

organized and existing under the laws of the State of California with its principal place of business located at 1 Infinite Loop, Cupertino, California 95014 and at all times material hereto, Apple was engaged in the business of, inter alia, designing, manufacturing, distributing, selling, and/or supplying multi-purpose tablets called “iPads,” including distributing, selling and/or supplying such tablets in New Jersey.

JURISDICTION AND VENUE

4. The jurisdiction of this Court is based upon diversity of citizenship pursuant to 28 U.S.C. § 1332. The matter in controversy, exclusive of interest and costs, exceeds the sum of seventy-five thousand dollars (\$75,000).

5. Venue in this action lies in the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1391 as the events giving rise to this action occurred in this district.

FACTS

6. At all times material hereto, the deceased, Bradley Ireland, lived in a rental apartment complex known as Colonial Heights Apartments, with respect to the real and personal property located at 300 Parsippany Road, Parsippany, New Jersey 07054 (hereinafter “the residence”).

7. At all times material hereto, Bradley Ireland lived at the residence in unit 4F.

8. Prior to February 22, 2017, defendant Apple designed, manufactured, distributed, supplied and/or sold tablets, including a tablet located in the kitchen of unit 4F at the residence (hereinafter “the subject tablet”).

9. On February 22, 2017, a fire originated at the residence.

10. The fire was caused by a defect in the subject tablet, specifically affecting

the subject tablet's battery pack.

11. The fire resulted in the severe injuries and subsequent death of the deceased, Bradley Ireland.

12. This action has been commenced within two (2) years after the death of Bradley Ireland.

COUNT I – STRICT PRODUCTS LIABILITY

13. Plaintiff incorporates by reference the allegations in the foregoing paragraphs as though fully set forth at length herein.

14. Defendant Apple designed, manufactured, distributed and/or sold the subject tablet, which was intended by the defendant to be used by members of the general public, including persons such as the decedent, Bradley Ireland.

15. Defendant Apple also designed, manufactured, distributed and/or sold certain “updates” to the subject tablet, which were intended by the defendant to be downloaded and/or installed in the subject tablet by members of the general public, including persons such as the decedent, Bradley Ireland.

16. The subject tablet was unreasonably dangerous and unsafe for its intended purpose by reasons of defects in its design and/or its manufacture and/or a lack of adequate warnings which existed when Defendant Apple placed the subject tablet into the stream of commerce and/or when Defendant distributed and/or sold the “updates” to the subject tablet.

17. The fire and the resulting death of the decedent, Bradley Ireland, was caused by the defectively designed and/or defectively manufactured subject tablet.

18. Defendant Apple designed, manufactured, distributed, supplied, and/or sold the subject tablet in a defective and unreasonably dangerous condition for which it is strictly liable pursuant to the Restatement (Second) of Torts § 402A and the New Jersey Products

Liability Act, N.J.S.A. 2A:58C-1 et. seq.

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against Defendant Apple for such compensatory damages as may be permitted pursuant to the laws of the State of New Jersey, together with interest thereon, the costs of this suit and attorney fees.

COUNT II – WRONGFUL DEATH

19. Plaintiff repeats and incorporates by reference each of the foregoing paragraphs as though fully set forth at length herein.

20. Plaintiff claims all damages against Defendant Apple, jointly, severally and vicariously, in accordance with the New Jersey Wrongful Death Act, which is incorporated by reference herein. (N.J.S.A. 2A:31-1 *et seq.*).

21. Bradley Ireland died intestate and his beneficiaries are his children, Julia Ireland Meo and Benjamin Ireland.

22. Julia Ireland Meo and Benjamin Ireland and their beneficiaries, claim all damages as set forth in this Complaint in accordance with the New Jersey Wrongful Death Act.

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against Defendant Apple for such compensatory damages as may be permitted pursuant to the laws of the State of New Jersey, together with interest thereon, the costs of this suit and attorney fees.

COUNT III – SURVIVAL ACTION

23. Plaintiff repeats and incorporates by reference each of the foregoing paragraphs as though fully set forth at length herein.

24. The decedent experienced significant pain and suffering, disability, impairment and loss of enjoyment of life's pleasures between the time of his burns on February 22, 2017

and his death on the same day.

25. Plaintiff claims damages against Defendant Apple herein, jointly, severally and vicariously in accordance with the New Jersey Survival Act, which is incorporated by reference herein. (N.J.S.A. 2A:15-3 *et seq.*)

WHEREFORE, Plaintiff respectfully requests judgment in her favor and against Defendant Apple for such compensatory damages as may be permitted pursuant to the laws of the State of New Jersey, together with interest thereon, the costs of this suit and attorney fees.

Respectfully submitted,

COZEN O'CONNOR, a Pennsylvania
Professional Corporation

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as Administrator ad Prosequendum for the
Estate and Heirs-at-Law of Bradley
Ireland, Deceased*

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
Julia Ireland Meo, as Administrator ad Prosequendum for the Estate and Heirs-at-Law of Bradley Ireland, deceased
(b) County of Residence of First Listed Plaintiff Bergen County, NJ
(c) Attorneys (Firm Name, Address, and Telephone Number)
Martin P. Duffey, Esquire and Steven K. Gerber, Esquire - Cozen O'Connor, 457 Haddonfield Road, Suite 300, Cherry Hill, NJ 08002 (856) 910-5000

DEFENDANTS
Apple, Inc.
County of Residence of First Listed Defendant Santa Clara County, CA
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State PTF DEF
Citizen of Another State
Citizen or Subject of a Foreign Country

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: 110 Insurance, 120 Marine, 130 Miller Act, 140 Negotiable Instrument, 150 Recovery of Overpayment & Enforcement of Judgment, 151 Medicare Act, 152 Recovery of Defaulted Student Loans (Excludes Veterans), 153 Recovery of Overpayment of Veteran's Benefits, 160 Stockholders' Suits, 190 Other Contract, 195 Contract Product Liability, 196 Franchise
REAL PROPERTY: 210 Land Condemnation, 220 Foreclosure, 230 Rent Lease & Ejectment, 240 Torts to Land, 245 Tort Product Liability, 290 All Other Real Property
TORTS: PERSONAL INJURY: 310 Airplane, 315 Airplane Product Liability, 320 Assault, Libel & Slander, 330 Federal Employers' Liability, 340 Marine, 345 Marine Product Liability, 350 Motor Vehicle, 355 Motor Vehicle Product Liability, 360 Other Personal Injury, 362 Personal Injury - Medical Malpractice
PERSONAL INJURY: 365 Personal Injury - Product Liability, 367 Health Care/Pharmaceutical Personal Injury Product Liability, 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY: 370 Other Fraud, 371 Truth in Lending, 380 Other Personal Property Damage, 385 Property Damage Product Liability
FORFEITURE/PENALTY: 625 Drug Related Seizure of Property 21 USC 881, 690 Other
LABOR: 710 Fair Labor Standards Act, 720 Labor/Management Relations, 740 Railway Labor Act, 751 Family and Medical Leave Act, 790 Other Labor Litigation, 791 Employee Retirement Income Security Act
IMMIGRATION: 462 Naturalization Application, 465 Other Immigration Actions
BANKRUPTCY: 422 Appeal 28 USC 158, 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: 820 Copyrights, 830 Patent, 835 Patent - Abbreviated New Drug Application, 840 Trademark
SOCIAL SECURITY: 861 HIA (1395ff), 862 Black Lung (923), 863 DIWC/DIWW (405(g)), 864 SSID Title XVI, 865 RSI (405(g))
FEDERAL TAX SUITS: 870 Taxes (U.S. Plaintiff or Defendant), 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: 375 False Claims Act, 376 Qui Tam (31 USC 3729(a)), 400 State Reapportionment, 410 Antitrust, 430 Banks and Banking, 450 Commerce, 460 Deportation, 470 Racketeer Influenced and Corrupt Organizations Act, 480 Consumer Credit, 490 Cable/Sat TV, 850 Securities/Commodities/Exchange, 890 Other Statutory Actions, 891 Agricultural Acts, 893 Environmental Matters, 895 Freedom of Information Act, 896 Arbitration, 899 Administrative Procedure Act/Review or Appeal of Agency Decision, 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 USC 1332 and 28 USC 1391
Brief description of cause:
Fire caused by defect in defendant's product resulting in injuries and death of deceased, Bradley Ireland

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ 5,000,000.00
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions):
DATE 2-13-19
JUDGE
DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD
Shantanu Duffey

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE