

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

JILL JASIK,

Plaintiff;

Vs.

THE REPLAY FOUNDATION, INC. t/d/b/a  
PROFESSIONAL AND AMATEUR  
PINBALL ASSOCIATION and AUGUSTA  
GREGG, LP,

Defendants.

( CIVIL DIVISION

(

( Docket No.: GD-

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( **COMPLAINT IN CIVIL ACTION**

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( FILED ON BEHALF OF:

( Jill Jasik,

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Plaintiff.

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( Counsel of Record for This Party:

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( STEWART, MURRAY & ASSOCIATES

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( LAW GROUP, L.L.C.

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( **JURY TRIAL DEMANDED**

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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 this Complaint and Notice are served against you, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses and 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 without you by the Court 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 TELEPHONE THE OFFICE SET FORTH BELOW [TO FIND OUT WHERE YOU CAN GET LEGAL HELP]. 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 ALLEGHENY COUNTY BAR ASSOCIATION  
KOPPERS BUILDING  
436 SEVENTH AVENUE  
PITTSBURGH, PA 15219  
TELEPHONE: 412-261-5555

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PROFESSIONAL AND AMATEUR	(
PINBALL ASSOCIATION, and AUGUSTA	(
GREGG, LP,	
Defendants.	

**COMPLAINT IN CIVIL ACTION**

AND NOW, comes the Plaintiff, JILL JASIK, by and through her attorneys, STEWART, MURRAY & ASSOCIATES LAW GROUP, L.L.C., and hereby files the within Complaint in Civil Action, and in support thereof avers as follows:

**I. PARTIES**

1. The Plaintiff, Jill Jasik, is an adult individual who resides in Genesee County at 2058 North Averill, Flint, MI 48506.

2. The Defendant, The Replay Foundation, Inc. (hereinafter, "Replay"), is a 501(c)(3) non-profit private foundation with its headquarters, facilities and parking area located in Allegheny County at 100 Keystone Drive, Carnegie, PA 15106.

3. Defendant, Replay, t/d/b/a Professional and Amateur Pinball Association runs events at the 100 Keystone Drive, Carnegie, PA 15106 address. This Defendant also has a mailing address of 2322 Jane Street, Pittsburgh, PA 15203.

4. The Defendant, Augusta Gregg, LP (hereinafter, "Augusta"), is a corporation with its headquarters located in Allegheny County at 733 Augusta Drive, Bridgeville, PA 15017 and a parking area with an address listed only as Superior Street in Carnegie, PA 15106 and the Parcel ID: 0102-J-00180-0000-00. The parking area (hereinafter, "the Superior lot") owned by this Defendant is connected to the 100 Keystone Drive location of Defendant, Replay.

5. At all times material hereto, Defendants individually and/or jointly and severally, owned and/or leased, controlled and maintained the property located at the above referenced Superior Street lot to which members of the public were invited to use as a parking area.

6. At all times material hereto, Defendants individually and/or jointly and severally, owned, operated and/or were responsible for the parking area at which the accident in this matter occurred and acted through their agents, servants, and employees who were acting through the scope and course of their duties, agency and employment.

7. At all times material hereto, all Defendants were in the possession and control of the said Superior lot premises and had a duty to keep the premises safe and free of dangerous conditions which presented unreasonable risks of harm and injury to invitees on the premises.

## **II. JURISDICTIONAL STATEMENT**

8. This action arises under the laws of the Commonwealth of Pennsylvania and is within the subject matter of this Court in Allegheny County Pennsylvania.

## **III. FACTS**

9. On or about April 9, 2016, Plaintiff attended a pinball event at The Replay Foundation located at 100 Keystone Drive, Carnegie, PA 15106 which was open to the public and a place where the public was invited.

10. For the above referenced event, there were a very large number of individuals expected to attend and extremely limited parking at the 100 Keystone Drive address.

11. Defendant Replay was aware and on notice that there was not enough parking available on their property to accommodate everyone in attendance on April 9, 2016.

12. Accordingly, Defendant Replay was aware that individuals attending needed to park in adjacent parking locations including, but not limited to, the Superior lot.

13. Due to the parking shortage, Defendant Replay used the Superior lot for additional parking for the event and was aware individuals such as Plaintiff would be walking on the surface of the lot which was dangerous and would not be lit at night.

14. Plaintiff parked her vehicle in the area located at Superior Street which was situated between 100 Keystone Drive and Gregg Street and was connected to the Keystone Drive facility.

15. On that date, there existed a dangerous, large, deep hole and/or uneven surface condition on the surface of the parking area and/or walkway of Defendants' property.

16. Additionally, the parking area was poorly lit therefore creating another dangerous condition on that date.

17. Defendant Replay took no steps to make the Superior lot safe, provide lighting and/or block off certain areas of the lot to protect individuals invited to their event, including Plaintiff.

18. Defendant Augusta was aware of the major event Replay held at the facility and knew or should have known that Replay was using the Superior lot for additional parking and/or had an agreement with Replay to permit the use of their lot for parking for these large events including the one on April 9, 2016.

19. Defendant Augusta also took no steps to make the Superior lot safe, provide lighting and/or block off certain areas of the lot to protect individuals invited to the event, including Plaintiff.

20. Plaintiff was in a place where she had a right to be as she was walking near her vehicle in the Superior lot in the late hours of the evening of April 9, 2016 when she unexpectedly and without warning, fell due to the large hole and/or uneven surface in the parking lot.

21. Additionally, the poorly lit parking area made it impossible for Plaintiff to see the existing dangerous condition.

22. Due to the sudden nature of Plaintiff's fall, she had no time to respond or brace herself causing the Plaintiff to sustain serious bodily injuries.

23. Said hole/uneven surface was known and/or should have known (through reasonable care) by Defendants, but was not easily seen by patrons such as Jill Jasik.

24. Defendants allowed the pavement to deteriorate in certain areas of the parking lot causing large holes, coupled with poor lighting, which caused a dangerous condition not easily seen by patrons including Plaintiff.

25. As the owner and/or entity in control of the real property, the Defendants were aware and/or should have been aware of these dangerous conditions and should have remedied the dangerous conditions.

26. The acts and omissions as hereinafter set forth in each respective count were done by the Defendants individually and/or vicariously through their respective agents, servants and

employees while engaged in the course and scope of their duties with the Defendants and were the proximate cause of the injuries suffered by Plaintiff, Jill Jasik.

#### IV. COUNT I

##### NEGLIGENCE/PREMISES LIABILITY

*(Jill Jasik v. The Replay Foundation, Inc.)*

27. Paragraphs one (1) through and including twenty-six (26), supra, are incorporated by reference as if the same were fully set forth at length herein.

28. At all material times Defendant Replay was the owner, lessee, licensee, and/or agent in charge of the real property and parking lot located on Superior Street, between 100 Keystone Drive and Gregg Street, Carnegie, PA, and was responsible for, and in control of, the maintenance, inspections, and safety of the property, and owed a duty of care to patrons of the property for the event they held in the adjacent property.

29. As set forth in more detail above, Plaintiff's injuries resulted from the dangerous condition on Defendant's premises.

30. At all times relevant herein, the Defendant knew and/or should have known of the probability of an injury resulting from a fall caused by the dangerous condition of the parking area.

31. The injuries of Plaintiff and damages set forth herein were proximately caused by the negligence, carelessness and/or recklessness of the Defendant (individually, jointly and severally, and by and through their agents, servants, workmen, employees, acting within the scope of their authority) in general and in the following particulars:

- a. maintaining a dangerous condition on the premises;
- b. failing to provide adequate warnings to put individuals on notice;
- c. failing to properly warn Plaintiff of the dangerous, uneven condition on the parking surface;
- d. failing to notice the hazard posed by the dangerous condition on the parking area;
- e. failing to provide a safe environment for individuals like the Plaintiff to park for their event;
- f. in failing to provide lighting in the parking area which could have helped individuals walking near the dangerous condition to potentially see the uneven surface and protect themselves;
- g. in failing to block off and prevent individuals such as Plaintiff from entering the area where the dangerous condition existed;
- h. in failing to remedy the dangerous condition despite adequate time to do so;
- i. in being vicariously liable for the causal negligence of their employees, servants, agents, and others;
- j. by allowing holes to develop on the surface, walkway and/or parking lot creating a fall hazard;
- k. by failing to respond to remedy a hazard caused by the uneven surface from the conditions; and;
- l. by both creating the hazardous condition which caused Plaintiff's injuries and/or failing to take corrective action when it was known, or in the exercise of reasonable diligence should have been known, to exist.

32. As a direct and proximate result of the Defendant's negligence described above Plaintiff, Jill Jasik, suffered severe physical injuries all of which may continue for an indefinite time into the future and may be permanent, including, but not limited to the following particulars:

- a. Right ankle pain;
- b. Right ankle swelling;
- c. Right shin pain;
- d. Right Achilles tendon pain;

- e. Right lateral and medial malleoli fracture;
- f. Severe right ankle sprain with moderate effusion and instability;
- g. Right osteochondral fracture which necessitated surgery;
- h. Right avulsion fracture;
- i. Right split tear of the peroneus brevis;
- j. Calcaneofibular ligament tear;
- k. Decreased range of motion in right ankle;
- l. Decreased ankle strength;
- m. Flexibility deficits;
- n. Decreased joint mobility;
- o. Other potential serious and/or permanent damage.

33. In causing the aforementioned injuries, the Defendant knew, or should have known, that Plaintiff could or would suffer such harm from the dangerous condition of the property.

34. As a further result of this accident, the Plaintiff has been and will be obliged to receive medical attention and may be obliged to continue to expend such sums of money and to incur such expenses for an indefinite period of time into the future and the Plaintiff seeks recovery for these damages.

35. As a further proximate result of the accident as aforesaid described, the Plaintiff underwent a surgery to address injuries she sustained as a result of this accident. Accordingly, Plaintiff may continue to require medical treatment as a result of the aforesaid accident.

36. As a further result of the accident, the Plaintiff has suffered severe physical pain, mental anguish, humiliation, and loss of enjoyment of life's pleasures and she shall continue to suffer the same for an indefinite period of time into the future.

37. As a further result of the accident, the Plaintiff's general health, strength and vitality have been seriously impaired.

38. As a further result of the accident, Plaintiff has suffered and the Defendant is liable for the following damages:

- a. Past, present, and future physical pain and suffering;
- b. Past, present, and future mental anguish;
- c. Past, present, and future humiliation and embarrassment;
- d. Past, present, and future inconvenience;
- e. Past, present, and future impairment of his ability to enjoy life; and
- f. Past, present, and future impairment of his ability to enjoy hobbies and recreational pursuits.

WHEREFORE, Plaintiff, Jill Jasik, respectfully requests that judgment be entered in her favor, and against Defendant, in an amount in excess of, and not within, the jurisdictional arbitration limit of the Allegheny County Court of Common Pleas Arbitration Division.

## V. COUNT II

### NEGLIGENCE/PREMISES LIABILITY

*(Jill Jasik v. Augusta Gregg, LP.)*

39. Paragraphs one (1) through and including thirty-eight (38), supra, are incorporated by reference as if the same were fully set forth at length herein.

40. At all material times Defendant Augusta was the owner, and/or agent in charge of the real property and parking lot located on Superior Street, between 100 Keystone Drive and Gregg Street, Carnegie, PA, and was responsible for, and in control of, the maintenance, inspections, and safety of the property, and owed a duty of care to patrons of the property for the event held by Defendant Replay in the adjacent property.

41. As set forth in more detail above, Plaintiff's injuries resulted from the dangerous condition on Defendant's premises.

42. At all times relevant herein, the Defendant either agreed to permit persons attending events held by Defendant Replay to park in their lot or knew or should have known that Defendant Replay was using the Superior lot for parking at their events.

43. At all times relevant herein, the Defendant knew and/or should have known of the probability of an injury resulting from a fall caused by the dangerous condition of the parking area.

44. The injuries of Plaintiff and damages set forth herein were proximately caused by the negligence, carelessness and/or recklessness of the Defendant (individually, jointly and severally, and by and through their agents, servants, workmen, employees, acting within the scope of their authority) in general and in the following particulars:

- a. maintaining a dangerous condition on the premises;

- b. failing to provide adequate warnings to put individuals on notice;
- c. failing to properly warn Plaintiff of the dangerous, uneven condition on the parking surface;
- d. failing to notice the hazard posed by the dangerous condition on the parking area;
- e. failing to provide a safe environment for individuals like the Plaintiff to park for their event;
- f. in failing to provide lighting in the parking area which could have helped individuals walking near the dangerous condition to potentially see the uneven surface and protect themselves;
- g. in failing to block off and prevent individuals such as Plaintiff from entering the area where the dangerous condition existed;
- h. in failing to remedy the dangerous condition despite adequate time to do so;
- i. in being vicariously liable for the causal negligence of their employees, servants, agents, and others;
- j. by allowing holes to develop on the surface, walkway and/or parking lot creating a fall hazard;
- k. by failing to respond to remedy a hazard caused by the uneven surface from the conditions; and;
- l. by both creating the hazardous condition which caused Plaintiff's injuries and/or failing to take corrective action when it was known, or in the exercise of reasonable diligence should have been known, to exist.

45. As a direct and proximate result of the Defendant's negligence described above Plaintiff, Jill Jasik, suffered severe physical injuries all of which may continue for an indefinite time into the future and may be permanent, including, but not limited to the following particulars:

- a. Right ankle pain;
- b. Right ankle swelling;
- c. Right shin pain;
- d. Right Achilles tendon pain;
- e. Right lateral and medial malleoli fracture;

- f. Severe right ankle sprain with moderate effusion and instability;
- g. Right osteochondral fracture which necessitated surgery;
- h. Right avulsion fracture;
- i. Right split tear of the peroneus brevis;
- j. Calcaneofibular ligament tear;
- k. Decreased range of motion in right ankle;
- l. Decreased ankle strength;
- m. Flexibility deficits;
- n. Decreased joint mobility;
- o. Other potential serious and/or permanent damage.

46. In causing the aforementioned injuries, the Defendant knew, or should have known, that Plaintiff could or would suffer such harm from the dangerous condition of the property.

47. As a further result of this accident, the Plaintiff has been and will be obliged to receive medical attention and may be obliged to continue to expend such sums of money and to incur such expenses for an indefinite period of time into the future and the Plaintiff seeks recovery for these damages.

48. As a further proximate result of the accident as aforesaid described, the Plaintiff underwent a surgery to address injuries she sustained as a result of this accident. Accordingly, Plaintiff may continue to require medical treatment as a result of the aforesaid accident.

49. As a further result of the accident, the Plaintiff has suffered severe physical pain, mental anguish, humiliation, and loss of enjoyment of life's pleasures and she shall continue to suffer the same for an indefinite period of time into the future.

50. As a further result of the accident, the Plaintiff's general health, strength and vitality have been seriously impaired.

51. As a further result of the accident, Plaintiff has suffered and the Defendant is liable for the following damages:

- a. Past, present, and future physical pain and suffering;
- b. Past, present, and future mental anguish;
- c. Past, present, and future humiliation and embarrassment;
- d. Past, present, and future inconvenience;
- e. Past, present, and future impairment of his ability to enjoy life; and
- f. Past, present, and future impairment of his ability to enjoy hobbies and recreational pursuits.

WHEREFORE, Plaintiff, Jill Jasik, respectfully requests that judgment be entered in her favor, and against Defendant, in an amount in excess of, and not within, the jurisdictional arbitration limit of the Allegheny County Court of Common Pleas Arbitration Division.

**A JURY TRIAL IS DEMANDED.**

Respectfully submitted,

STEWART, MURRAY & ASSOCIATES  
LAW GROUP, L.L.C.

By:



Jonathan M. Stewart, Esq.  
Patrick W. Murray, Esq.  
*Attorneys for Plaintiff*

**VERIFICATION**

I verify that the statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief.

I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 4-5-18

Jill Jasik  
Jill Jasik (Plaintiff)