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ATTORNEYS FOR PLAINTIFF

CI-19-08790

L.R. RETTEW, A MINOR, BY HIS
PARENT AND NATURAL
GUARDIAN, JANIKA E. RETTEW, AND
JANIKA E. RETTEW, IN HER OWN RIGHT,
111 East Woods Drive
Lititz, PA 17543
Plaintiffs,

vs.

WARWICK MIDGET FOOTBALL LEAGUE,
INC. D/B/A WARWICK YOUTH FOOTBALL
ASSOCIATION
1520 Brunnerville Road
Lititz, PA 17543

And

PAT TOCCI
364 Cardinal Road
Lititz, PA 17543

And

MIKE WINTERS
4 Whitetail Path
Lititz, PA 17543

and

ZACH ROWE
492 Crosswinds Drive
Lititz, PA 17543

and

GORDON YOUNG
13 Santa Fe Drive
Lititz, PA 17543

and

COURT OF COMMON PLEAS

LANCASTER COUNTY

**COMPLAINT
JURY TRIAL DEMANDED**

NO. CI-18-

9-17-2019

\$211.75 And

ACH64207707

Receipt

111764

JEFF VAN BROOKHOVEN
823 Pine Hill Road
Lititz, PA 17543

And
RED ROSE MIDGET FOOTBALL LEAGUE
D/B/A RED ROSE FOOTBALL LEAGUE
27 Rodney Road
Landisville, PA 17538

and
LAWRENCE FISHER
480 Stony Battery Road
Landisville, PA 17538

CI-19-08790

Defendants:

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.

LANCASTER BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
28 E. ORANGE STREET
LANCASTER, PA 17602
TELEPHONE: (717)-393-0737

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (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 corte 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 tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, 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 INMEDIATAMENTE. 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 DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACIÓN DE LICENCIADOS DE LANCASTER
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
28 E. ORANGE STREET
LANCASTER, PA 17602
TELÉFONO: (215) 238-6333

Plaintiffs, Jankika E. Rettew and L.R. Rettew, a minor, residing at 111 East Woods Drive, Lititz, Pennsylvania, 17543, by way of Complaint and Jury Demand hereby state:

CIVIL ACTION

PRELIMINARY STATEMENT

1. On September 17, 2017, minor-plaintiff, L.R. Rettew, (hereinafter "L.R.") suffered severe and permanent injuries while playing football for defendant, Warwidge Midget

Football League, Inc., d/b/a Warwick Youth Football Association and Red Rose Midget Football

League d/b/a Red Rose in Lancaster, Pennsylvania.

2. Specifically, L.R. suffered a head injury during the game, and while the game was ongoing, L.R. complained to the defendants named herein of headaches, disorientation, while also displaying signs and symptoms of a head injury and/or concussion, including dizziness, disorientation and confusion.

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3. Despite his complaints, the defendants named herein allowed L.R. to return to the field to play, and he suffered multiple injuries, including, but not limited to, a traumatic brain injury and concussion.

4. As a result of those injuries, L.R. has undergone, and continues to undergo, extensive medical treatment and surgeries to treat his brain injury, among other debilitating injuries.

5. L.R.'s tragic injuries were preventable.

6. The defendants named herein knew, or should have known, of the risk of head injury to L.R. when allowing him to continue playing football despite L.R.'s complaints and visible signs of a head injury, including but not limited to, dizziness, disorientation and confusion.

7. However, the defendants named herein failed to, *inter alia*, provide adequate supervision and training, permitted minor-plaintiff to play football while injured, provided an unsafe environment to minor-plaintiff, and failed to take reasonable steps to insure the safety of their players, including minor-plaintiff, resulting in serious injuries to minor-plaintiff.

PARTIES AND JURISDICTION

8. Plaintiff, Janika Rettew is an adult citizen residing at 111 East Woods-Drive, in Lititz, Pennsylvania 17543.

9. Minor-Plaintiff, L.R. McKinnon, is citizen and resides with his parent and natural guardian, Plaintiff, Janika Rettew, at 111 East Woods-Drive in Lititz, Pennsylvania 17543.

10. Defendant, Warwick Midget Football League, Inc., d/b/a Warwick Youth Football Association (hereinafter "WYFA"), is a corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered business address located at 1520 Brunnerville Road, Lititz, Pennsylvania 17543. **CI-19-08790**

11. At all times material hereto, WYFA was acting individually and by and through its officers, agents, ostensible agents, servants, and/or employees, who were acting in the course and scope of their employment, service, agency, and under the direct control and/or right of control, of WYFA.

12. Defendant, Red Rose Midget Football League d/b/a Red Rose Football League (hereinafter "RED ROSE"), is a corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania with a registered business address located at 27 Rodney Street, in Lancaster, Pennsylvania 17603.

13. At all times material hereto, RED ROSE was acting individually and by and through its officers, agents, ostensible agents, servants, and/or employees, who were acting in the course and scope of their employment, service, agency, and under the direct control and/or right of control, of RED ROSE.

14. As set forth in *infra*, Red Rose is an organization which manages and supervises a youth football program for minors.

15. As set forth *infra*, WYFA is a member organization of Red Rose, and WYFA manages and supervises a youth football program for minors.

16. Defendant, Pat Tocci (hereinafter "TOCCI") is an adult citizen residing at 364 Cardinal Road, in Lititz, Pennsylvania 17543.

17. At all times material hereto, TOCCI was the Director of WYFA and was acting under the course and scope of his employment, service, agency, and under the authority, direct control, and/or right of control of WYFA and/or RED ROSE.

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18. Defendant, Mike Winters (hereinafter "WINTERS") is an adult citizen residing at 4 Whitetail Path, in Lititz, Pennsylvania 17543.

19. At all times material hereto, WINTERS was the Co-Director of WYFA and was acting under the course and scope of his employment, service, agency, and under the authority, direct control, and/or right of control of WYFA and/or RED ROSE.

20. Defendant, Zach Rowe (hereinafter "ROWE") is an adult citizen residing at 492 Crosswinds Drive, in Lititz, Pennsylvania 17543.

21. At all times material hereto, ROWE and was acting under the course and scope of his employment, service, agency, and under the authority, direct control, and/or right of control of WYFA and/or RED ROSE.

22. Defendant, Gordon Young (hereinafter "YOUNG") is an adult citizen residing at 13 Santa Fe Drive, in Lititz, Pennsylvania 17543.

23. At all times material hereto, YOUNG was a coach for WYFA's "B Team" and was acting under the course and scope of his employment, service, agency, and under the authority, direct control, and/or right of control of WYFA and/or RED ROSE.

24. Defendant, Jeff Van Brookhoven (hereinafter "VAN BROOKHOVEN") is an adult citizen residing at 823 Pine Hill Road, in Lititz, Pennsylvania 17543.

25. At all times material hereto, VAN BROOKHOVEN was an assistant coach for WYFA's "B Team" and was acting under the course and scope of his employment, service, agency, and under the authority, direct control, and/or right of control of WYFA and/or RED ROSE.

26. Defendant, Lawrence Fisher (hereinafter "FISHER") is an adult citizen residing at 480 Stony Battery Road, Landisville, Pennsylvania 17538.

27. At all times material hereto, FISHER was acting under the scope and authority of WYFA and/or RED ROSE.

FACTS COMMON TO ALL COUNTS

28. RED ROSE is a youth football league organization.

29. RED ROSE promulgates by-laws to govern the conduct of its member organizations, including WYFA.

30. RED ROSE organizes, sponsors and/or supports member organizations, like WYFA, to conduct youth football games.

31. WYFA, as a member of RED ROSE, is required to conduct themselves in accordance with RED ROSE'S Bylaws in addition to WYFA's Bylaws.

32. According to RED ROSE'S Bylaws, "all coaches must complete an agreed upon online concussion clinic or attend a concussion clinic."

33. RED ROSE's Bylaws further provide that the coaches are "to provide safe playing situations for their players."

34. According to WYFA's Bylaws, its mission is to "inspire the youth of our community to practice ideals of *health, citizenship and character.*"

35. WYFA's Bylaws also provide that they will promote *"the concept of placing the team before the individual."*

36. WYFA and RED ROSE provide the equipment used by players in its games, including minor-plaintiff, and said equipment includes but is not limited to, helmets and mouthpieces.

37. On September 17, 2017, minor-plaintiff, L.R., a member of WYFA's "B Team" participated in a youth football game through WYFA and/or RED ROSE. **CI-19-08790**

38. During the course of the game, L.R. utilized a helmet and mouthpiece supplied by WYFA and/or RED ROSE.

39. While playing in the game, L.R. was violently kicked in his head and/or otherwise injured his head, and upon information and belief, experienced a loss of consciousness.

40. After injuring his head, L.R. returned to the team's sideline and complained to his coaches, Young and Brookhaven, of a headache, dizziness and feeling disoriented.

41. It is believed and therefore averred that while speaking to his coaches, YOUNG and VAN BROOKHOVEN, L.R. also displayed visible symptoms of a head injury and/or concussion, including, but not limited to, disorientation, dizziness and confusion.

42. Defendants, YOUNG and VAN BROOKHOVEN inspected minor-Plaintiff's helmet.

43. Despite his complaints and visible appearance, defendants, YOUNG and VAN BROOKHAVEN allowed L.R. to return to the field of play.

44. Despite his complaints and visible appearance, Defendants failed to conduct an impact evaluation for concussion and/or head injury.

45. At no time material thereto did defendants notify minor-plaintiff's mother, plaintiff, JANIKA RETTEW of L.R.'s injury during the football game.

46. Plaintiffs relied upon Defendants to exercise due care in the performance of coaching minor-plaintiff and protecting minor-plaintiff from suffering injuries during the course of the youth football game.

47. Defendants failure to exercise due care in the undertaking of this duty increased the risk of harm to minor-plaintiff. **CI-19-08790**

48. As a direct and proximate result of Defendants' carelessness, negligence, gross negligence, recklessness, and other liability-producing conduct, L.R. suffered serious, severe and permanent disabling injuries.

49. L.R.'s injuries include but are not limited to: traumatic brain injury, concussion, vestibular dysfunction, photophobia, cognitive deficits, reduced processing speed, attention and reasoning, dizziness, vertigo, physical pain, suffering, mental distress, and other injuries the full extent of which are not yet known, and some or all of which may be permanent in nature.

50. All of the aforementioned injuries:

- a. have prevented minor-plaintiff from engaging in and enjoying the normal activities of his life;
- b. will prevent minor-plaintiff from engaging in and enjoying the normal activities of his life in the future;
- c. will prevent minor-plaintiff from attending to duties, activities, and occupations which he would otherwise have undertaken in the future, causing a loss of earning capacity;
- d. have in the past and continuing presently require plaintiffs to spend money and incur obligations, including cost of medicines, medical care, hospitalizations, treatment, operations, testing, rehabilitation, therapy, in an effort to treat, alleviate, care for, and/or cure minor plaintiff's aforementioned injuries;

- e. will require plaintiffs to spend money and incur obligations in the future in an effort to treat and care for the aforementioned injuries;
- f. will be permanent.

51. Minor-plaintiff's aforementioned injuries were caused by the negligence of Defendants, their respective agents, servants, and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the Plaintiffs herein.

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FIRST CAUSE OF ACTION – NEGLIGENCE
MINOR-PLAINTIFF L.R. RETTEW v. DEFENDANTS, RED ROSE AND WYFA

52. Plaintiffs hereby incorporate by reference all of the averments and allegations contained in the foregoing paragraphs as though the same were set forth herein.

53. The negligence, gross negligence, carelessness, and reckless conduct of Defendants, their officers, agents, ostensible agents, servants, and/or employees, includes the following:

- a. Failing to competently examine minor-plaintiff, L.R.;
- b. Failing to timely examine minor-plaintiff, L.R.;
- c. Failing to provide appropriate equipment to protect minors, including minor-plaintiff while playing football;
- d. Failing to provide minor-plaintiff with proper safety equipment while playing a contact sport;
- e. Failing to ensure that the football equipment supplied by defendants to minor-plaintiff was properly maintained;
- f. Supplying defective helmets to minors, including minor-plaintiff;
- g. Failing to undergo concussion and/or head injury training as required pursuant to the Bylaws of WYFA and RED ROSE;
- h. Failing to provide a safe environment for its players, including minor-plaintiff;
- i. Failing to have licensed physicians and/or other medical professionals trained in the evaluation and management of concussions present during the youth football

games to minimize the risk of head and other physical injuries;

- j. Failing to have appropriate policies in place relating to evaluations for indications of head injury;
- k. Failing to implement proper policies regarding concussion evaluations;
- l. Failing to provide adequate supervision;
- m. Failing to provide adequate training;
- n. Allowing minor plaintiff to continue playing football while injured;
- o. Failing to ensure the safety and well-being of minors, including minor-plaintiff;
- p. Failing to perform impact/concussion testing;
- q. Failure to provide safety training;
- r. Failing to properly supervise players, including minor-plaintiff;
- s. Failing to understand the risks of danger posed by youth football games;
- t. Failing to contract and/or retain a professional, responsible and/or reliable persons to supervisor minors;
- u. Negligently hiring, retaining, and/or training individuals and/or entities whom failed to take action to prevent said incident from occurring;
- v. Failing to provide adequate safety measures for minor-plaintiff to protect himself during the football games;
- w. Failing to take reasonable safety and security measures to ensure the safety and well-being of minor plaintiff;
- x. Failing to contract and/or retain a professional, responsible and/or reliable persons to supervisor minors;
- y. Causing minor-plaintiff to sustain a traumatic brain injury;
- z. Failing to prevent injuries to Plaintiffs;
- aa. Increasing the risk of harm to Plaintiffs;
- bb. Failing to safeguard the welfare of all minors, including minor-plaintiff;

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cc. Breaching their duties under various sections of the Restatement of Law of Torts

(Second), including but not limited to §§323 and 324 ;

dd. Violating Pennsylvania's Safety in Youth Sports Act, codified as 24 P.S. §§ 5321-5323;

ee. Negligence *per se*;

ff. Failing to exercise due care and/or caution under the circumstances;

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gg. Allowing and/or requiring minor-plaintiff to continue playing football;

hh. Failing to take feasible, reasonable and cost-effective precautions that would have prevented minor-plaintiff's serious injuries;

ii. Otherwise acting negligently and carelessly in allowing minor-plaintiff to continue play football despite his head injury;

jj. Otherwise acting negligently and carelessly in allowing minor-plaintiff to return to the field to play football without having minor-plaintiff medically cleared to do so; and

kk. other acts or omissions constituting negligence as may be ascertained through discovery and may be demonstrated by the evidence at the trial of this case.

54. By reason of the carelessness, negligence, gross negligence and recklessness of Defendants, minor-plaintiff was caused to suffer excruciating and agonizing pain and suffering, and injuries including, as set forth more fully above.

55. By conducting themselves as described above, Defendants evidenced a reckless and/or conscious disregard for the rights and safety of others, including plaintiffs.

56. By conducting themselves as described above, Defendants acts and/or omissions were a substantial factor, a factual cause, and/or increased the harm of minor-plaintiff's catastrophic injuries.

57. Plaintiffs claim damages for the aforesaid injuries suffered by minor-plaintiff, specifically including but not limited to the physical pain, suffering, and mental distress

undergone by minor-plaintiff, and the loss of life's pleasures suffered by minor-plaintiff, and the loss of earning capacity suffered by minor-plaintiff, and the cost and expenses of medical, rehabilitative and other care necessitated by the physical and mental injuries sustained by minor-plaintiff, and other disability-related expenses, from the time of defendants' tortious acts and/or omissions to such time in the future as minor-plaintiff will probably live.

WHEREFORE, Plaintiffs demand judgment against all Defendants jointly, severally, and/or in the alternative for compensatory damages as may be permitted pursuant to the laws of Commonwealth of Pennsylvania, together with interest, costs, and attorney's fees.

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SECOND CAUSE OF ACTION – NEGLIGENCE
MINOR PLAINTIFF, L.R. RETTEW V. DEFENDANTS, TOCCL WINTERS, ROWE,
YOUNGE, VAN BROOKHOVEN, FISHER

58. Plaintiffs hereby incorporate by reference all of the averments and allegations contained in the foregoing paragraphs as though the same were set forth herein.

59. The negligence, gross negligence, carelessness, and reckless conduct of Defendants, their officers, agents, ostensible agents, servants, and/or employees, includes the following:

- a. Failing to competently examine minor-plaintiff, L.R.;
- b. Failing to timely examine minor-plaintiff, L.R.;
- c. Failing to provide appropriate equipment to protect minors, including minor-plaintiff while playing football;
- d. Failing to provide minor-plaintiff with proper safety equipment while playing a contact sport;
- e. Failing to ensure that the football equipment supplied by defendants to minor-plaintiff was properly maintained;
- f. Supplying defective helmets to minors, including minor-plaintiff;
- g. Failing to require their coaches to undergo concussion and/or head injury

training and/or adequate training as required pursuant to Defendants' respective Bylaws;

- h. Failing to implement and/or enforce proper policies requiring coaches to undergo training for evaluations of concussions and/or traumatic brain injuries;
- i. Failing to select competent coaches;
- j. Failing to ensure the coaches underwent concussion and/or head injury training as required pursuant to Defendants' respective Bylaws;
- k. Failing to provide a safe environment for its players, including minor-
plaintiff, including failing to follow applicable rules and guidelines;
- l. Failing to have licensed physicians and/or other medical professionals trained in the evaluation and management of concussions present during the youth football games to minimize the risk of head and other physical injuries;
- m. Failing to have appropriate policies in place relating to evaluations for indications of head injury;
- n. Failing to implement proper policies regarding concussion evaluations;
- o. Failing to provide adequate supervision;
- p. Failing to provide adequate training;
- q. Allowing minor-plaintiff to continue playing football while injured;
- r. Allowing improperly trained coaches to be responsible for the safety and well-being of minors, including minor-plaintiff;
- s. Failing to ensure the safety and well-being of minors, including minor-plaintiff;
- t. Failing to perform impact/concussion testing;
- u. Failure to properly train employees;
- v. Failure to provide safety training;
- w. Failing to properly supervise coaches;

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- x. Failing to properly supervise players, including minor-plaintiff;
- y. Failing to understand the risks of danger posed by youth football games;
- z. Failing to contract and/or retain a professional, responsible and/or reliable persons to supervisor minors;
- aa. Negligently hiring, retaining, and/or training individuals and/or entities whom failed to take action to prevent said incident from occurring;
- bb. Failing to provide adequate safety measures for minor-plaintiff to protect himself during the football games;
- cc. Failing to take reasonable safety and security measures to ensure the safety and well-being of minor-plaintiff;
- dd. Failing to contract and/or retain a professional, responsible and/or reliable persons to supervisor minors;
- ee. Causing minor plaintiff to sustain a traumatic brain injury;
- ff. Failing to prevent injuries to Plaintiffs;
- gg. Increasing the risk of harm to plaintiffs;
- hh. Failing to safeguard the welfare of all minors, including minor-plaintiff.
- ii. Breaching their duties under various sections of the Restatement of Law of Torts (Second), including but not limited to §§323 and 324 ;
- jj. Violating Pennsylvania's Safety in Youth Sports Act, codified as 24 P.S. §§ 5321-5323;
- kk. Negligence per se;
- ll. Failing to exercise due care and/or caution under the circumstances;
- mm. Allowing and/or requiring minor-plaintiff to continue playing football;
- nn. Failing to take feasible, reasonable and cost-effective precautions that would have prevented minor-plaintiff's serious injuries;
- oo. Otherwise acting negligently and carelessly in allowing minor-plaintiff to return to the field to play football without having minor-plaintiff medically cleared to do so; and

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Ricci Dehl

pp. other acts or omissions constituting negligence as may be ascertained through discovery and may be demonstrated by the evidence at the trial of this case.

60. By reason of the carelessness, negligence, gross negligence and recklessness of Defendants, minor-plaintiff was caused to suffer excruciating and agonizing pain and suffering, and injuries including, as set forth more fully above.

61. By conducting themselves as described above, Defendants evidenced ~~deliberate~~ **CF-19-08790** and/or conscious disregard for the rights and safety of others, including plaintiffs.

62. By conducting themselves as described above, Defendants acts and/or omissions were a substantial factor, a factual cause, and/or increased the harm of minor-plaintiff's catastrophic injuries.

63. Plaintiffs claim damages for the aforesaid injuries suffered by minor-plaintiff, specifically including but not limited to the physical pain, suffering, and mental distress undergone by minor-plaintiff, and the loss of life's pleasures suffered by minor-plaintiff, and the loss of earning capacity suffered by minor-plaintiff, and the cost and expenses of medical, rehabilitative and other care necessitated by the physical and mental injuries sustained by minor-plaintiff, and other disability-related expenses, from the time of defendants' tortious acts and/or omissions to such time in the future as minor plaintiff will probably live.

WHEREFORE, Plaintiffs demand judgment against all Defendants jointly, severally, and/or in the alternative for compensatory damages as may be permitted pursuant to the laws of Commonwealth of Pennsylvania, together with interest, costs, and attorney's fees.

THIRD CAUSE OF ACTION – NEGLIGENCE
PLAINTIFF, JANIKA RETTEW v. ALL DEFENDANTS

64. Plaintiffs hereby incorporate by reference all of the averments and allegations contained in the foregoing paragraphs as though the same were set forth herein.

65. As a result of the aforesaid negligent acts and/or omissions of defendants WYFA, RED ROSE, TOCCI, WINTERS, ROWE, YOUNGE, BROOKHOVEN and FISHER, plaintiff, JANIKA RETTEW, has been obliged to spend money and incur obligations in an effort to treat and care for her injured son, minor-plaintiff, L.R.

66. As a result of the aforesaid negligent acts and/or omissions of defendants WYFA, RED ROSE, TOCCI, WINTERS, ROWE, YOUNGE, VAN BROOKHOVEN and FISHER, plaintiff, JANIKA RETTEW will be obliged to spend money and incur obligations in the future for medical expenses and treatment for her son, minor plaintiff, L.R., during the course of his minority.

67. As a result of the aforesaid negligent acts and/or omissions of defendants WYFA, RED ROSE, TOCCI, WINTERS, ROWE, YOUNGE, VAN BROOKHOVEN and FISHER, plaintiff, JANIKA RETTEW will be deprived of her son's earnings and the value of his services.

WHEREFORE, Plaintiffs demand judgment against all Defendants jointly, severally, and/or in the alternative for compensatory damages as may be permitted pursuant to the laws of Commonwealth of Pennsylvania, together with interest, costs, and attorney's fees.

Respectfully submitted,

MCCORMICK & PRIORE, P.C.

/s/ PHILIP D. PRIORE

PHILIP D. PRIORE, ESQUIRE

PAMELA PLAYO LIN, ESQUIRE

ATTORNEYS FOR PLAINTIFFS

DATED: SEPTEMBER 16, 2019

VERIFICATION

I, Plaintiff, Janika Rettew, individually, and as the guardian of L.R., a minor, verifies that the statements made in the foregoing *First Amended Complaint* are true and correct to the best of my knowledge, information, and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

Dated: 9/11/19


JANIKA RETTEW

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

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MCCORMICK & PRIORE, P.C.

/S/ PHILIP D. PRIORE

PHILIP D. PRIORE, ESQUIRE
PAMELA PLAYO LIN, ESQUIRE
ATTORNEYS FOR PLAINTIFFS

DATED: SEPTEMBER 16, 2019

Plaintiffs are:

L.R. RETTEW, A MINOR, BY HIS PARENT AND NATURAL
GUARDIAN, JANIKA E. RETTEW, AND JANIKA E. RETTEW, IN
HER OWN RIGHT

Defendants are:

WARWICK MIDGET FOOTBALL LEAGUE, INC., D/B/A WARWICK
YOUTH FOOTBALL ASSOCIATION, PAT TOCCI, MIKE WINTERS,
ZACH ROWE, GORDON YOUNG, JEFF VAN BROOKHOVEN,
RED ROSE MIDGET FOOTBALL LEAGUE D/B/A RED ROSE
FOOTBALL LEAGUE AND LAWRENCE FISHER

Defendant Addresses:

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WARWICK MIDGET FOOTBALL LEAGUE, INC. D/B/A WARWICK YOUTH FOOTBALL
ASSOCIATION, 1520 Brunnerville Road, Lititz, PA 17543;

PAT TOCCI, 364 Cardinal Road, Lititz, PA 17543;

MIKE WINTERS, 4 Whitetail Path, Lititz, PA 17543;

ZACH ROWE, 492 Crosswinds Drive, Lititz, PA 17543;

GORDON YOUNG, 13 Santa Fe Drive, Lititz, PA 17543;

JEFF VAN BROOKHOVEN, 823 Pine Hill Road, Lititz, PA 17543;

RED ROSE MIDGET FOOTBALL LEAGUE, D/B/A RED ROSE FOOTBALL LEAGUE, 27
Rodney Road, Landisville, PA 17538; and

LAWRENCE FISHER, 480 Stony Battery Road, Landisville, PA 17538;

**PROTHONOTARY
CIVIL COVER SHEET**

ENTERED AND FILED
PROTHONOTARY'S OFFICE
LANCASTER, PA

Electronically Filed

SEP 16 2019 01:08PM

Ricci Dehl

PLEASE LIST NAMES AND ADDRESSES OF ADDITIONAL PARTIES ON A SEPARATE SHEET

ALL PARTY INFORMATION IS REQUIRED INCLUDING ZIP CODES. ALL PARTY INFORMATION MUST MATCH THE PLEADING. PLEASE DO NOT STAPLE THE COVER SHEET TO THE PLEADING. IF AN EVENT NEEDS TO BE SCHEDULED, A CAO SCHEDULING COVER SHEET MUST ALSO BE ATTACHED.

TYPE OF ACTION: CIVIL

PARTY INFORMATION

PLAINTIFF'S NAME: SEE ATTACHED

DEFENDANT'S NAME: SEE ATTACHED

ADDRESS: 111 East Woods Drive

*If confidential,
use 2nd sheet* Lititz, PA 17543

ADDRESS:

CI-19-08790

MUNICIPALITY:

MUNICIPALITY:

TWP/BOROUGH:

TWP/BOROUGH:

DOB:

TELEPHONE #:

(mm/dd/yyyy)

DOB:

TELEPHONE #:

(mm/dd/yyyy)

FILING ATTORNEY / FILING PARTY INFORMATION

FIRM/OFFICE: McCormick & Priore, P.C.

FILING ATTORNEY/PARTY: Phillip D. Priore and Pamela Lin

AOPC: (Attorney ID) #: 38987/313026

ADDRESS: 4 Penn Center, Suite 800, 1600 JFK Blvd CITY: Philadelphia

STATE: PA

ZIP CODE: 19103

TELEPHONE #: (215) 972-0161

(#####)

EMAIL: ppriore@mccormickpriore.com; plin@mccormickpriore.com

TAX LIEN INFORMATION

MUNICIPALITY:

MAP REFERENCE:

DEED BOOK:

DEED PAGE:

DEED DATE:

SALE PRICE:

TAX YEAR:

TAX LIEN AMOUNT:

PROPERTY DESCRIPTION:

PFA/SVPO/PFI INFORMATION

HEARING DATE:

SOCIAL SECURITY #: (Defendant -- Last 4 digits)

POLICE DEPARTMENT:

PREVIOUS PETITIONS: YES ☐

NO ☐

If 'YES', File Date:

SEP 16 2019 01:00 PM
Ricci Dehl

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 120.1 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Supreme Court of Pennsylvania

Court of Common Pleas

City of Lancaster

LANCASTER

County



ENTERED AND FILED

PROTHONOTARY'S OFFICE

LANCASTER, PA

Electronically Filed

Sep 16 2019 01:08PM

Ricci Dehl

For Prothonotary Use Only

Docket No.

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons
☐ Transfer from Another Jurisdiction

- ☐ Petition
☐ Declaration of Taking

Lead Plaintiff's Name:

L.R. RETTEW, A MINOR AND JANIKA E. RETTEW, ET AL.

Lead Defendant's Name:

WARWICK MIDGET FOOTBALL LEAGUE, ET AL.

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☒ Within arbitration limits
☐ Outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: PHILIP D. PRIORE AND PAMELA LIN

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Case: Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☒ Slander/Libel/ Defamation
☒ Negligence

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other
☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other
☐ Other:

CIVIL APPEALS

- Administrative Agencies,
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
☐ Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: