

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MATTHEW PAGLIA,

Plaintiff,

v.

BRIAN PATRICK GARVEY

Defendant.

ARBITRATION DIVISION

No.

**COMPLAINT**

Filed on Behalf of Plaintiff

Counsel of Record for this Party:

Anthony C. Mengine, Esquire  
PA I.D. #63209

Chiurazzi and Mengine, LLC  
Firm I.D. #818  
101 Smithfield Street  
Pittsburgh, PA 15222

amengine@the-attorneys.com

(412) 434-0773

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MATTHEW PAGLIA,

ARBITRATION DIVISION

Plaintiff,

No.

v.

BRIAN PATRICK GARVEY

Defendant.

**NOTICE TO DEFEND**

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 further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. 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 OR CANNOT AFFORD ONE, GO TO OR PHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

ALLEGHENY COUNTY LAWYER REFERRAL SERVICE  
The Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
(412) 261-5555

**NOTICE OF HEARING DATE**

If you file the written response referred to in the Notice to Defend, above, a hearing on the Complaint and your defenses will take place in Room 523 of the Allegheny County Courthouse, 436 Grant Street, Pittsburgh, Pennsylvania, on the \_\_\_\_\_ day of \_\_\_\_\_, 2010 at 9:00 A.M. IF YOU FAIL TO FILE THE RESPONSE DESCRIBED IN THE NOTICE TO DEFEND, A JUDGMENT FOR THE AMOUNT CLAIMED IN THE COMPLAINT MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

**DUTY TO APPEAR AT ARBITRATION HEARING**

If one or more of the parties is not present at the hearing, THE MATTER MAY BE HEARD AT THE SAME TIME AND DATE BEFORE A JUDGE OF THE COURT WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

**NOTICE:** YOU MUST RESPOND TO THIS COMPLAINT WITH TWENTY (20) DAYS OR A JUDGMENT FOR THE AMOUNT CLAIMED MAY BE ENTERED AGAINST YOU BEFORE THE HEARING.

IF ONE OR MORE OF THE PARTIES IS NOT PRESENT AT THE HEARING, THE MATTER MAY BE HEARD IMMEDIATELY BEFORE A JUDGE WITHOUT THE ABSENT PARTY OR PARTIES. THERE IS NO RIGHT TO A TRIAL DE NOVO ON APPEAL FROM A DECISION ENTERED BY A JUDGE.

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

MATTHEW PAGLIA,

ARBITRATION DIVISION

Plaintiff,

No.

v.

BRIAN PATRICK GARVEY

Defendant.

**COMPLAINT**

AND NOW, comes the Plaintiff, Matthew Paglia, by and through his attorneys, Chiurazzi and Mengine, LLC and Anthony C. Mengine, Esquire, and files the following Complaint and states as follows:

1. The Plaintiff, Matthew Paglia, is an adult individual and resident of the Commonwealth of Pennsylvania residing at 245 Church Road, Pittsburgh, PA 15241.

2. The Defendant, Brian Patrick Garvey (hereinafter referred to as "Defendant"), is an individual and resident of the Commonwealth of Pennsylvania with an address of 245 Church Road, Pittsburgh, PA 15241.

3. On or about December 19, 2012, at approximately 12:45 a.m., Mr. Paglia was a guest at a party that was being held a friend's home located at 233 Merrimac Street, Pittsburgh, PA 15211.

4. At the aforementioned time and location, Mr. Paglia was engaged in conversation with other guests at the party when Defendant suddenly became angry due to a comment that he allegedly overheard from Mr. Paglia's conversation.

5. Shortly thereafter, Defendant violently assaulted Mr. Paglia and repeatedly

punched him at and around the face and left eye causing Mr. Paglia to sustain severe personal injuries that required medical treatment.

6. As a direct and proximate result of the aforementioned incident, Mr. Paglia suffered severe and personal injuries, physical pain and mental anguish including but not limited to:

- a. head lacerations and bruising;
- b. black eyes;
- c. broken nose;
- d. swollen eyes and lips;
- e. contusions to face and body;
- f. corneal abrasion causing hazy vision and light sensitivity;
- g. embarrassment and humiliation; and
- h. loss of vitality and good health.

7. As a direct and proximate result of the aforementioned incident, Mr. Paglia has suffered the following damages, including but not limited to the following:

- a. medical bills;
- b. replacement cost for eye glasses broken by Defendant;
- c. out-of-pocket expenses; and
- d. lost wages.

8. As a direct and proximate result of the aforementioned incident and resulting injuries and damages, Mr. Paglia has been deprived and may continue to be deprived of the ordinary pleasures of life.

9. As a direct and proximate result of the aforementioned incident and the resulting injuries, Mr. Paglia suffered and/or suffers and/or will continue to suffer from physical and mental anguish, pain and suffering and inconvenience.

10. As a direct and proximate result of the aforementioned incident and resulting injuries, Mr. Paglia has been compelled and/or is compelled and/or may continue to be compelled to expend monies for medical aides, medical care and/or similar medical and medically related instrumentalities and modalities.

### **COUNT I - Assault and Battery**

*Mathew Paglia v. Brian Patrick Garvey*

11. Plaintiff hereby incorporates all proceeding paragraphs as if the same were set forth more fully at length herein.

12. On December 19, 2010, Defendant, with the desire to cause harmful or offensive contact to Mr. Paglia's person assaulted and battered Mr. Paglia by striking him violently and repeatedly on and about various parts of his body, head and face.

13. Defendant also intended to cause a reasonable apprehension of immediate harmful or offensive contact to Mr. Paglia's person.

14. Defendant's actions were reckless, outrageous, willful, wanton, intentional and in knowing disregard for the value of human life.

15. Defendant's reckless, willful, wanton, and outrageous conduct in deliberately, intentionally and repeatedly battering Mr. Paglia constitutes aggravated battery, which resulted in Mr. Paglia's aforementioned injuries and damages.

16. As a further result of Defendant's assault and battery, Mr. Paglia suffered great pain, and damages as aforementioned

WHEREFORE, Plaintiff, Matthew Paglia, demands judgment in his favor and against the Defendant, Brian Patrick Garvey, in an amount not in excess of the arbitration limits of this Court along with an award of punitive damages, costs, fees, and any other relief this Court deems just and appropriate.

**COUNT II – Negligence (in the alternative)**

*Matthew Paglia v. Brian Patrick Garvey*

17. Plaintiff hereby incorporates all proceeding paragraphs as if the same were set forth more fully at length herein.

18. The injuries and damages sustained by Mr. Paglia described hereinabove were caused by the negligence of Defendant, Brian Patrick Garvey as follows:

- a. In sucker punching Mr. Paglia the face, when this Defendant knew or should have known that such an act would cause the injuries and damages suffered by Mr. Paglia;
- b. In failing to warn Mr. Paglia of the dangers of such physical contact;
- c. In failing to use reasonable care for the safety of others; and
- d. In failing to avoid and altercation with Mr. Paglia.

19. As a sole, direct, legal and proximate result of this Defendant's negligence, Mr. Paglia suffered injuries and damages as aforementioned.

20. As a result of Defendant's negligence, Mr. Paglia has been required to receive and undergo medical attention and to expend various sums of money pursuant to said treatment.

21. As a further result of Defendant's negligence, Mr. Paglia has or may hereafter incur other financial expenses or losses as aforementioned.

WHEREFORE, Plaintiff, Matthew Paglia, demands judgment in his favor and against the Defendant, Brian Patrick Garvey, in an amount not in excess of the arbitration limits of this Court along with an award of punitive damages, costs, fees, and any other relief this Court deems just and appropriate.

Respectfully submitted,

Chiurazzi and Mengine, LLC

s/Anthony C. Mengine

Anthony C. Mengine, Esquire  
Attorney for Plaintiff

### **VERIFICATION**

THE UNDERSIGNED, Matthew Paglia, avers that the statements of fact contained in the foregoing Complaint are true and correct to the best of his knowledge, information and belief, and are made subject to the penalties of 18 Pa. Cons. Stat. Ann. §4904 relating to unsworn falsification to authorities.

Date: 3/27/12

/s/Matthew Paglia  
Matthew Paglia