

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

BEAVER

County

For Prothonotary Use Only:

Docket No:

11994-2012

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- Complaint
 Writ of Summons
 Petition
 Transfer from Another Jurisdiction
 Declaration of Taking

Lead Plaintiff's Name:
Susan Sargeson

Lead Defendant's Name:
Passavant Memorial Home

Are money damages requested? Yes No Dollar Amount Requested: within arbitration limits
(check one) outside arbitration limits

Is this a Class Action Suit? Yes No Is this an MDJ Appeal? Yes No

Name of Plaintiff/Appellant's Attorney: Gianni Floro, Esquire

Check here if you have no attorney (are a Self-Represented (Pro Se) Litigant)

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- Intentional
 Malicious Prosecution
 Motor Vehicle
 Nuisance
 Premises Liability
 Product Liability (does not include mass tort)
 Slander/Libel/Defamation
 Other: _____
 Negligence

CONTRACT (do not include Judgments)

- Buyer Plaintiff
 Debt Collection: Credit Card
 Debt Collection: Other

 Employment Dispute: Discrimination
 Employment Dispute: Other

 Other: _____

CIVIL APPEALS

- Administrative Agencies
 Board of Assessment
 Board of Elections
 Dept. of Transportation
 Statutory Appeal: Other

 Zoning Board
 Other: _____

MASS TORT

- Asbestos
 Tobacco
 Toxic Tort - DES
 Toxic Tort - Implant
 Toxic Waste
 Other: _____

REAL PROPERTY

- Ejectment
 Eminent Domain/Condemnation
 Ground Rent
 Landlord/Tenant Dispute
 Mortgage Foreclosure: Residential
 Mortgage Foreclosure: Commercial
 Partition
 Quiet Title
 Other: _____

MISCELLANEOUS

- Common Law/Statutory Arbitration
 Declaratory Judgment
 Mandamus
 Non-Domestic Relations Restraining Order
 Quo Warranto
 Replevin
 Other: _____

PROFESSIONAL LIABILITY

- Dental
 Legal
 Medical
 Other Professional: _____



FORM OF COVER SHEET FOR COMPLAINT

Court of Common Pleas of Beaver County
Civil Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)
11994-2012

PLAINTIFF'S NAME Susan Sargeson	DEFENDANT'S NAME Passavant Memorial Home
PLAINTIFF'S ADDRESS 1999 Marshall Road, Apt. 304, Monaca, PA 15061	DEFENDANT'S ADDRESS 163 Thorn Hill Road, Warrendale, PA 15086
PLAINTIFF'S NAME	DEFENDANT'S NAME Sanna Clark
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS 163 Thorn Hill Road, Warrendale, PA 15086
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

FILED OR ISSUED
 2012 NOV 19 PM 3:10
 NANCY WERNE
 PROTHONOTARY
 BEAVER COUNTY, PA

TOTAL NO. OF PLAINTIFFS 1	TOTAL NO. OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdiction
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$25,000 or Less <input checked="" type="checkbox"/> Over \$25,000	CASE TYPE <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Motor Vehicle</td> <td><input type="checkbox"/> Mortgage Foreclosure</td> <td><input type="checkbox"/> Partition</td> </tr> <tr> <td><input type="checkbox"/> Medical Malpractice</td> <td><input type="checkbox"/> Ejectment</td> <td><input type="checkbox"/> Declaratory Judgment</td> </tr> <tr> <td><input type="checkbox"/> Other Professional Liability</td> <td><input type="checkbox"/> Statutory Appeals</td> <td><input type="checkbox"/> Replevin</td> </tr> <tr> <td><input type="checkbox"/> Product Liability</td> <td><input type="checkbox"/> Quiet Title</td> <td><input type="checkbox"/> Asbestos</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other <u>Negligence</u></td> <td></td> <td><input type="checkbox"/> Domestic Relations</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Divorce</td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> Custody</td> </tr> </table>	<input type="checkbox"/> Motor Vehicle	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Partition	<input type="checkbox"/> Medical Malpractice	<input type="checkbox"/> Ejectment	<input type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Other Professional Liability	<input type="checkbox"/> Statutory Appeals	<input type="checkbox"/> Replevin	<input type="checkbox"/> Product Liability	<input type="checkbox"/> Quiet Title	<input type="checkbox"/> Asbestos	<input checked="" type="checkbox"/> Other <u>Negligence</u>		<input type="checkbox"/> Domestic Relations			<input type="checkbox"/> Divorce			<input type="checkbox"/> Custody
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		<input type="checkbox"/> Divorce																				
		<input type="checkbox"/> Custody																				

TO THE PROTHONOTARY:
 Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: (or Pro Se Litigant)
 Papers may be served at the address set forth below:

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY (OR PRO SE LITIGANT): Gianni Floro, Esquire	ADDRESS (SEE INSTRUCTIONS): 935 Beaver Grade Road, Suite 6 Moon Township, PA 15108
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PHONE NUMBER (412) 264-6040	FAX NUMBER (412) 264-2510	EMAIL ADDRESS gfloro84@comcast.net
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SIGNATURE	SUPREME COURT IDENTIFICATION NO. 85837	DATE 11-19-2012
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IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION

SUSAN SARGESON,

Plaintiff,

v.

PASSAVANT MEMORIAL
HOME and SANNA CLARK,

Defendants.

No. 11994-
2012

FILED OR ISSUED
2012 NOV 19 PM 3:11
NANCY WERME
PROTHONOTARY
BEAVER COUNTY, PA

COMPLAINT IN CIVIL ACTION

Filed on behalf of the Plaintiff:

Susan Sargeson

Counsel of Record for the
Plaintiff:

Gianni Floro, Esquire
PA ID No. 85837
935 Beaver Grade Road, Suite 6
Moon Township, PA 15108
P: (412) 264-6040
F: (412) 264-2510
E: gfloro84@comcast.net

A JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA

SUSAN SARGESON,

CIVIL DIVISION

Plaintiff,

No.

v.

Code: 001

PASSAVANT MEMORIAL HOME and
SANNA CLARK,

Defendants.

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiffs. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE - THE BEAVER COUNTY BAR ASSOCIATION
788 TURNPIKE STREET
BEAVER, PA 15009
TELEPHONE NUMBER: (412) 728-4888

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY, PENNSYLVANIA
CIVIL DIVISION

SUSAN SARGESON,

Plaintiff,

v.

PASSAVANT MEMORIAL
HOME and SANNA CLARK,

Defendants.

No. 11994-2012

COMPLAINT IN CIVIL ACTION

AND NOW comes the Plaintiff, Susan Sargeson, by and through her attorney, Gianni Floro, Esquire, and files the following Complaint in Civil Action, and in support thereof avers as follows:

1. The Plaintiff, Susan Sargeson (hereinafter, "Sargeson") is an adult individual who at all relevant times resided at 1999 Marshall Road, Apartment 304, Monaca, Beaver County, Pennsylvania, 15061.
2. The Defendant, Passavant Memorial Home (hereinafter, "PMH"), is a home for people with disabilities that at all times acted by and through its agents, ostensible agents, servants, employees, and/or independent contractors, who in turn were acting within the scope of their employment and on behalf of Defendant Passavant Memorial Home with the corporate office located at 163 Thorn Hill Road, Warrendale, Allegheny County, PA 15086.
3. The Defendant, Sanna Clark (hereinafter "Clark"), is and adult individual who is employed as a care taker of Passavant Memorial Home.
4. On or about December 18, 2011 at approximately 2:16 PM, Sargeson was working at Walmart in Monaca, Beaver County, Pennsylvania.

5. The Defendant Clark was shopping with a fourteen year old autistic male.

6. The fourteen year old began lashing out as he was walking through the Walmart store.

7. The child grabbed the Plaintiff from behind, bending her over, and then grabbed onto her hair and jerked her back.

8. The Plaintiff was knocked to the ground, at which point the child began punching the Plaintiff's torso and bending her head back and forth.

9. The child ripped out a portion of the Plaintiff's hair as he pulled her by her hair.

10. The child was pulling and jerking the Plaintiff's head back and forth.

11. Due to her injury, Sargeson was forced to miss two (2) weeks of work.

12. As of April of 2012, the Plaintiff, Sargeson, has accumulated \$3,871.31 in medical expenses, exclusive of lost wages and other expenses. However, this does not represent the entirety of Sargeson's medical expenses because to date, Sargeson continues to experience neck, leg, and back pain, and is still under the care and treatment of medical personnel, including physical therapists.

COUNT I
SUSAN SARGESON v. PASSAVANT MEMORIAL HOME
NEGLIGENCE

13. Paragraphs 1 through 12 are incorporated by reference, as fully as if they were set forth at length herein.

14. At the date, time and place aforesaid, the Defendant, Passavant Memorial, was negligent specifically, in that it had a duty to ensure that the patients under its care who suffered from known conditions that would cause incidents such as

the one that forms the basis of this complaint, are always adequately restrained and supervised. The Defendant breached this duty by failing to restrain and supervise a patient under its care custody and control.

15. The incident set forth and the resulting injuries and damages were the sole, direct, legal and proximate result of the negligence of Passavant Memorial Home, in the following particulars:

- i. permitting a child to go into a public area, who Passavant Memorial knew to be violent and dangerous to others;
- ii. permitting a child, who Passavant knew to be violent and dangerous to others, to go into public with a staff member who was not able to restrain him;
- iii. permitting a child, who Passavant knew to be violent and dangerous to others, to go into public without properly providing for restraining the child;
- iv. failing to properly supervise an employee, who was traveling with a child known to be violent and dangerous to others; and
- v. failing to properly supervise a patient who Passavant knew to be violent and dangerous to others.

16. In addition, Passavant Memorial Home is liable for the Plaintiff's injuries by way of vicarious liability. The Defendant, Sanna Clark, is an employee of Passavant. On the day of the event, she was at all times relevant to this action acting within the scope of her employment and on behalf of Passavant. Clark acted negligently while still acting within the scope of her employment, and therefore Passavant should be found liable for the negligence of its employee under the doctrine of respondeat superior.

17. As a sole, direct, legal and proximate result of the negligent, careless, reckless, willful and wanton behavior of the Defendant, the Plaintiff, Susan Sargeson,

has suffered the following injuries, including but not limited to, the following particulars:

- a. neck pain;
- b. back pain;
- c. tingling in her finger tips;
- d. shoulder pain;
- e. pain in her left leg;
- f. weakness in her right side; and
- g. other physical injuries that may become apparent during the pendency of this action.

18. As a further sole, direct, legal and proximate result of the negligence of the Defendant as aforementioned, the Plaintiff, Susan Sargeson, was required to, and will continue to receive medical attention for the injuries she sustained.

19. The injuries sustained by the Plaintiff, Susan Sargeson, placed her in severe pain that required medical attention, and she incurred those medical expenses attendant to such care, and will incur those expenses attendant to such care in the future.

20. As a further sole, direct, legal and proximate result of this incident, the Plaintiff, Susan Sargeson has suffered great emotional pain and suffering and will continue to endure such emotional pain and suffering as a result of this matter.

WHEREFORE, the Plaintiff, Susan Sargeson claims damages and demands judgment against the Defendant Passavant Memorial Home in an amount in excess of twenty-five thousand dollars (\$25,000.00), exclusive of interest and costs.

COUNT II
SUSAN SARGESON v. SANNA CLARK
NEGLIGENCE

21. Paragraphs 1 through 20 are incorporated by reference, as fully as if they

were set forth at length herein.

22. At the date, time, and place aforesaid, the Defendant, Sanna Clark was negligent specifically.

23. The incident set forth and the resulting injuries and damages were the sole, direct, legal and proximate result of the negligence of Sanna Clark, in the following particulars:

- i. permitting a child to go into a public area, who she knew to be violent and dangerous to others
- ii. failing to obtain assistance in transporting a child, who she knew to be violent and dangerous to others, when Clark knew or should have known that she was not able to restrain him;
- iii. permitting a child, who she knew to be violent and dangerous to others, to go into public without properly providing for the possibility of restraining the child;
- iv. failing to properly supervise a child who she knew to be violent and dangerous to others;
- v. failing to properly restrain a child who she knew to be violent and dangerous to others; and
- vi. failing to properly restrain a child once that child had begun battering another.

24. As a sole, direct, legal and proximate result of the negligent, careless, reckless, willful and wanton behavior of the Defendant, the Plaintiff, Susan Sargeson, has suffered the following injuries, including but not limited to, the following particulars:

- a. neck pain;
- b. back pain;
- c. tingling in her finger tips;
- d. shoulder pain;

- e. pain in her left leg;
- f. weakness in her right side; and
- g. other physical injuries that may become apparent during the pendency of this action.

25. As a further sole, direct, legal and proximate result of the negligence of the Defendant as aforementioned, the Plaintiff, Susan Sargeson, was required to, and will continue to receive medical attention for the injuries she sustained.

26. The injuries sustained by the Plaintiff, Susan Sargeson, placed her in severe pain that required medical attention, and he incurred those medical expenses attendant to such care, and will incur those expenses attendant to such care in the future.

27. As a further sole, direct, legal and proximate result of this incident, the Plaintiff, Susan Sargeson has suffered great emotional pain and suffering and will continue to endure such emotional pain and suffering as a result of this matter.

WHEREFORE, the Plaintiff, Susan Sargeson claims damages and demands judgment against the Defendant Sanna Clark in an amount in excess of twenty-five thousand dollars (\$25,000.00), exclusive of interest and costs.

JURY TRIAL DEMANDED

Respectfully submitted,



Glenn Floro, Esquire
Attorney for the Plaintiff
935 Beaver Grade Road, Suite 6
Moon Township, PA 15108
P: (412) 264-6040
F: (412) 264-2510
E: gfloro84@comcast.net

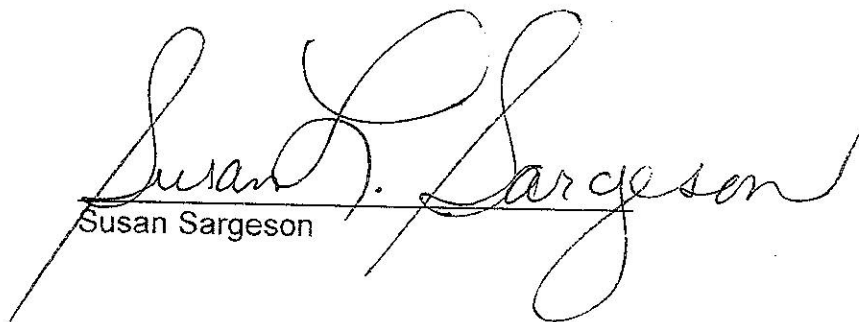
VERIFICATION

I hereby certify that I have read the foregoing Complaint in Civil Action, and that the statements made therein are true and correct to the best of my knowledge, information and belief. This statement and verification are made subject to the penalties of 18 Pa. C.S.A. Section 4904, relating to unsworn falsification to authorities, which provides that if I knowingly make false statements, I may be subject to criminal penalties.

Date:

Oct 1, 2012

Susan Sargeson
Susan Sargeson

A handwritten signature in cursive script, appearing to read "Susan Sargeson", written over a horizontal line.