

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

NICOLE L. LANTZY,

ARBITRATION DIVISION

No.

Plaintiff,

v.

COMPLAINT

JOSEPH PINKEY and
TRANT CORPORATION,

Filed on Behalf of Plaintiff

Defendants.

Counsel of Record for This Party

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NOTICE TO DEFEND

You have been sued in court. If you wish to defend 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 claims 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.

ALLEGHENY COUNTY LAWYER REFERRAL SERVICE

The Allegheny County Bar Association
11th 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 Courtroom 2 on the 7th floor of the City-County Building, 414 Grant Street, Pittsburgh, Pennsylvania, on the _____ day of _____, 200__ 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 WITHIN 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.

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TRANT CORPORATION,

Defendants.

COMPLAINT

AND NOW comes the Plaintiff, Nicole L. Lantzy, by and through her attorneys Chiurazzi and Mengine and Wayne M. Chiurazzi, Esquire and files the following Complaint:

1. The Plaintiff, Nicole L. Lantzy, is an adult individual and resident of the Commonwealth of Pennsylvania and County of Allegheny residing at 2811 Perrysville Avenue, Pittsburgh, PA 15214.

2. The Defendant, Joseph Pinkey, is an adult individual and resident of the Commonwealth of Pennsylvania and County of Allegheny and resides at 201 Shiloh Street, Apartment #2, Pittsburgh, PA 15211, who at all times was acting as an agent, servant and/or employee of the Defendant, Trant Corporation.

3. The Defendant, Trant Corporation, is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, County of Allegheny with a principle place of business located at Wexford Professional Building III, 11676 Perry

Highway, Suite 3100, Wexford, PA 15090 which at all times acted by and through their employee, agent, and/or servant and is responsible for the actions of said person, particularly Defendant, Joseph Pinkey.

4. At all times relevant hereto, the Plaintiff had automobile insurance which afforded her full tort coverage.

5. On or about May 15, 2010 at approximately 3:30 a.m., the Plaintiff, Nicole L. Lantzy, was a passenger in a vehicle owned by Defendant Trant Corporation and driven by Defendant Joseph Pinkey.

6. At the above stated time and place, the Defendant, Joseph Pinkey, was driving intoxicated on Interstate 279 when, suddenly and without warning he violently struck a concrete barrier causing the Plaintiff, Nicole L. Lantzy to suffer severe personal injury.

COUNT I

NICOLE L. LANTZY v. JOSEPH PINKEY

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

8. The accident set forth was the direct legal and proximate result of negligence of this Defendant, Joseph Pinkey, acting as agent, servant, and/or employee of Defendant, Trant Corporation, in the following particulars:

- a. In operating his vehicle at an excessive rate of speed under the circumstances;
- b. In failing to have his vehicle under proper and adequate control;
- c. In failing to apply the brakes in time to avoid the collision with the Concrete barrier;

- d. In negligently applying the brakes;
- e. In failing to operate his vehicle in accordance with existing traffic conditions and traffic controls:
- f. In failing to exercise the high degree of care required of a motorist driving on an Interstate;
- g. In operating his vehicle in an intoxicated state;
- h. In operating his vehicle while under the influence of alcohol due to a degree which renders him incapable of safely driving in violation of 75 Pa. C.S. §3731(a)(1); and
- i. In operating his vehicle at a time when the amount of alcohol by weight in his blood was .1% or greater in violation of 75 Pa. C.S. §3731(a)(1)(5)(i).

9. As the sole, direct, legal, and proximate result of the negligence of the Defendant, Joseph Pinkey, the Plaintiff, Nicole L. Lantzy, has suffered the following injuries:

- a. Back pain, including a herniated disc;
- b. Leg pain;
- c. Stomach pain;
- d. Chest pain;
- e. Severe lacerations from glass entering her arms, legs, buttock; and
- f. Contusions.

10. As the sole, direct, legal, and proximate result of the negligence of the Defendant, Joseph Pinkey, the Plaintiff has sustained the following damages:

- a. She has suffered and will continue to suffer great pain, suffering, mental anguish and embarrassment;
- b. She has been unable to enjoy the ordinary pleasures of life;

- c. She has had to undergo medical treatment;
- d. She has incurred bills for medical treatment;
- f. She has been unable to perform her normal daily activities, including employment.

WHEREFORE, the Plaintiff, Nicole L. Lantzy, demands judgment in her favor and against the Defendants, Joseph Pinkey and Trant Corporation, for compensatory and punitive damages in an amount not in excess of the applicable arbitration limits, exclusive of interest and costs.

COUNT II

NICOLE L. LANTZY v. TRANT CORPORATION

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

12. The accident set forth previously was the sole, direct, legal, and proximate result of the negligence of the Defendant, Trant Corporation, acting through its employee, agent, and/or servant, further known as Defendant Joseph Pinkey, in the following particulars:

- a. In negligently entrusting the vehicle to co-Defendant, Joseph Pinkey;
- b. In negligently maintaining the vehicle and/or failing to have the vehicle in proper and mechanical condition;
- c. In failing to train co-Defendant, Joseph Pinkey in the proper manner of operating the vehicle; and
- d. In negligently allowing co-Defendant, Joseph Pinkey to have use of the vehicle while he was in an intoxicated state.

13. As the direct, legal and proximate result of the Defendant, Trant Corporation, the Plaintiff has suffered the injuries and damages as previously set forth.

WHEREFORE, the Plaintiff, Nicole L. Lantzy, demands judgment in her favor and against the Defendants, Joseph Pinkey and Trant Corporation, for compensatory and punitive damages in an amount not in excess of the applicable arbitration limits, exclusive of interest and costs.

COUNT III

NICOLE L. LANTZY v. JOSEPH PINKEY and TRANT CORPORATION

14. Plaintiffs hereby incorporate all preceding paragraphs as if the same were set forth more fully at length herein.

15. As the sole, direct, legal and proximate result of the joint and/or several negligence of the Defendants as aforesaid, the Plaintiff has sustained the injuries and damages previously set forth.

WHEREFORE, the Plaintiff, Nicole L. Lantzy, demands judgment in her favor and against the Defendants, Joseph Pinkey and Trant Corporation, for compensatory and punitive damages in an amount not in excess of the applicable arbitration limits, exclusive of interest and costs.

Respectfully submitted,

s/Wayne M. Chiurazzi
Wayne M. Chiurazzi, Esquire
Attorney for Plaintiff

VERIFICATION

THE UNDERSIGNED, Nicole L. Lantzy, avers that the statements of fact contained in the foregoing Complaint are true and correct to the best of their 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: 4/20/12

/s/Nicole L. Lantzy
Nicole L. Lantzy