

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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**MARLENE NEWMAN and JOEL NEWMAN, her  
husband**

*Plaintiffs*

-against-

**AXIOM WORLDWIDE, JOHN DOE and ABC  
CORPORATION, said names being fictitious and  
unknown and used to connote singular and plural person  
or entities**

*Defendants.*

Civil Action, File Number  
**CV 06-5564**

**AMENDED  
COMPLAINT**

Jury Trial Demanded

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Plaintiffs, complaining of the defendants herein, by a through counsel, The Law Offices of Steven A. Varano and Certain & Zilberg, PLLC respectfully allege as follows:

**INTRODUCTION**

This is an action for damages under Strict Products Liability, Negligence, Breach of Warranty, Consumer Fraud Act N.J.S.A. § 56:8-1 et seq, and Medical Malpractice resulting from back and shoulder injuries sustained by plaintiff while receiving treatment from a device know as the Axiom Worldwide DRX9000, a spinal decompression device.

**HISTORY**

This action was originally commenced before the Superior Court of New Jersey for Bergen County and was removed by Defendant Axiom following the dismissal of co-defendants, Montvale Rehab & Spinal Care and Dr. David Saint, thereby creating Federal Diversity Jurisdiction, pursuant to 28 U.S.C. §1332.

**PARTIES**

1. At all times hereinafter mentioned, Plaintiff, MARLENE NEWMAN, (hereinafter "NEWMAN") is a natural person who at all relevant times was and continues to be a resident of the State of New Jersey, County of Passaic.
2. At all times hereinafter mentioned, Plaintiff, JOEL NEWMAN, (hereinafter "JN") the husband of MARLENE NEWMAN, is a natural person who at all relevant times was and continues to be a resident of the State of New Jersey, County of Passaic.
3. At all times hereinafter mentioned, defendant AXIOM WORLDWIDE, (hereinafter "AXIOM") was and is a foreign corporation, upon information and belief, organized in