

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

SHERRY L. STEPHAN and  
MARK R. STEPHAN, her husband,

Plaintiffs,

v.

EDWARD HILLIARD,

Defendant.

ARBITRATION DIVISION

No.:

**COMPLAINT**

Filed on Behalf of Plaintiffs

Counsel of Record for this Party:

Wayne M. Chiurazzi, Esquire  
PA I.D. #63595

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**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 the 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.

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.

THEIR OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THEIR OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICE TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Lawyer Referral Service  
Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219

**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 \_\_\_\_\_, 20\_\_\_\_ 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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**COMPLAINT**

AND NOW come the Plaintiffs, Sherry L. Stephan and Mark R. Stephan, her husband, by and through their attorneys Chiurazzi and Mengine, LLC and Wayne M. Chiurazzi, Esquire and file the following Complaint:

1. The Plaintiff, Sherry L. Stephan, is an adult individual and resident of the Commonwealth of Pennsylvania and County of Allegheny residing at 1045 Fox Terrier Drive, Bethel Park, PA 15102.

2. The Plaintiff, Mark R. Stephan, is an adult individual and the husband of Plaintiff, Sherry L. Stephan, and resides with her as such at 1045 Fox Terrier Drive, Bethel Park, PA 15102.

3. The Defendant, Edward Hilliard, is an individual and a resident of the Commonwealth of Pennsylvania and County of Allegheny residing at 5806 Kings School Road, Bethel Park, PA 15102.

4. The injuries and damages claimed herein are being sought on the basis of the “full tort” election made by Plaintiffs, which was in full force and effect on the date of the accident.

5. On or about October 10, 2012, the Plaintiff, Sherry L. Stephan was operating her 2008 Chrysler PT Cruiser and was lawfully stopped at a stop sign at the intersection of Brightwood and Library Road.

6. At the above stated time and place and while the Plaintiff was stopped in traffic, the Defendant, Edward Hilliard, suddenly and without warning, so negligently caused his vehicle slam into the rear of the Plaintiff’s vehicle, causing Plaintiff to sustain serious personal injury.

#### **Count I - Negligence**

#### **SHERRY L. STEPHAN v. EDWARD HILLIARD**

7. The Plaintiffs hereby incorporate by reference paragraphs 1 through 6 of this Complaint as though the same were more fully set forth at length herein.

8. The accident set forth previously was the sole, direct, legal, and proximate result of the negligence of the Defendant, Edward Hilliard, in the following particulars:

- a. In failing to apply his brakes when he knew or in the exercise of reasonable judgment should have known that to fail to do so would cause a collision;
- b. In failing to have his vehicle under proper and adequate control;
- c. In failing to exercise the high degree of care required of a motorist when stopping at a stop sign; and

- d. In failing to operate his vehicle in due regard for the position of the Plaintiff's vehicle.

9. As the sole, direct, legal, and proximate result of the negligence of the Defendant, Edward Hilliard, as aforesaid, the Plaintiff, Sherry L. Stephan, has suffered the following injuries:

- a. Neck strain;
- b. Lower back pain;
- c. Right shoulder pain; and
- d. Headaches;

10. As the sole, direct, legal, and proximate result of the negligence of the Defendant, Edward Hilliard, as aforesaid, the Plaintiff, Sherry L. Stephan, has sustained the following damages:

- a. She has suffered and will continue to suffer great pain, suffering, mental anguish, and embarrassment;
- b. She has sustained lost wages;
- c. She has been unable to enjoy the ordinary pleasures of life;
- d. She has had to undergo medical treatment;
- e. She has incurred bills for medical treatment; and
- f. She has been unable to perform her normal daily activities including employment.

WHEREFORE, the Plaintiffs, Sherry L. Stephan and Mark R. Stephan, her husband, demand judgment in their favor and against the Defendant, Edward Hilliard, for an amount not in excess of the applicable arbitration limits, exclusive of interest and

costs.

**Count II – Loss of Consortium**

**MARK R. STEPHAN V. EDWARD HILLIARD**

11. The Plaintiffs hereby incorporate by reference paragraphs 1 through 10 of this Complaint as though the same were more fully set forth at length herein.

12. As the sole, direct, legal, and proximate result of the negligence of this Defendant as aforesaid, the Plaintiff, Mark R. Stephan, has sustained the following damages:

- a. He has been and will be required to expend sums on money for necessary medical treatment for his wife the Co-Plaintiff, Sherry L. Stephan; and
- b. He has been deprived of the services, society, assistance, and consortium of his wife the Co-Plaintiff, Sherry L. Stephan.

WHEREFORE, the Plaintiffs, Sherry L. Stephan and Mark R. Stephan, her husband, demand judgment in their favor and against the Defendant, Edward Hilliard, for an amount in excess of the applicable arbitration limits, exclusive of interest and costs.

Respectfully Submitted,  
Chiurazzi and Mengine, LLC

s/Wayne M. Chiurazzi  
Wayne M. Chiurazzi, Esquire  
Counsel for Plaintiffs

**VERIFICATION**

THE UNDERSIGNED, Sherry L. Stephan and Mark R. Stephan, her husband, aver 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: \_\_\_\_\_

/s/Sherry L. Stephan  
Sherry L. Stephan

Date: \_\_\_\_\_

/s/Mark R. Stephan  
Mark R. Stephan