

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CAILEY FIESEL,

Plaintiff,

-against-


ZARA USA, INC.,

Defendant(s).
-----X

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
November 11, 2016


By: Adam E. Deutsch, Esq.
MORELLI LAW FIRM PLLC
777 3rd Avenue, 31st Floor
New York, NY 10017
(212) 751-9800

Defendant(s) Address:

All defendants to be served via personal service
& Secretary of State:

Index No.:
Date Purchased:

Plaintiff(s) designate(s)
NEW YORK County as
the place of trial.
The basis of the venue
is **Plaintiff's Residence**.

**Summons
with Notice**

Plaintiff(s) reside(s) at
459 W. 50th Street
New York, NY
County of NEW YORK

ZARA USA, INC.
C/O Ramon Renon Tunez
500 Fifth Avenue, Suite 400
New York, NY 10110

ZARA USA, INC.
C/O CORPORATION SERVICE COMPANY
80 State Street
Albany, NY 12207

Notice: The nature of this action is Negligence/Personal Injuries
The relief sought is Money Damages.

Upon your failure to appear, judgment will be taken against you by default.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
CAILEY FIESEL,

Plaintiff,

VERIFIED COMPLAINT

Index No.:

-against-

ZARA USA, INC.,

Defendant.
-----X

Plaintiff, CAILEY FIESEL, by her attorneys, MORELLI LAW FIRM PLLC, complains against Defendants as follows:

1. The plaintiff, Cailey Fiesel is a resident of New York County, New York.
2. The Defendant Zara USA, Inc. (hereinafter “Zara”) is a domestic business corporation authorized to do business in the State of New York with its principal place of business located in New York County, New York. It creates, designs, manufactures, markets, and distributes men’s and women’s clothing and accessories throughout the United States and the world. Zara and its parent companies represent the world’s largest apparel retailer.

FACTUAL BACKGROUND

3. Zara was founded in 1975 in Spain and came to the United States in approximately 1989. They sell both men’s, women’s and children’s clothing and accessories.
4. Zara needs just one week to develop new products and get that product to its stores, compared to the six-month industry average. It launches approximately 12,000 new products each year.

5. Most products Zara sells are manufactured by Zara in countries like Spain, Portugal, Turkey and Morocco. While most competitors outsource all production to Asia, Zara manufactures its most fashionable items at its dozen-plus company-owned factories.
6. On the afternoon of July 5, 2016, Cailey Fiesel went shopping at the Zara store located at 225 Greenwich Ave, Greenwich, CT. She purchased two dresses that day “off-the-rack”, brought them home and hung them in her closet. One of the dresses was a black dress. (hereinafter, “the dress”).
7. A few weeks later, on or about August 16, 2016, Ms. Fiesel took the dress out of her closet to wear for the first time. She removed the tags, put it on and went to work.
8. While at work, she started to notice a disturbingly pungent odor and was unable to identify the source. Despite getting up from her desk and walking around, she was unable to escape this odor.
9. As the day went on, Ms. Fiesel started to notice what felt like a loose string from her dress rubbing against her leg.
10. Without giving it much thought she reached down with her hand to try and locate the piece of string that was rubbing against her.
11. To her utter shock and disbelief, as she ran her hand over the hem of the dress she felt an unusual bulge and suddenly realized that it was not a string that was rubbing against her leg but was instead a leg rubbing against her leg. The leg of a dead rodent that is.
12. Ms. Fiesel jumped out of her chair in shock, people surrounded her desk to see what the commotion was while Ms. Fiesel was paralyzed with fear, she then ran to remove the dress.
13. After removing the dress she found that a dead rodent was sewn into the hem of the dress.

14. Below is a picture of the dress, conspicuously depicting the dead rodent with at least one of its appendages protruding.





15. As a result of Zara's negligence in manufacturing and selling a dress to Ms. Fiesel with a dead rodent inside, Ms. Fiesel has sustained significant personal injuries and emotional distress. She formed a large rash that was diagnosed as a rodent born disease.

16. Defendant Zara tortuously manufactured, distributed, delivered, supplied, inspected, and/or sold the dress, which was unfit for its intended purpose and unreasonably hazardous, causing personal injury to the plaintiff.
17. As a direct and proximate result of the use of the dress, plaintiff has suffered, and continues to suffer damages, personal injury and emotional distress.

AS AND FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE)

18. Plaintiff adopts and restates the preceding paragraphs as if full set forth herein.
19. Defendant Zara owed a duty to plaintiff to exercise reasonable care in designing, manufacturing, distributing, delivering, inspecting, procuring, supplying, and/or selling its products, and to exercise reasonable care to prevent its products from being manufactured and sold with disease causing rodents sewn into them.
20. Defendant Zara knew or should have known that its wrongful acts and omissions would result in harm in the manner set forth herein.
21. Defendant Zara breached its duty to exercise reasonable care in designing, manufacturing, inspecting, distributing, delivering, supplying, inspecting, and/or selling its products by negligently releasing into the marketplace a product that was defective by containing disease causing rodents.
22. Defendant Zara breached its duty to exercise reasonable care to timely remove/or recall the dress from its shelves and/or otherwise prevent the dress from being sold.
23. Given the defect in the Defendant Zara's product, Defendant Zara knew or should have known that its product could, and would, cause harm, damages, and/or personal injuries to end users like the plaintiff.
24. Plaintiff was a reasonably foreseeable consumer of Defendant Zara's products.

25. As a direct and proximate result of Defendant Zara's acts and omissions, Plaintiff was harmed and has incurred damages and/or personal injuries and emotional distress as described herein.

AS AND FOR A SECOND CAUSE OF ACTION
(Strict Products Liability)

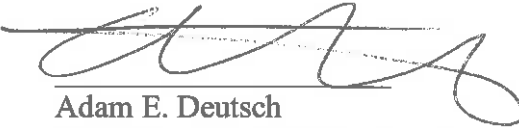
26. Plaintiff adopts and restates the preceding paragraphs as if full set forth herein.
27. Defendant Zara, at all times material to this action, designed, manufacture, distributed, inspected and sold dresses and placed them in the market.
28. The defective dress reached plaintiff without substantial change in the condition in which the dress was designed, manufactured, distributed, inspected, and/or sold by Zara.
29. Defendant Zara owed a duty of care to Plaintiff to manufacture, distribute, inspect, and sell dresses that were free from defects, including infestation with rodents, and fit for their intended purpose.
30. Defendant Zara breached this duty to plaintiff by failing to sell dresses that were free from defects, including rodent infestations, and unfit for their intended purpose.
31. Plaintiff used the dress in the manner that was intended and expected by Zara.
32. As a direct and proximate result of Defendant Zara's acts and omissions and the defect in the dress, Plaintiff was harmed and has incurred damages and/or personal injuries and emotional distress as described herein.

WHEREFORE, Plaintiff demands judgment against Defendant in a sum that will fairly and adequately compensate her for the damages and injuries she has suffered, a sum that exceeds the jurisdiction of the lower courts, along with costs and disbursements in this action; together with such other and further relief as is deemed just and proper.

Dated: New York, New York

November 11, 2016

Yours, etc.,

A handwritten signature in black ink, appearing to read 'A. Deutsch', written over a horizontal line.

Adam E. Deutsch
MORELLI LAW FIRM PLLC
777 3rd Avenue, 31th Floor
New York, NY 10022
(212) 751-9800

PLAINTIFF'S VERIFICATION

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

CAILEY FIESEL, being duly sworn, says:

I am a Plaintiff in the action herein: I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my personal files.

Dated: New York, New York
November 11, 2016



CAILEY FIESEL

Subscribed and sworn to before me
this 11 day of NOV., 2016



NOTARY PUBLIC

CINDY DANIEL
State of New York
Qualified in New York County
My Commission Expires 09-01-2018
No. 2-13371
Commissioner of Deeds

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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CAILEY FIESEL,

Plaintiff,

-against -

ZARA USA, INC.,

Defendant(s).

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SUMMONS WITH NOTICE AND VERIFIED COMPLAINT

Adam E. Deutsch, Esq.
Morelli Law Firm, PLLC
Attorneys for Plaintiff
777 Third Avenue
New York, NY 10017
212-751-9800