

# Civil Cover Sheet

For Prothonotary Use Only (Docket Number)

## AUGUST 2012

### 000300

E-Filing Number: 1208011156

PLAINTIFF'S NAME  
GEORGE HARTWELL

DEFENDANT'S NAME  
BARNABY'S WEST CHESTER, INC., ALIAS:  
BARNABY'S OF AMERICA

PLAINTIFF'S ADDRESS  
[REDACTED]

DEFENDANT'S ADDRESS  
[REDACTED]

PLAINTIFF'S NAME  
ERMA HARTWELL

DEFENDANT'S NAME  
ANDREW J. DONAGHY

PLAINTIFF'S ADDRESS  
[REDACTED]

DEFENDANT'S ADDRESS  
[REDACTED]

PLAINTIFF'S NAME

DEFENDANT'S NAME  
RONALD DUNN

PLAINTIFF'S ADDRESS  
[REDACTED]

DEFENDANT'S ADDRESS  
[REDACTED]

TOTAL NUMBER OF PLAINTIFFS

2

TOTAL NUMBER OF DEFENDANTS

3

COMMENCEMENT OF ACTION

- Complaint       Petition Action       Notice of Appeal  
 Writ of Summons       Transfer From Other Jurisdictions

AMOUNT IN CONTROVERSY

- \$50,000.00 or less  
 More than \$50,000.00

COURT PROGRAMS

- Arbitration  
 Jury  
 Non-Jury  
 Other:

- Mass Tort  
 Savings Action  
 Petition

- Commerce  
 Minor Court Appeal  
 Statutory Appeals

- Settlement  
 Minors  
 W/D/Survival

CASE TYPE AND CODE

2V - MOTOR VEHICLE ACCIDENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)

**FILED  
PRO PROTHY  
AUG 07 2012  
S. GARRETT**

IS CASE SUBJECT TO  
COORDINATION ORDER?  
YES      NO

TO THE PROTHONOTARY:

Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: GEORGE HARTWELL , ERMA HARTWELL  
Papers may be served at the address set forth below.

NAME OF PLAINTIFFS/PETITIONER'S/APPELLANT'S ATTORNEY

JOHN N. ZERVANOS

ADDRESS

[REDACTED]

PHONE NUMBER

[REDACTED]

FAX NUMBER

[REDACTED]

SUPREME COURT IDENTIFICATION NO.

49615

E-MAIL ADDRESS

[REDACTED]

SIGNATURE OF FILING ATTORNEY OR PARTY

JOHN ZERVANOS

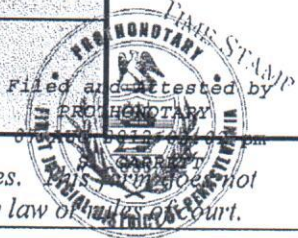
DATE SUBMITTED

Tuesday, August 07, 2012, 03:02 pm

# Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet  
Philadelphia

County

<i>For Prothonotary Use Only:</i>	
Docket No:	

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

SECTION A

**Commencement of Action:**

Complaint       Writ of Summons       Petition  
 Transfer from Another Jurisdiction       Declaration of Taking

Lead Plaintiff's Name: George Hartwell

Lead Defendant's Name: Barnaby's West Chester, Inc. d/b/a Barnaby's of America

Are money damages requested?  Yes     No

Dollar Amount Requested: (check one)       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: John N. Zervanos, Esquire

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

SECTION B

**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.

<p><b>TORT</b> (do not include Mass Tort)</p> <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____	<p><b>CONTRACT</b> (do not include Judgments)</p> <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	<p><b>CIVIL APPEALS</b></p> <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____
<p><b>MASS TORT</b></p> <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____	<p><b>REAL PROPERTY</b></p> <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	<p><b>MISCELLANEOUS</b></p> <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____
<p><b>PROFESSIONAL LIABILITY</b></p> <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		

**SOLOFF & ZERVANOS, P.C.**

BY: John N. Zervanos, Esquire

Attorney I.D. # 49615

BY: Jeffrey P. Fritz, Esquire

Attorney I.D. #78124

[REDACTED]  
Philadelphia, PA 19102

[REDACTED]

George Hartwell :  
Erma Hartwell, Individually and as :  
Co-Administrators of The Estate of :  
Zachary D. Hartwell :

Plaintiffs

v.

Barnaby's West Chester, Inc., d/b/a :  
Barnaby's of America :

[REDACTED]  
West Chester, PA 19382

and

Andrew J. Donaghy

and

Ronald Dunn, Co-Administrators of :  
The Estate of Ryan M. Dunn :

Defendants

Attorney for Plaintiff(s)

COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY

TERM, 2012

NO.

JURY TRIAL DEMANDED

**NOTICE TO PLEAD**

"NOTICE

"AVISO"

"You have been sued. 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]. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE  
One Reading Center  
1101 Market Street  
Philadelphia, Pennsylvania 19107  
(215) 238-6333

"Le han demandado a usted en la corte. Si usted desea defender contra la demandas dispuestas en las pagina siguientes, usted debe tomar la accion en el plazo de veinte (20) días despues de esta queja y se sirve el aviso, incorporando un aspecto escrito personalmente o y archivando en escribir con la corte sus defensas u objeciones a las demandas dispuestas contra usted el abogado le advierte que si usted no puede hacer así que el case puede proceder sin usted y un juicio se puede incorporar contra usted contra la corte sin aviso adicional para cualquier dinero demandado en la queja or para cualquier otra demanda or relevacion pedida por el demandante. Usted puede perder el dinero o la característica de otra endereza importante a usted.

"USTED DEBE LLEVAR ESTE PAPEL SU ABOGADO INMEDIATAMENTE. SI USTED NO HACE QUE UN ABOGADO VAYA A O LLAME POR TELEFONO LA OFICINA DISPUESTA ABAJO. ESTA OFICINA PUEDE PROVEER DE USTED LA INFORMACION SOBRE EMPLEAR A UN ABOGADO. SI USTED NO PUEDE OBTENER O PAGAR LOS SERVICIOS DE UN ABOGADO, ESTA OFICINA QUIZAS PUEDA PROVEERLE A USTED INFORMACION SOBRE LAS AGENCIAS QUE OFREZCAN SERVICIOS JURIDICOS A LAS PERSONAS ELEGIBLE EN UN HONORARIO REDUCIDO O NINGUN HONORARIO.

SERVICIO DE REFERENCIA LEGAL  
One Reading Center  
1101 Market Street  
Filadelfia, Pennsylvania 19107  
Telefono: (215) 238-6333

**SOLOFF & ZERVANOS, P.C.**

BY: John N. Zervanos, Esquire

Attorney I.D. # 49615

BY: Jeffrey P. Fritz, Esquire

Attorney I.D. #78124

1525 Locust Street, Eighth Floor

Philadelphia, PA 19102

Attorney for Plaintiff(s)

George Hartwell,  
Erma Hartwell, Individually and as  
Co-Administrators of the Estate of  
Zachary D. Hartwell

Melbourne, Fl 32901

Plaintiffs

v.

Barnaby's West Chester, Inc., d/b/a  
Barnaby's of America

West Chester, PA 19382

and

Andrew J. Donaghy

and

Ronald Dunn, Co-Administrators of  
The Estate of Ryan M. Dunn

Media, Pa. 19063

Defendants

COURT OF COMMON PLEAS  
OF PHILADELPHIA COUNTY

TERM, 2012

**JURY TRIAL DEMANDED**

**CIVIL ACTION COMPLAINT  
NEGLIGENCE - 2V**

1. Plaintiffs, George Hartwell and Erma Hartwell, Individually and as co-administrators of the Estate of Zachary Hartwell, Deceased are adult individuals residing at [REDACTED] Melbourne, Fl 32901.

2. Defendant Barnaby's West Chester, Inc., d/b/a Barnaby's of America (hereinafter "Barnabys") is a Pennsylvania Corporation conducting business and maintaining offices at 11-15

High Street, West Chester, Pa. Further, Defendant “Barnaby’s” is a business engaged in the services of alcoholic beverages to the public and/or the management of liquor license establishment at *inter alia*, “Barnaby’s of America”.

3. Defendant Andrew J. Donaghy and Ronald Dunn, are co-administrators of the Estate of Ryan M. Dunn, Deceased, (Hereinafter referred to as “The Estate of Ryan Dunn”) and currently do business at [REDACTED] Media, Pa. 19063.

4. This action is brought against the Estate of Ryan Dunn pursuant to common law negligence and recklessness principles, as well as against Defendant Barnaby’s pursuant to the laws, statutes and ordinances relating to the service of alcoholic beverages by bars, restaurants and other liquor licensees.

5. At all relevant times the agents, officers, servants, workers, independent contractors and/or employees of defendant Barnaby’s were all acting within the course and scope of their employment and/or agency with this defendant.

6. At all relevant times, the defendant Barnaby’s, along with their agents, servants and/or employees, had a duty to conform to the requirements of the Pennsylvania Code and statutes prohibiting the service of alcoholic beverages to intoxicated persons incapable of handling alcohol and, more importantly, persons who are visibly intoxicated.

7. At all relevant times, the Defendant Barnaby’s and their agents, servants and/or employees had a duty to exercise reasonable and proper care in the sale, supply and furnishing and/or providing of alcoholic beverages so as to protect patrons and members of the public generally and Plaintiffs’ Decedent, Zachary Hartwell, particularly, from the dangers and hazards posed by intoxicated persons including defendant, The Estate of Ryan M. Dunn, and its decedent, Ryan M. Dunn. Further, the Defendant Barnaby’s had a duty not to serve beverages to any

persons who are visibly intoxicated, including Ryan M. Dunn, now deceased.

8. The Estate of Ryan Dunn is legally liable and responsible for the negligence, recklessness and other violations committed by Ryan Dunn, now deceased.

9. On June 20, 2011, at approximately 2:30 a.m., Ryan Dunn, after being served alcohol by the Liquor Licensee Defendant Barnaby's while in a visibly intoxicated state, operated a vehicle while under the influence of alcohol in violation of Pennsylvania Law.

10. On or about the same date and time, Plaintiffs' Decedent Zachary Hartwell was a front seat passenger in the vehicle operated by Ryan Dunn which was traveling on Route 322, also known as Pottstown Pike, in a westbound direction when he suddenly, and without warning, failed to negotiate a ramp and struck a guardrail which then caused the vehicle to be steered off the roadway and strike a tree in West Goshen Township, Chester County, Pennsylvania.

11. Defendants' Decedent, Ryan Dunn, was at all times herein operating the vehicle in which Plaintiffs' Decedent, Zachary Hartwell was a passenger, while in an intoxicated state, negligently and/or recklessly operating the vehicle causing it to leave the roadway.

12. Such intoxicated operation of the vehicle leading to the crash caused severe and fatal injuries to Plaintiffs' Decedent, Zachary Hartwell, and plaintiffs' damages are outlined below.

**COUNT I - DRAM SHOP VIOLATIONS  
PLAINTIFFS GEORGE HARTWELL, and ERMA HARTWELL INDIVIDUALLY AND  
AS CO-ADMINISTRATORS OF THE ESTATE OF ZACHARY HARTWELL,  
DECEASED V. DEFENDANT BARNABYS WEST CHESTER INC., d/b/a BARNABYS  
OF AMERICA**

13. Plaintiffs incorporate herein by reference the allegations set forth in paragraphs 1 through 12 above, as if same were set forth at length herein.

14. Upon information and belief, Defendant Barnaby's actively and systematically does business in Philadelphia County.

15. The negligence, carelessness, recklessness and violations of Defendant Barnaby's consisted of the following:

- a. providing, supplying, furnishing and/or selling alcoholic beverages to a person who was visibly intoxicated and/or who was habitually drunk and of known intemperate habits;
- b. permitting others to provide, supply, furnish, serve and/or sell alcoholic beverages to Defendants Decedent, Ryan Dunn who was visibly intoxicated;
- c. providing, supplying, furnishing, serving and/or selling alcoholic beverages to Defendants' Decedent, Ryan Dunn who was visibly intoxicated;
- d. permitting others to provide, supply, furnish, serve and /or sell alcoholic beverages to Defendants' Decedent, Ryan Dunn while he was visibly intoxicated;
- e. negligence per se and/or strict liability for providing, supplying, furnishing, serving and/or selling alcoholic beverages to persons including Defendants' Decedent Ryan Dunn who were visibly intoxicated and/or who was habitually drunk and/or of known intemperate habits;
- f. negligence per se and/or strict liability for violations of Pennsylvania Crime Code, Pennsylvania Liquor Code including provisions relating to the sale and supply and/or furnishing of alcoholic beverages to persons visibly intoxicated by liquor licensees, their agents, servants, and/or employees;
- g. violations of all statutes concerning the service of alcoholic beverages giving rise to civil liability;
- h. respondent superior or vicarious liability for acts and/or omissions of this defendant's employees, agents, servants, independent contractors, shareholders, partners and/or property owners; and
- i. violating 47 Pa. C.S.A. §§ 4-493 and 4-497.

16. As a direct and proximate result of the Defendant Barnaby's negligence, carelessness and recklessness as described above, Plaintiffs' Decedent Zachary Hartwell was caused to sustain severe and fatal injuries, and was killed in the said motor vehicle accident.

17. Defendant Barnaby's conduct complained of herein was unlawful, outrageous, wanton and willful, and done within reckless disregard for the safety of Plaintiffs' Decedent Zachary Hartwell, warranting the imposition of punitive damages which are sought herein by Plaintiffs against this defendant.

WHEREFORE, plaintiffs George Hartwell and Erma Hartwell, Individually and as Co-Administrators of the Estate of Zachary Hartwell, demand judgment against Defendant Barnaby's West Chester Inc., d/b/a Barnaby's of America, jointly and severally with all other Defendants and seek punitive and compensatory damages in excess of the jurisdictional amount required for arbitration referral by local rules in Philadelphia County, together with interest, costs and delay damages as the law may allow.

#### **COUNT II - NEGLIGENCE & RECKLESSNESS**

**PLAINTIFFS GEORGE HARTWELL and ERMA HARTWELL, INDIVIDUALLY AND AS CO-ADMINISTRATORS OF THE ESTATE OF ZACHARY HARTWELL, DECEASED V. DEFENDANTS ANDREW J. DONAGHY AND RONALD DUNN, CO-ADMINISTRATORS OF THE ESTATE OF RYAN M. DUNN**

18. Plaintiffs incorporate herein by reference the allegations set forth in paragraphs 1 through 17 above, as if same were set forth at length herein.

19. The fatal injuries sustained by Plaintiffs' Decedent Zachary Hartwell were caused by the carelessness, negligence and recklessness of Defendants' Decedent Ryan Dunn and consisted of the following:



- a. failing to have his vehicle under adequate and proper control;
- b. failing to maintain his motor vehicle;
- c. failing to stop his vehicle;
- d. violently colliding his vehicle off a road and into a tree;
- e. operating said vehicle at an excessive rate of speed;
- f. operating his vehicle while under the influence of alcohol; and
- g. failing to operate said vehicle in accordance with the applicable statutes of the Commonwealth of Pennsylvania.

20. The above mentioned motor vehicle accident resulted from the negligence, carelessness, recklessness of Defendants Decedent Ryan Dunn in conjunction with the violation of the other defendant and was due in no manner whatsoever to any act or failure to act on the part of Plaintiffs' Decedent Zachary Hartwell.

21. As a direct and proximate result of Defendants Decedent Ryan Dunn's negligence and carelessness and recklessness, Plaintiffs' Decedent Zachary Hartwell was caused to suffer personal injuries as described more fully hereinafter and Plaintiffs' Decedent suffered severe injuries resulting in his death.

22. Defendants' Decedent Ryan Dunn's conduct complained of herein was outrageous, wanton, willful, and done in reckless disregard for the safety of Plaintiffs' Decedent Zachary Hartwell warranting the imposition of punitive damages which are sought by plaintiffs herein.

23. As a direct and proximate result of the Defendants' Decedent Ryan Dunn's outrageous, wanton, willful and reckless acts as stated above, Plaintiffs' Decedent Zachary Hartwell was caused to suffer injuries, damages and an untimely death as described above.

WHEREFORE, plaintiffs George Hartwell, Erma Hartwell and , Individually and as Co-Administrators of the Estate of Zachary Hartwell, demand judgment against Defendants Andrew J. Donaghy and Ronald Dunn, Co-Administrators of The Estate of Ryan M. Dunn, jointly and severally with the other Defendant Barnaby's West Chester, Inc., d/b/a Barnaby's of America and seek punitive and compensatory damages in excess of the jurisdictional amount required for arbitration referral by local rules in Philadelphia County, together with interest, costs and delay damages as the law may allow.

**COUNT III - WRONGFUL DEATH**

**GEORGE HARTWELL AND ERMA HARTWELL, INDIVIDUALLY AND AS CO-ADMINISTRATORS OF THE ESTATE OF ZACHARY HARTWELL, DECEASED V. DEFENDANT BARNABYS WEST CHESTER INC., d/b/a BARNABYS OF AMERICA AND ANDREW J. DONAGHY AND RONALD DUNN, CO-ADMINISTRATORS OF THE ESTATE OF RYAN M. DUNN**

24. Plaintiffs incorporate herein by reference the allegations set forth in paragraphs 1 through 23 above, as if same were set forth at length herein.

25. Plaintiffs George Hartwell and Erma Hartwell , Individually and as Co-Administrators of the Estate of Zachary Hartwell, bring this action by virtue of 42 Pa.C.S.A. §§ 8301 and 8302 Pennsylvania Rule of Civil Procedure 2202(a).

26. As a result of the negligence and recklessness of Defendants as described above, Plaintiffs' Decedent Zachary Hartwell was caused to sustained fatal injuries and died on June 20, 2011.

27. Decedent Zachary Hartwell left surviving the following persons who claim damages for his death on whose behalf this action has been brought:

- a. George Hartwell  
[REDACTED]  
Melbourne, Fl 32901

b. Erma Hartwell  
[REDACTED]  
Melbourne, Fl 32901

c. Rachel Hartwell  
[REDACTED]  
Downingtown, PA 19335

28. By reason of the death of the Decedent Zachary Hartwell, the aforesaid as beneficiaries of plaintiffs George Hartwell and Erma Hartwell are entitled by law to recover damages for his wrongful death and have suffered pecuniary losses of services, guidance, society, loss of consortium, and comfort of the decedent and has incurred expenses including but not limited to administration, expenses, funeral expenses, expenses for medical services and supplies incident to the treatment of subsequent death of Zachary Hartwell for which they are entitled to compensation.

WHEREFORE, plaintiffs George Hartwell and Erma Hartwell , Individually and as Co-Administrators of the Estate of Zachary Hartwell demand judgment against Defendants Andrew J. Donaghy and Ronald Dunn, Co-Administrators of The Estate of Ryan M. Dunn, jointly and severally with the other Defendant Barnabys West Chester, Inc., d/b/a Barnaby's of America and seek punitive and compensatory damages in excess of the jurisdictional amount required for arbitration referral by local rules in Philadelphia County, together with interest, costs and delay damages as the law may allow.

**COUNT IV- SURVIVAL ACTION**

**GEORGE HARTWELL and ERMA HARTWELL, INDIVIDUALLY AND AS CO-ADMINISTRATORS OF THE ESTATE OF ZACHARY HARTWELL, DECEASED V. DEFENDANT BARNABYS WEST CHESTER INC., d/b/a BARNABYS OF AMERICA AND ANDREW J. DONAGHY AND RONALD DUNN, CO-ADMINISTRATORS OF THE ESTATE OF RYAN M. DUNN**


29. Plaintiffs incorporate herein by reference the allegations set forth in paragraphs 1 through 28 above, as if same were set forth at length herein.

30. Plaintiffs claim on behalf of the Estate of Zachary Hartwell all damages suffered by decedent, including but not limiting to the generality of the foregoing, anxiety, pre-impact fright, fear, pain and suffering, which plaintiffs' decedent experienced prior to his death, the loss of earnings, the loss of earning power, loss of wages, and other earnings which decedent would have realized during the remainder of his life expectancy.

31. Plaintiffs brings this action on behalf of the Estate of Zachary Hartwell by virtue of the Probate, Estate and Fiduciary Code, 20 Pa. C.S.A. § 3373 and 42 Pa. C.S.A. § 8302 and are entitled to recover benefits and damages available under the Pennsylvania survival statutes on behalf of said Estate by reason of the death of the decedent, as well as for the pain and suffering the decedent experienced prior to his death as well as damages for the loss of value of life and life's pleasures which have been denied and as a result of his untimely death.

WHEREFORE, plaintiffs George Hartwell and Erma Hartwell, Individually and as Co-Administrators of the Estate of Zachary Hartwell demand judgment against Defendants Andrew J. Donaghy and Ronald Dunn, Co-Administrators of The Estate of Ryan M. Dunn, jointly and severally with the other Defendant Barnaby's West Chester, Inc., d/b/a Barnaby's of America and seek punitive and compensatory damages in excess of the jurisdictional amount required for arbitration referral by local rules in Philadelphia County, together with interest, costs and delay damages as the law may allow.

Dated: 8/07/12

SOLOFF & ZERVANOS, P.C.  
By:   
John M. Zervanos, Esquire  
Jeffrey P. Fritz, Esquire

**VERIFICATION**

I, **Erma Hartwell**, have read the foregoing Complaint. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Dated: 8/2/12

*Erma Hartwell*

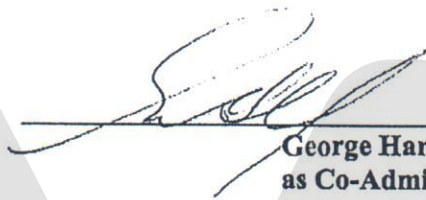
**Erma Hartwell, Individually and  
as Co-Administrator of the Estate  
of Zachary Hartwell**

**VERIFICATION**

I, **George Hartwell**, have read the foregoing Complaint. The statements contained therein are true and correct to the best of my personal knowledge, information and belief.

This statement and verification is made subject to the penalties of 18 Pa. C.S.A. Section 4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false averments I may be subject to criminal penalties.

Dated: Aug 1 '12



**George Hartwell, Individually and  
as Co-Administrator of the Estate  
of Zachary Hartwell**