and goods to be provided and maintained by Defendants.

29. On the above date, defendants ceased providing the contracted services to the plaintiffs. Defendants' failure to perform their contracted obligations lasted no shorter than seven days and in many cases, defendants' failure to provide services continues.

30. Defendants failure to provide electric and/or gas services and goods to plaintiffs, is a breach of defendants' contract with plaintiffs.

31. As a result of defendants' breach, plaintiffs sustained damages.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

**SECOND COUNT**  
**NEGLIGENCE**

32. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

33. On the above date, defendants owed a duty to and were responsible for, but not limited to: providing electric and/or gas services and goods; maintaining and properly keeping electric and/or gas equipment; properly and fully preparing for known and anticipated weather conditions and potential effects; properly responding to electric and/or gas outages; properly hiring and employing and maintaining sufficient and knowledgeable agents, servants, employees

and/or contractors. These responsibilities and duties are owed to plaintiffs, as contracted customers of defendants business.

34. On the above date, defendants' failure and omission to provide electric and/or gas services and goods resulted from the negligence, carelessness and recklessness of defendants', its agents, servants and employees.

35. Defendants' negligence, carelessness and recklessness includes but is not limited to the failure and omission to properly and fully prepare for known and anticipated weather conditions and potential effects; failure to maintain and properly keep electric and/or gas equipment; failure to properly respond to electric and/or gas outages; and the failure to properly hire, employ and maintain sufficient and knowledgeable agents, servants, employees and/or contractors.

36. As a direct and proximate result of defendant's negligence, Plaintiffs sustained damages.

WHEREFORE, Plaintiff demands judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

**THIRD COUNT**  
**COMSUMER FRAUD**

37. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

38. Prior to the failure to deliver electricity and/or gas services, Defendants misrepresented their ability to correct problems with energy delivery, capacity to meet the demands of foreseeable interruptions of service, quality of infrastructure and equipment, and other information to consumers in New Jersey and in particular to the above named plaintiffs and representatives.

39. Defendants employed unconscionable commercial practices, deception, fraud, false promises, misrepresentations, and knowingly concealed, suppressed, and omitted material facts with intent that others rely on that concealment, suppression and omissions. Representations made by the Defendants were negligently, recklessly, and purposefully false and misleading.

40. Plaintiffs reasonably relied on such false and misleading representations, resulting in ascertainable damages.

41. Defendants' action actually and proximately caused damages to the above named Plaintiffs and all others similarly situated.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

**FOURTH COUNT**  
**CONSUMER FRAUD**

42. Plaintiffs incorporate all preceding paragraphs of this Complaint as though fully pled here.

43. During the failure to deliver electricity and/or gas services, Defendants misrepresented the dates and times for the restoration of such services, locations of utility crews, priority lists for work to be done, and other information to consumers in New Jersey and in particular to the above named plaintiffs and representatives.

44. Defendants employed unconscionable commercial practices, deception, fraud, false promises, misrepresentations, and knowingly concealed, suppressed, and omitted material facts with intent that others rely on that concealment, suppression and omissions. Representations made by the Defendants were negligently, recklessly, and purposefully false and misleading.

45. Plaintiffs reasonably relied on such false and misleading representations, resulting in ascertainable damages.

46. Defendants' action actually and proximately caused damages to the above named Plaintiffs and all others similarly situated.

WHEREFORE, plaintiffs demand judgment for damages against defendants, together with interest, costs of suit and such other relief as the court deems proper.

SIMON LAW GROUP  
Attorneys for Plaintiffs

BY:

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Britt J. Simon, Esquire

DATED: November 14, 2012

### **DEMAND FOR JURY TRIAL**

Plaintiffs hereby demand a trial by jury as to all issues.

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Britt J. Simon, Esquire

DATED: November 14, 2012

**DESIGNATION OF TRIAL COUNSEL**

Britt J. Simon, Esq. is designated as trial counsel in this matter.

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Britt J. Simon, Esquire

DATED: November 14, 2012

**CERTIFICATION PURSUANT TO R. 4:5-1**

I certify that the matters in controversy in this action are not the subject of any other action pending in any other court or of a pending arbitration proceeding, and that no other action or arbitration proceeding is contemplated.

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Britt J. Simon, Esquire

DATED: November 14, 2012