

ROSENBAUM and ASSOCIATES, P.C.
By: JEFFREY M. ROSENBAUM, ESQ.
Identification No. 51719
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Philadelphia, PA 19103
(215) 569-0200

MAJOR JURY
ASSESSMENT OF DAMAGES
HEARING IS REQUIRED

Attorney for Plaintiff

DYNAH MOSLEY, a minor, by her : COURT OF COMMON PLEAS
parent and natural guardian, TAMMI : DELAWARE COUNTY
MCCORMICK, and TAMMI :
MCCORMICK in her own right :
309 Shai Circle :
Bear, DE 19701 :
:

Plaintiffs

vs.

: NO.

CHARLES STUARD, III :
405 Oak Lane :
Wayne, PA 19087 :
and :
KRISTEN STUARD :
405 Oak Lane :
Wayne, PA 19087 :
and :
SAILOR STUARD a/k/a SAYLOR :
STUARD :
405 Oak Lane :
Wayne, PA 19087 :
and :
JOHN DOE (FICTITIOUS NAME) :

Defendants

Complaint in Civil Action

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 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.

LAWYER REFERRAL SERVICE, Front & Lemon Streets, Media, Pennsylvania 19063. Phone: (610) 566-6625

AVISO

LE HAN DEMANDADO A USTED EN LA CORTE. SI USTED QUIERE DEFENDERSE DE ESTAS DEMANDAS EXPUESTAS EN LAS PAGINAS SIGUIENTES, USTED TIENE VIENTE (20) DIAS DE PLAZO AL PARTIR DE LA FECHA DE LA DEMANDA Y LA NOTIFICACION. HACE FALTA ASENTAR UNA COMPARENCIA ESCRITA O EN PERSONA O CON UN ABOGADO Y ENTREGAR A LA CORE EN FORMA ESCRITA SUS DEFENSAS O SUS OBJECIONES A LAS DEMANDAS EN CONTRA DE SU PERSONA. SEA

AVISADO QUE SI USTED NO SE DEFIENDE, LA CORTE TOMARA MEDIDAS Y PUEDE CONTINUAR LA DEMANDA EN CONTRA SUYA SIN PREVIO AVISO O NOTIFICACION. ADEMAS, LA CORTE PUEDE DECIDIR A FAVOR DEL DEMANDANTE Y REQUIERE QUE USTED CUMPLA CON TODAS LAS PROVISIONES DE ESTA DEMANDA. USTED PUEDE PERDER DINERO O SUS PROPIEDADES U OTROS DERECHOS IMPORTANTES PARA USTED. LLEVE ESTA DEMANDA A UN ABOGADO IMMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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4. The defendant, Sailor Stuard a/k/a Saylor Stuard, is an adult individual and a resident of the Commonwealth of Pennsylvania, residing and/or conducting business at the above address.
5. The defendant, John Doe (fictitious name) is an individual, corporation and/or other entity whose identity, after reasonable investigation, is currently unknown, but at all times relevant hereto owned, operated and controlled the premises and had the duty to maintain the premises at 405 Oak Lane, Wayne, Pennsylvania.
6. At all times relevant hereto, the defendants were acting through their agents, servants and/or employees within the course and scope of their employment, and the doctrine of Respondeat Superior is invoked herein.
7. At all times relevant hereto, all defendants were acting as the agents, servants, workmen and/or employees of all other named defendants.
8. At all times relevant hereto, defendants had under their care, direction, supervision, control and maintenance the premises known located at 405 Oak Lane, Wayne, Pennsylvania, and it was the defendants' duty to keep and maintain said premises in a reasonably safe condition.
9. On or about the 29th day of January, 2018, minor plaintiff, Dynah Mosley, was invited by defendants to come to the premises located at 405 Oak Lane, Wayne, Pennsylvania for the purpose of socializing with defendant Sailor Stuard a/k/a Saylor Stuard.
10. On or about the 29th day of January, 2018 and at all times relevant hereto, defendants were responsible for the safety of minor plaintiff, Dynah Mosley, while minor plaintiff was at their residence.

11. On or about the 29th day of January, 2018, at approximately 1:30 p.m., a dangerous, negligent and/or defective condition existed on the premises as aforesaid and defendants knew or should have known of the existence of same.
12. On the aforesaid date, the plaintiff, Dynah Mosley, a minor, was lawfully inside said premises when defendants minor daughter, defendant, Sailor Stuard a/k/a Saylor Stuard began banging on a glass window pane, causing it to break and shatter onto plaintiff, causing plaintiff to sustain severe and serious injuries as more fully set forth hereinafter.
13. At all times relevant hereto, defendants knew or should have known that defendants' minor child would engage in the aforementioned behavior.
14. The defendants knew or should have known of the existence of the hazardous and dangerous condition on the aforesaid premises.
15. The carelessness and/or negligence of the defendants consisted of the following:
 - a. Failing to inspect and maintain said window so that it would not shatter on the minor plaintiff;
 - b. Failing to provide adequate monitoring and supervision of minor plaintiff and defendants' minor child;
 - c. Failing to be in a position to timely respond to minor plaintiff's emergency situation;
 - d. Negligently banging on said window or otherwise causing it to shatter on the minor plaintiff;
 - e. Failing to prevent defendants' minor child from engaging in the aforesaid behavior leading to minor plaintiff's injuries;
 - f. Failing to warn the minor plaintiff of the negligent and defective condition;
 - g. Negligently allowing a dangerous situation to exist on the aforementioned premises;
 - h. Failing to timely recognize that minor plaintiff was in need of assistance; and,

- i. Failing to correct a dangerous and hazardous condition, of which defendants should have been aware.

COUNT I

**PLAINTIFFS, DYNAH MOSLEY, A MINOR, BY AND THROUGH HER PARENT AND
NATURAL GUARDIAN, TAMMI MCCORMICK, vs. ALL DEFENDANTS**

16. The plaintiff, Dynah Mosley, a minor, hereby incorporates by reference herein the allegations contained in the preceding paragraphs of this Complaint as though same were fully set forth at length herein.
17. Solely because of the negligence of the defendants acting as aforesaid, the plaintiff was caused to sustain serious physical injury in and about the person, including but not limited to plaintiff's forehead and scarring, as well as a severe shock to the nerves and nervous system and was or may have been otherwise injured, whereby plaintiff has suffered and may continue to suffer in the future and/or may be permanent.
18. The plaintiff may have sustained other injuries and pre existing conditions may have been aggravated.
19. The plaintiff avers that some or all of the injuries sustained may be or are of a permanent nature and character.
20. As a further result of the aforesaid accident, plaintiff has been unable in the past, and is likely to continue to be unable in the future, to attend to plaintiff's usual duties, activities, vocations and avocations, all to plaintiff's great financial loss and detriment.

21. As a further result of the aforesaid accident and resultant injuries, plaintiff has expended and is in the future likely to expend substantial sums of monies for the care, treatment and attempted cure of plaintiff's injuries, all to plaintiff's great financial loss and detriment.
22. As a further result of the aforesaid accident and resultant injuries, plaintiff has been caused to undergo in the past and is likely to undergo in the future, severe pain, suffering, inconvenience and embarrassment, all to plaintiff's great financial loss and detriment.

WHEREFORE, plaintiff, Dynah Mosley, a minor, demands judgment against defendants, Charles Stuard, III, Kristen Stuard, Sailor Stuard a/k/a Saylor Stuard and John Doe (fictitious name), in a sum in excess of the arbitration limits and in excess of the Federal Court jurisdictional limits for cases based on diversity jurisdiction.

COUNT II

PLAINTIFF, TAMMI MCCORMICK, IN HER OWN RIGHT vs. ALL DEFENDANTS

23. The plaintiff, Tammi McCormick, in her own right, hereby incorporates by reference herein the allegations contained in the preceding paragraphs of this Complaint as though same were fully set forth at length herein.
24. As a result of the injuries sustained by minor-plaintiff, Dynah Mosley, her mother, Tammi McCormick, has been and will be compelled to expend large sums of money in an attempt to cure her daughter of her said injuries.

WHEREFORE, plaintiff, Tammi McCormick, demands judgment against the defendants, Charles Stuard, III, Kristen Stuard, Sailor Stuard a/k/a Saylor Stuard and John Doe (fictitious

name), in a sum in excess of the arbitration limits and in excess of the Federal Court jurisdictional limits for cases based on diversity jurisdiction.

ROSENBAUM and ASSOCIATES, P.C.

By:



JEFFREY M. ROSENBAUM, ESQUIRE
Attorney for Plaintiff

Date: _____

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VERIFICATION

Jeffrey M. Rosenbaum, Esquire, states that he is the attorney for the Plaintiffs herein, that he is acquainted with the facts set forth in the foregoing Complaint in Civil Action and that the same are true and correct to the best of his knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. '4904 relating to unsworn falsification to authorities.



JEFFREY M. ROSENBAUM, ESQUIRE

DATE: _____

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