

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shirrelle Brooks

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brandon A. Swartz, Esquire, Swartz Culleton, PC
547 E. Washington Avenue Newtown PA 18940
(215) 550-6557

DEFENDANTS

Guldmann Inc.

County of Residence of First Listed Defendant Hillsborough

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Patrick J. Hasson, Esquire, Styliades, Mezzanotte & Hasson
520 Walnut Street, Suite 1650, Philadelphia, PA 19106
215-627-3087

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander		PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability		<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine		<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability		<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle		<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		LABOR	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice		<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 893 Environmental Matters
			IMMIGRATION	<input type="checkbox"/> 895 Freedom of Information Act
			<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 896 Arbitration
			<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
				<input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 861 HIA (1395ff)	
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 862 Black Lung (923)	
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities-Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities-Other	Other:	FEDERAL TAX SUITS	
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	
		<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609	
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District
☐ 6 Multidistrict Litigation-Transfer
☐ 8 Multidistrict Litigation - Direct File

(specify)

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 USC Sec. 1332, 28 USC Sec. 1441

Brief description of cause:

Plaintiff alleges that she sustained personal injuries when a part of a ceiling lift system fell on her.

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.
DEMAND \$
50,000.00CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE N/A

DOCKET NUMBER

DATE 10/23/19

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 615 E. Raymond Street Philadelphia PA 19120

Address of Defendant: 14401 McCormick Drive Suite A Tampa FL 33626

Place of Accident, Incident or Transaction: Good Shepherd Penn Partners, 1840 South St., Philadelphia, PA

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when Yes is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: October 23, 2019

[Signature]
For Patrick Hasson

53602

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases

(Please specify): _____

B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): _____
- ☒ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases

(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, _____, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

APPENDIX I

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIACASE MANAGEMENT TRACK DESIGNATION FORM

SHIRRELLE BROOKS615 E. Raymond Street
Philadelphia, PA 19120
Plaintiff,

:

CIVIL ACTION

:

V.

:

NO.**GULDMANN INC.**14401 McCormick Drive
Suite A
Tampa, FL 33626
Defendant.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

October 23, 2019

Date



Attorney-at-law

Guldmann Inc.

Attorney for Defendant

215-446-8172

Telephone

603-334-7294

FAX Number

Patrick.Hasson@libertymutual.com

E-Mail Address

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHIRRELLE BROOKS
615 E. Raymond Street
Philadelphia, PA 19120

Plaintiff,

V.

GULDMANN INC.
14401 McCormick Drive
Suite A
Tampa, FL 33626

Defendant.

:
CIVIL ACTION
:
:
NO.

NOTICE OF REMOVAL

TO: Brandon A. Swartz, Esquire
Swartz Culleton, PC
547 E. Washington Avenue
Newtown, PA 18940

Please take notice that on October 23, 2019, Defendant, Guldman Inc., filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania the within Notice of Removal.

The Notice of Removal is also being filed with the Court of Common Pleas of Philadelphia County pursuant to 28 U.S.C. § 1446(d).

A Praecipe to Remove the case from the Philadelphia County Court of Common Pleas dockets will be filed after the Federal Court assigns this matter an appropriate civil action number.

Respectfully submitted,

Styliades, Mezzanotte & Hasson

BY: 

Patrick J. Hasson, Esquire
Identification No. 53602
520 Walnut Street, Suite 1650
Philadelphia, PA 19106
215-627-3087
Attorney for Defendant, Guldmann Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHIRRELLE BROOKS
615 E. Raymond Street
Philadelphia, PA 19120

Plaintiff,

V.

GULDMANN INC.
14401 McCormick Drive
Suite A
Tampa, FL 33626

Defendant.

:
CIVIL ACTION

: NO.

:

NOTICE OF REMOVAL

TO THE JUDGES OF THE COURT:

Defendant, Guldmann Inc., by and through its counsel, hereby file this Notice of Removal pursuant to 28 U.S.C. § 1446(a), and respectfully submits as follows:

I. STATEMENT OF FACTS ENTITLING DEFENDANT TO REMOVE

1. On or about October 2, 2019, the Plaintiff filed a lawsuit against the Defendant. (Attached hereto as Exhibit "A" is a copy of Plaintiff's Complaint).
2. Plaintiff filed their Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania, which is docketed under Number 190904409, alleging that the Plaintiff suffered severe personal injuries. (See Exhibit "A").
3. Plaintiff served their Complaint on Defendant, Guldmann, Inc. October 7, 2019.
4. Plaintiff's action is civil in nature, and the amount in controversy, exclusive of interest and costs may be in excess of \$75,000.00.

5. The Defendant avers that diversity of citizenship exists between the parties in controversy as follows:

a. Plaintiff is a citizen of the Commonwealth of Pennsylvania, residing at 615 E. Raymond Street, Philadelphia, PA 19120.

b. Defendant, Guldmann Inc., is a Georgia corporation with a principal place of business at 14401 McCormick Drive, Suite A, Tampa, FL 33626.

6. This action is one over which this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441, et seq.

7. This Notice is being filed with this Court within the time for removal set forth in 28 U.S.C. §1446 (b), inasmuch as thirty (30) days have not passed since service of the Complaint was made on the removing Defendant on October 7, 2019.

8. Copies of all process, pleadings and orders that were received by Defendant when this lawsuit was pending in State Court and up to the present time are filed with this Notice of Removal.

WHEREFORE, Defendant, Guldmann Inc., requests that the above action that was filed against them in the Court of Common Pleas of Philadelphia County be removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

Styliades, Mezzanotte & Hasson

BY: 

Patrick J. Hasson, Esquire
Identification No. 53602
520 Walnut Street, Suite 1650
Philadelphia, PA 19106
215-627-3087
Attorney for Defendant,
Guldmann Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SHIRRELLE BROOKS
615 E. Raymond Street
Philadelphia, PA 19120

Plaintiff,

V.

GULDMANN INC.
14401 McCormick Drive
Suite A
Tampa, FL 33626

Defendant.

:
CIVIL ACTION

:
NO.

:

CERTIFICATE OF SERVICE

I, Patrick J. Hasson, hereby certify that on the 23rd day of October, 2019, I caused a true and correct copy of the foregoing Notice of Removal to be served upon the individuals listed below in accordance with Pa.R.C.P. 205.4(g).

Brandon A. Swartz, Esquire
Swartz Culleton, PC
547 E. Washington Avenue
Newtown, PA 18940

Respectfully submitted,

Styliades, Mezzanotte & Hasson

BY: 

Patrick J. Hasson, Esquire
Identification No. 53602
520 Walnut Street, Suite 1650
Philadelphia, PA 19106
215-627-3087
Attorney for Defendant,
Guldmann Inc.

EXHIBIT “A”

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

SEPTEMBER 2019**004409**

E-Filing Number: 1910005976

PLAINTIFF'S NAME SHIRRELLE BROOKS		DEFENDANT'S NAME GULDMANN, INC.	
PLAINTIFF'S ADDRESS 615 E. RAYMOND STREET PHILADELPHIA PA 19120		DEFENDANT'S ADDRESS 14401 MCCORMICK DRIVE SUITE A TAMPA FL 33626	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
PLAINTIFF'S NAME		DEFENDANT'S NAME	
PLAINTIFF'S ADDRESS		DEFENDANT'S ADDRESS	
TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions	
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input checked="" type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input checked="" type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input type="checkbox"/> Other:		
CASE TYPE AND CODE 2P - PRODUCT LIABILITY			
STATUTORY BASIS FOR CAUSE OF ACTION			
RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)		IS CASE SUBJECT TO COORDINATION ORDER? YES NO	
		FILED PRO PROTHY OCT 02 2019 M. BRYANT	
TO THE PROTHONOTARY: Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: <u>SHIRRELLE BROOKS</u> Papers may be served at the address set forth below.			
NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY BRANDON A. SWARTZ		ADDRESS 547 E. WASHINGTON AVE. NEWTOWN PA 18940	
PHONE NUMBER (215) 550-6553	FAX NUMBER (215) 550-6557		
SUPREME COURT IDENTIFICATION NO. 78344		E-MAIL ADDRESS bswartz@swartzculleton.com	
SIGNATURE OF FILING ATTORNEY OR PARTY BRANDON SWARTZ		DATE SUBMITTED Wednesday, October 02, 2019, 02:57 pm	

FINAL COPY (Approved by the Prothonotary Clerk)

SWARTZ CULLETON PC
 By: Brandon A. Swartz, Esquire
 Identification No. 78344
 By: Bryan M. Ferris, Esquire
 Identification No. 93105
 547 E. Washington Avenue
 Newtown, PA 18940
 T: (215) 550-6553
 F: (215) 550-6557

Attorneys for Plaintiff
 Shirrelle Brooks



SHIRRELLE BROOKS
 615 E. Raymond Street
 Philadelphia, PA 19120

Plaintiff

vs.

GULDMANN INC.
 14401 McCormick Drive
 Suite A
 Tampa, FL 33626

Defendant

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY

_____ TERM, 2019

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

PHILADELPHIA BAR ASSOCIATION
 LAWYER REFERRAL AND INFORMATION SERVICE

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia 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

1101 Market St., 11th Floor
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333

ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR
DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE FILADELFIA
SERVICO DE REFERENCIA E INFORMACION LEGAL

1101 Market Street, 11th Floor
Filadelfia, Pennsylvania 19107
Telefono: 215-238-6333

SWARTZ CULLETON PC

By: Brandon A. Swartz, Esquire

Identification No. 78344

By: Bryan M. Ferris, Esquire

Identification No. 93105

547 E. Washington Avenue

Newtown, PA 18940

T: (215) 550-6553

F: (215) 550-6557

Attorneys for Plaintiff,

Shirrelle Brooks

SHIRRELLE BROOKS

615 E. Raymond Street

Philadelphia, PA 19120

Plaintiff

vs.

GULDMANN INC.

14401 McCormick Drive

Suite A

Tampa, FL 33626

Defendant

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

_____ TERM, 2019

NO.

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

1. Plaintiff, Shirrelle Brooks, is an adult individual and citizen of the Commonwealth of Pennsylvania, residing therein at the above-captioned address.
2. Defendant, Guldman Inc., was and is now a business entity, believed to be a corporation, duly organized and existing under the laws of the State of Georgia, with its corporate headquarters and principal place of business located in the State of Florida at the above-captioned address.
3. Venue is proper in Philadelphia County because the actions giving rise to this event occurred in Philadelphia and because Defendant regularly and continuously conducts business in Philadelphia County.

4. At all times material herein, Defendant acted by and through its employees, agents, servants, workmen and/or other representatives who were, in turn, acting within the course and scope of their employment, agency, and/or service for same.

5. At all times relevant hereto, Defendant was regularly engaged in the business of designing and manufacturing ceiling lift systems for the healthcare industry.

6. At all times prior to April 10, 2019, the Defendant, either directly or indirectly, through its predecessors-in-interest, subsidiaries and/or successors-in-interest, designed, distributed, assembled, installed, marketed, manufactured, maintained, repaired, serviced, rented, leased, provided safety recommendations and/or sold the subject ceiling lift system, and the component parts thereto, and all instruction manuals and associated warnings.

7. On or about April 10, 2019, Plaintiff, Shirrelle Brooks, was transferring a patient via the subject ceiling lift system in the course and scope of her employment with Good Shepherd Penn Partners in Philadelphia, PA, when suddenly and without warning, and as a direct result of the defective and/or dangerous condition of the subject ceiling lift system, a metal portion of the lift fell from the ceiling and struck Plaintiff's forehead, thereby causing her to sustain severe and permanent bodily injuries, scarring and losses more fully set forth hereinafter.

COUNT I
SHIRRELLE BROOKS v. GULDMANN INC.
PRODUCTS LIABILITY - STRICT LIABILITY

8. Plaintiff hereby incorporates by reference paragraphs one (1) through seven (7) of the within Complaint as though the same were fully set forth at length herein.

9. Defendant, Guldman Inc., placed into the stream of commerce a defective product that violated the standards created in *Tincher v. Omega Flex*, 104 A.3d 399 (Pa. 2014). More specifically, the Defendant placed into the stream of commerce a defective product

wherein: (a) the danger of the product was unknowable and unacceptable to the average or ordinary consumer and/or (b) a reasonable person would conclude that the probability and seriousness of harm caused by the Defendant's defective product outweighed the burden or costs of taking precautions.

10. Plaintiff's accident was caused by the defective nature of the design, manufacture, assembly, maintenance, installation, marketing, distribution and/or fabrication of the subject ceiling lift system, including, but not limited to:

- (a) distributing, supplying, installing, designing, manufacturing and/or selling the subject ceiling lift system, and its component parts in a dangerous condition so as to cause injury to the Plaintiff;
- (b) failing to implement a system to ensure that the subject ceiling lift system, and its component parts could be used together safely;
- (c) carelessly and negligently failing to recognize the inherent possibility that the subject ceiling lift system and its component parts could malfunction and/or fail, thereby causing the aforesaid lift and track system to dislodge from the ceiling and fall onto the Plaintiff;
- (d) failing to properly equip the subject ceiling lift system, and its component parts with a proper safeguard to prevent the product from malfunctioning and/or failing;
- (e) creating and allowing a dangerous condition to exist by failing to provide proper safety and operational instructions to end users of its product;

- (f) failing to exercise the requisite degree of care and caution in the distribution, manufacture, assembly, design, supply, lease and/or sale of the subject ceiling lift system, and its component parts;
- (g) failing to ensure that the subject ceiling lift system, and its component parts could be used in a manner which would not cause a danger to potential third parties, such as the Plaintiff;
- (h) failing to warn purchasers and end users of the dangers of the subject product; and
- (i) any other acts or omissions that may be revealed in discovery.

11. At all times relevant hereto, Defendant's aforesaid ceiling lift system and its component parts were defective and unsafe for consumer use.

12. At all times relevant hereto, there were latent defects in the Defendant's aforesaid ceiling lift system and its component parts such that the product's defective condition was unknown to the consumer, therefore rendering the product unacceptable for consumer use.

13. The Defendant distributed and sold the aforesaid ceiling lift system and its component parts in a defective condition in violation of the Restatement (Second) of Torts §402(A), and those defects were the sole and proximate cause of the Plaintiff's injuries.

14. Defendant is strictly liable to Plaintiff as a result of the defective condition of Defendant's product.

15. As a result of the aforesaid strict liability of Defendant, Plaintiff Shirrelle Brooks suffered severe injuries, including, but not limited to, head trauma with resultant head laceration and scarring, post-concussion syndrome, as well as aches, pains, mental anxiety and anguish, and a severe shock to her entire nervous system.

16. As a result of the aforesaid negligence of the Defendant, Plaintiff has in the past and will in the future undergo severe pain and suffering as a result of which she has been in the past and will in the future be unable to engage in her usual activities, all to her great loss and detriment.

17. As a further result of the aforesaid negligence of the Defendant, Plaintiff has been and will be obliged to receive and undergo medical attention and care and to expend various sums for the treatment of her injuries and incur such expenditures for an indefinite time in the future.

18. As a further result of the aforesaid accident, Plaintiff has in the past and may in the future suffer a loss of her earnings and/or earning power, and she may incur such loss for an indefinite period in the future.

19. Further, by reason of the aforesaid occurrence, Plaintiff has incurred and/or may hereinafter incur other financial expenses all in an effort to treat and cure herself of the injuries sustained in the aforesaid accident.

20. As a further result of the accident described herein, Plaintiff has or may have suffered injuries resulting in the serious and/or permanent loss of use of a bodily function, dismemberment, and/or scarring, which may be in full or part cosmetic disfigurements which are or may be permanent, irreparable and severe.

21. As a further result of the accident described herein, Plaintiff has suffered a loss of the enjoyment of her usual duties, avocations, life's pleasures and activities, and the shortening of her life expectancy, all to her great detriment and loss.

22. As a further result of the aforesaid accident, Plaintiff has suffered great and unremitting physical pain, suffering and mental anguish, all of which may continue in the future.

WHEREFORE, Plaintiff, Shirrelle Brooks, demands judgment against the Defendant, Guldmann Inc., in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

COUNT II
SHIRRELLE BROOKS v. GULDMANN INC.
PRODUCTS LIABILITY - NEGLIGENCE

23. Plaintiff hereby incorporates by reference paragraphs one (1) through twenty-two (22) of the within Complaint as though the same were fully set forth at length herein.

24. At all times material hereto, Defendant owed a duty to end users of its product, such as the Plaintiff, to exercise reasonable care in designing and manufacturing the aforesaid product, and to sell/distribute that product in a reasonably safe condition.

25. The Defendant was negligent in designing, manufacturing, assembling, marketing, installing, and distributing the defectively designed and manufactured product, in general, and in the particular, as set forth in paragraph 10 above, which is hereby incorporated by reference.

26. The aforesaid negligence was the sole and proximate cause of Plaintiff's injuries, which were due in no manner to negligence on the part of the Plaintiff.

27. As a result of the aforementioned negligence, the Plaintiff suffered the injuries described in paragraphs fifteen (15) through twenty-two (22) herein which are incorporated by reference.

WHEREFORE, Plaintiff, Shirrelle Brooks, demands judgment against the Defendant, Guldmann Inc., in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

COUNT III
SHIRRELLE BROOKS v. GULDMANN, INC.
BREACH OF WARRANTY

28. Plaintiff hereby incorporates by reference paragraphs one (1) through twenty-seven (27) of the within Complaint as though the same were fully set forth at length herein.

29. As a result of the foregoing, Defendant is liable to the Plaintiff for the breach of express and/or implied warranties that its product was merchantable, fit for use, and suitable and fit for its particular purpose under common law and 13 Pa. Cons. Stat. §§ 2314 and 2315.

30. As a result of the aforementioned breach, the Plaintiff suffered the injuries described in paragraphs fifteen (15) through twenty-two (22) herein which are incorporated by reference as though fully set forth at length.

WHEREFORE, Plaintiff, Shirrelle Brooks, demands judgment against the Defendant, Guldmann Inc., in an amount in excess of Fifty Thousand Dollars (\$50,000.00).

Respectfully,

SWARTZ CULLETON PC

By: /s/Brandon A. Swartz
Brandon A. Swartz, Esquire
Bryan M. Ferris, Esquire

Attorneys for Plaintiff,
Shirrelle Brooks

Date: October 2, 2019

VERIFICATION

I, _____, hereby state that I am the Plaintiff in this action and verify that the statements made in the foregoing Civil Action Complaint are true and correct to the best of my knowledge, information and belief. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

+ Shirelle Burk