

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA  
CIVIL DIVISION

COVER SHEET

Plaintiff(s) Luke Krisciunas and Karen Bushman	Case Number : <input type="text"/> - <input type="text"/> - <input type="text"/>
	Type of pleading : Complaint - Civil Action
Vs Defendant(s) SNJP Recreation Center and Slovene National Benefit Society	Code and Classification : _____
	Filed on behalf of Luke Krisciunas and Karen Bushman
	(Name of the filing party)
	<input checked="" type="checkbox"/> Counsel of Record <input type="checkbox"/> Individual, If Pro Se
	Name, Address and Telephone Number : Jordan Merson Merson Law, PLLC 150 East 58th Street 34th Floor New York, NY 10155
Attorney's State ID : <u>310885</u>	
Attorney's Firm ID : _____	

**MERSON LAW, PLLC**

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*Attorneys for Plaintiffs*

**LUKE KRISCIUNAS**

307 Lemont Street

Lemont, IL 60439

**and**

**KAREN BUSHMAN**

307 Lemont Street

Lemont, IL 60439

Plaintiffs,

**v.**

**SNPJ RECREATION CENTER**

270 Martin Road

Enon Valley, PA 16120

**and**

**SLOVENE NATIONAL BENEFIT SOCIETY**

247 West Allegheny Road

Imperial, PA 15126-9774

Defendants.

**COURT OF COMMON PLEAS  
ALLEGHENY COUNTY**

**CIVIL ACTION - LAW**

**NO.:** \_\_\_\_\_

**JURY TRIAL DEMANDED**

## NOTICE TO DEFEND

### 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, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service  
Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219  
Telephone: (412) 261-5555

### ADVISO

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 tomara medidas y 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 o 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 DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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## COMPLAINT – CIVIL ACTION

### I. PARTIES

1. Plaintiff, Luke Krisciunas, (“Mr. Krisciunas”), is an adult individual, who currently resides at 307 Lemont Street, Lemont, Illinois 60439.
2. Plaintiff, Karen Bushman (“Ms. Bushman”), is an adult individual, who currently resides at 307 Lemont Street, Lemont, Illinois 60439 and is the mother of Mr. Krisciunas.
3. Defendant, SNPJ Recreation Center, (“SNPJ”), is a company formed and organized under Pennsylvania law with the address of 270 Martin Road, Enon Valley, Pennsylvania 16120.

4. Defendant, Slovene National Benefit Society, is a company formed and organized under Pennsylvania law with the address of 247 West Allegheny Road, Imperial, Pennsylvania 15126-9774.
5. At all relevant times, SNPJ Recreation Center was, and still is, a Slovene National Benefit Society owned facility.
6. At all relevant times, the Defendants acted through their respective officers, employees, agents, and representatives, who in turn were acting within the scope of their authority and employment in the furtherance of the business of the Defendants. At all relevant times, all Defendants were the agents, brokers, servants, and/or employees of each other, and acting within the course of employment and scope of authority.

## **II. STATEMENT OF FACTS**

7. On or about July 7, 2017, Mr. Krisciunas attended Slovenefest, a music festival that he paid \$30.00 to attend, sponsored by Slovene National Benefit Society and hosted by and located at SNPJ Recreation Center, 270 Martin Road, Enon Valley, Pennsylvania 16120.
8. Mr. Krisciunas attended this festival with his friend Robert Rigler and Mr. Rigler's family.
9. At Slovenefest, Mr. Rigler's brother suggested they climb the tree to view the grounds as they were looking for activities to do. Mr. Rigler's brother climbed the tree first but could not get very far. Mr. Krisciunas then climbed this tree as the boys were drawn to it because of its position and ideal placement on the grounds and orientation for climbing. This tree and/or branch thereof, was rotted, diseased, dangerous, and dying but had no signs prohibiting climbing on the tree and/or branch and no warning signs stating not to climb the tree and/or that the tree and/or branch thereof, were rotted, diseased, dying,

dangerous and/or unstable. Furthermore, there were many employees and members of SNPJ Recreation Center and Slovene National Benefit Society walking around while they were climbing the tree and no one ever told them to stop and/or get off the tree.

10. The tree had two or three large trunks that merged into one, with several large branches, making the tree attractive to climb because of its size, configuration, and position in the park. There were no other trees close by so this tree stood out due to the fact that the park and/or attractions therein could be seen so well from its larger branches.
11. Although the branch that Mr. Krisciunas grabbed seemed very large and stable, it was not, as it was dangerous, diseased, rotted, unstable and/or unsafe, and the tree branch that Mr. Krisciunas was climbing on broke. Mr. Krisciunas fell approximately fifteen to twenty feet onto an uplifted root from the tree he was climbing.
12. Immediately after falling Mr. Krisciunas could not feel his legs and he was airlifted to St. Elizabeth Youngstown Hospital where they removed spinal bone fragments and performed a laminectomy, spinal decompression, and spinal fusion. There he was diagnosed with spinal burst fracture, complete paraplegia, and was told he would never recover from his injuries, not walk again and he has been wheelchair confined ever since.
13. At all relevant times, all Defendant Slovene National Benefit Society owned, operated, managed, and performed maintenance for, SNPJ Recreation Center.
14. As a result of Defendants' negligence, Luke Krisciunas suffered the following damages:
  - a. Spinal burst fracture;
  - b. Complete paraplegia and sequelae thereto;
  - c. Paralysis of the lower half of the body;
  - d. Inability to control bladder and bowel functions;

- e. Impotence;
- f. Erectile dysfunction;
- g. Laminectomy;
- h. Spinal decompression of T9, T10, and T11 vertebrae;
- i. Spinal fusion and sequela thereto;
- j. Inability to ambulate;
- k. Inability to perform activities of daily living;
- l. Inability to work;
- m. Inability to finish school;
- n. Numbness, tingling, and weakness of the lower half of the body;
- o. Depression;
- p. Anxiety;
- q. Chronic nerve pain;
- r. Chronic pain and suffering;
- s. Physical pain and suffering;
- t. Surgery to remove spinal bone fragments;
- u. Shock;
- v. Terror;
- w. Severe emotional distress;
- x. Emotional pain and suffering.

It will be claimed that all of the above injuries and complications were permanent, protracted, and progressive.

15. Plaintiff Luke Krisciunas's injuries were caused solely by the negligence of the Defendants, as set forth more fully below, and were not caused or contributed thereto by any negligence on the part of Plaintiffs Luke Krisciunas and/or Karen Bushman.
16. As a result of the negligence of all Defendants, Plaintiff Karen Bushman has incurred significant medical expenses for the care of Plaintiff Luke Krisciunas and claims the full measure of damages recoverable for these expenses.
17. As a result of the negligence of all Defendants and the observation of the care rendered to Plaintiff Luke Krisciunas, Plaintiff Karen Bushman suffered severe emotional distress and shock and claim the full measure of damages recoverable for their emotional distress.

## **COUNT I**

### **NEGLIGENCE**

**Plaintiff, Luke Krisciunas**  
**v.**  
**Defendant, SNPJ Recreation Center**

18. The preceding paragraphs are incorporated by reference as though fully set forth herein.
19. The negligence, carelessness, and recklessness of the Defendant consists, *inter alia*, of the following:
  - a. Failure to warn that the tree and/or branch at issue was rotting, diseased, unstable, dangerous, dying and/or dead;
  - b. Failure to advise against, warn and/or prevent patrons of SNPJ Recreational Center from climbing the tree and/or branch at issue;
  - c. Failure to timely and/or properly inspect, maintain, correct, recognize and/or repair the tree and/or branch at issue;

- d. Failure to have proper policies, procedures, guidelines, rules, and regulations about the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- e. Failure to properly enforce the policies, procedures, guidelines, rules, and regulations with respect to the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- f. Failure to have properly trained personnel perform the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- g. Failure to utilize the proper budgetary amounts to insure that properly trained and experienced agents and/or employees are performing the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- h. Failure to remove the tree and/or branch at issue;
- i. Failure to take adequate precautions necessary for public safety and the visitors of SNPJ Recreational Center, including, but not limited to, claimants;
- j. Failure to give heightened maintenance and/or inspection to the trees in the more populated areas of SNPJ Recreational Center, and more specifically, the tree and/or branch at issue; and
- k. Failure to take proper precautions to make sure that the tree would not be climbed and/or to guard against this clear, obvious, and blatant attractive nuisance.



20. At all relevant times, Defendant was the owner, operator, possessor, controller of the premises, including, but not limited to, the tree and/or branch at issue, where Mr. Krisciunas fell and was injured.
21. At all relevant times, Defendant inspected, maintained, supervised, and/or monitored, and was responsible for inspecting, maintaining, supervising, and/or monitoring, the area, and/or tree that caused Mr. Krisciunas's fall and injuries.
22. At all relevant times, Defendant was responsible for the care, custody and control of the building, premises and real property, and the area, and/or tree that caused Mr. Krisciunas's fall and injuries.
23. At all relevant times, Defendant knew, or should have known, of the aforementioned dangerous, diseased, dying, dead and/or unstable tree and/or branch condition.
24. The above-referenced conduct of the Defendant was the direct and proximate causes of, and/or substantial contributing factors to, Plaintiff's damages as set forth above.

WHEREFORE, Plaintiffs demand judgment against all Defendants, individually, jointly and severally, for punitive damages, compensatory damages, attorneys' fees, costs of suit, and other such relief which this court may deem just and proper in excess of \$50,000.00.

## **COUNT II**

### **NEGLIGENCE**

**Plaintiff, Luke Krisciunas**

**v.**

**Defendant, Slovene National Benefit Society**

25. The preceding paragraphs are incorporated by reference as though fully set forth herein.
26. The negligence, carelessness, and recklessness of the Defendant consists, *inter alia*, of the following:

- a. Failure to warn that the tree and/or branch at issue was rotting, diseased, unstable, dangerous, dying and/or dead;
- b. Failure to advise against, warn and/or prevent patrons of SNPJ Recreational Center from climbing the tree and/or branch at issue;
- c. Failure to timely and/or properly inspect, maintain, correct, recognize and/or repair the tree and/or branch at issue;
- d. Failure to have proper policies, procedures, guidelines, rules, and regulations about the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- e. Failure to properly enforce the policies, procedures, guidelines, rules, and regulations with respect to the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- f. Failure to have properly trained personnel perform the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- g. Failure to utilize the proper budgetary amounts to insure that properly trained and experienced agents and/or employees are performing the maintenance and/or inspection of the trees in SNPJ Recreational Center, and more specifically, the tree and/or branch at issue;
- h. Failure to remove the tree and/or branch at issue;
- i. Failure to take adequate precautions necessary for public safety and the visitors of SNPJ Recreational Center, including, but not limited to, claimants;

- j. Failure to give heightened maintenance and/or inspection to the trees in the more populated areas of SNPJ Recreational Center, and more specifically, the tree and/or branch at issue; and
  - k. Failure to take proper precautions to make sure that the tree would not be climbed and/or to guard against this clear, obvious, and blatant attractive nuisance.
27. At all relevant times, Defendant was the owner, operator, possessor, controller of the premises, including, but not limited to, the tree and/or branch at issue, where Mr. Krisciunas fell and was injured.
28. At all relevant times, Defendant inspected, maintained, supervised, and/or monitored, and was responsible for inspecting, maintaining, supervising, and/or monitoring, the area, and/or tree that caused Mr. Krisciunas's fall and injuries.
29. At all relevant times, Defendant was responsible for the care, custody and control of the building, premises and real property, and the area, and/or tree that caused Mr. Krisciunas's fall and injuries.
30. At all relevant times, Defendant knew, or should have known, of the aforementioned dangerous, diseased, dying, dead and/or unstable tree and/or branch condition.
31. The above-referenced conduct of the Defendant was the direct and proximate causes of, and/or substantial contributing factors to, Plaintiff's damages as set forth above.

WHEREFORE, Plaintiffs demand judgment against all Defendants, individually, jointly and severally, for punitive damages, compensatory damages, attorneys' fees, costs of suit, and other such relief which this court may deem just and proper in excess of \$50,000.00.

### **COUNT III**

#### **LOSS OF SERVICES**

**Plaintiff, Karen Bushman**

**v.**

**Defendants, SNPJ Recreation Center and Slovene National Benefit Society**

32. The preceding paragraphs are incorporated by reference as though fully set forth herein.

33. By reasons of the foregoing occurrence and resultant injuries and complications to the plaintiff, **LUKE KRISCIUNAS**, plaintiff **KAREN BUSHMAN**, was deprived of the services, society and companionship of her son and was caused to become obliged to expend sums of money for medical and hospital care on his behalf.

34. The above-referenced conduct of the Defendant was the direct and proximate causes of, and/or substantial contributing factors to, Plaintiff's damages as set forth above.

WHEREFORE, Plaintiffs demand judgment against all Defendants, individually, jointly and severally, for punitive damages, compensatory damages, attorneys' fees, costs of suit, and other such relief which this court may deem just and proper in excess of \$50,000.00.

Respectfully submitted,  
**MERSON LAW, PLLC**

Dated: 6/20/2019

By:   
JORDAN K. MERSON, ESQUIRE  
*Attorneys for Plaintiff*

**VERIFICATION**

I, Jordan Merson, hereby verify that the within Complaint is based on first-hand information and on information furnished to counsel and obtained by them in the course of this lawsuit. The language of the document is that of counsel and not of the affiant. To the extent that the contents of the document are based on information furnished to counsel and obtained by them during the court of this lawsuit, the affiant has relied upon counsel in taking this verification. All statements are founded upon reasonable belief. This verification is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/20/2019

  
Jordan Merson