

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

PEARL WISE, Individually and as Personal
 Representative of the ESTATE OF
 CHAD MICHAEL MERRILL,
 Plaintiff,

v.

FRANK SPAGNOLO d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 NICK SPAGNOLO a/k/a NICHOLAS
 SPAGNOLO d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 GIUSEPPE SPAGNOLO d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 SPAGNOLO BROS, LLC a/k/a
 SPAGNOLO BROTHERS, LLC d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 NICK & JOE, LLC d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 ANITA'S INC a/k/a ANITA INC. a/k/a ANITA'S
 CORP d/b/a RED ROSE RESTAURANT &
 LOUNGE,
 and
 GIUSEPPE SPAGNOLO d/b/a RED ROSE
 RESTAURANT & LOUNGE,
 and
 DAVID VOUGHT d/b/a GLAD CRAB,
 and
 GLAD CRAB I, INC. d/b/a GLAD CRAB,
 Defendants.

NO: 2020-SU-001480

CIVIL ACTION - LAW

JURY TRIAL DEMANDED

This certifies 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.

NOTICE TO PLEAD

TO: PEARL WISE, Individually and as Personal Representative
of the Estate of Chad Michael MERRILL
c/o Samuel G. Encarnacion, Esquire
Howard G. Silverman, Esquire
Haggerty & Silverman, P.C.
240 N. Duke Street
Lancaster, PA 17602

YOU ARE HEREBY notified to file a written response to the enclosed Answer with New
Matter within twenty (20) days from service hereof or a judgment may be entered against you.

Respectfully submitted,

STOCK AND LEADER

Date: November 13, 2020

By: /s/ Gregory W. Bair, II
Gregory W. Bair, II, Esquire
PA 208156
Sarah L. Doyle, Esquire
PA 321149
Susquehanna Commerce Center East
221 West Philadelphia Street, Suite 600
York, PA 17401-2994
Telephone: (717) 846-9800
Facsimile: (717) 843-6134
gbair@stockandleader.com
Attorney for Defendant David Vought
d/b/a Glad Crab and Glad Crab I, Inc.

IN THE COURT OF COMMON PLEAS YORK COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

PEARL WISE, Individually and as Personal
Representative of the ESTATE OF
CHAD MICHAEL MERRILL,
Plaintiff,

NO: 2020-SU-001480

CIVIL ACTION - LAW

v.

FRANK SPAGNOLO d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

NICK SPAGNOLO a/k/a NICHOLAS
SPAGNOLO d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

GIUSEPPE SPAGNOLO d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

SPAGNOLO BROS, LLC a/k/a
SPAGNOLO BROTHERS, LLC d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

NICK & JOE, LLC d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

ANITA'S INC a/k/a ANITA INC. a/k/a ANITA'S
CORP d/b/a RED ROSE RESTAURANT &
LOUNGE,

and

GIUSEPPE SPAGNOLO d/b/a RED ROSE
RESTAURANT & LOUNGE,

and

DAVID VOUGHT d/b/a GLAD CRAB,
and

GLAD CRAB I, INC. d/b/a GLAD CRAB,
Defendants.

JURY TRIAL DEMANDED

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ANSWER WITH NEW MATTER

AND NOW, this 13th day of November, 2020, comes the Defendants David Vought d/b/a Glad Crab and Glad Crab I, Inc., d/b/a Glad Crab, by and through their attorneys, Gregory W. Bair, II, Esquire, and the law firm of Stock and Leader, LLP and files this Answer with New Matter to Plaintiff's Complaint and avers as follows:

1. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

2. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

3. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

4. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

5. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

6. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

7. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

8. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

9. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

10. Admitted.

11. Admitted.

12. Admitted.

13. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 13 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

14. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

15. Admitted.

16. Denied. It is specifically denied that James Saylor (hereinafter "Mr. Saylor") was a patron at the Glad Crab. It is further specifically denied that Mr. Saylor was served any alcoholic beverages and/or intoxicating liquors by any employees on the date in question and strict proof of such allegation are demanded.

17. Denied. It is specifically denied that Mr. Vought notices Mr. Saylor upon his arrival at the Glad Crab and observed that Mr. Saylor was acting "very hyper and very strung out."

18. Denied. It is specifically denied that Defendants Vought d/b/a Glad Crab and Glad Crab I, Inc. d/b/a Glad Crab (the "Glad Crab Defendants") served Mr. Saylor any alcoholic beverages on the date in question and strict proof thereof is hereby demanded.

19. Admitted in part and denied in part. It is admitted that Mr. Saylor acted aggressively while at the Glad Crab on the date in question. It is denied that Defendant Vought and/or his bartender had to physically remove Mr. Saylor from the bar. On the contrary, Mr. Saylor presented on the date in question and become aggressive with a Glad Crab patron. Mr. Saylor was within the Glad Crab establishment for mere minutes and left the premises on his own without being served any alcoholic beverages and/or being physically removed by the Defendants.

20. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

21. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied. By way of further answer, Mr. Saylor was present in the Glad Crab for only a few minutes and did not purchase and was not served alcoholic beverages by the Glad Crab Defendants. Furthermore, the Glad Crab Defendants did not know or have reason to know that Mr. Saylor was intoxicated.

22. Denied. It is specifically denied that the Glad Crab Defendants served Mr. Saylor any alcoholic beverages. It is specifically denied that the Glad Crab Defendants permitted Mr. Saylor to “drive drunk” on the public street without alerting the authorities. On the contrary, Glad Crab Defendants was unaware of Mr. Saylor’s state of sobriety when he entered the Glad Crab. Additionally, Glad Crab Defendants were unaware of the mode of transportation either taken by Mr. Saylor to the Glad Crab or the mode of transportation taken by Mr. Saylor following his voluntary departure from the Glad Crab.

23. Denied. This Paragraph of Plaintiff’s Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

24. Denied. This Paragraph of Plaintiff’s Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

25. Denied. This Paragraph of Plaintiff’s Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

26. Denied. This Paragraph of Plaintiff's Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

27. Denied. Plaintiff fails to state with particularity on which premises Plaintiff's Decedent, Chad Merrill, was a business invitee. On the date in question, Chad Merrill had not appeared on the property of and/or was not a business invitee of Glad Crab Defendants.

28. Denied. On the date in question, Plaintiff's Decedent, Chad Merrill, had not appeared on the property of and/or was not a business invitee of Glad Crab Defendants. Therefore, Glad Crab Defendants did not owe Plaintiff's Decedent any duty of care.

29. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 29 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

30. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 30 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

31. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 31 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

32. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 32 of

Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

33. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 33 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

34. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 34 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

35. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 35 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

36. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 36 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

37. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 37 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

38. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 38 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

39. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 39 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

40. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 40 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

41. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 41 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

42. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 42 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

43. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 43 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

44. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 44 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded.

45. Denied. This Paragraph of Plaintiff's Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

46. Denied. This Paragraph of Plaintiff's Complaint is not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

47. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

48. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 48 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

49. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 49 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

50. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 50 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

COUNT ONE – SURVIVAL ACTION (NEGLIGENCE)

Plaintiff, Pearl Wise, individually and as Personal Representative of the Estate of Chad Michael Merrill v. The Glad Crab Defendants.

51. Paragraphs 1 through 50 of Defendant's Answer with New Matter are incorporated herein by reference as though fully set forth at length.

52. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

53. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

54. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

- a. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- b. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- c. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- d. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- e. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

- f. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- g. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- h. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- i. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- j. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- k. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.
- l. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

55. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

56. Denied. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

WHEREFORE, the Glad Crab Defendants respectfully requests this Honorable Court enter judgment in their favor along with cost of suit, attorneys' fees and other relief the Court deems just and proper.

COUNT TWO – SURVIVAL ACTION (NEGLIGENCE)

Plaintiff, Pearl Wise, individually and as Personal Representative of the Estate of Chad Michael Merrill v. The Red Rose Defendants

57. Paragraphs 1 through 56 of Defendant's Answer with New Matter are incorporated herein by reference as though fully set forth at length.

58 – 62. These Paragraphs of Plaintiff's Complaint are not directed at Glad Crab Defendants; and therefore, no response is required by Glad Crab Defendants. To the extent an answer is required, the allegations are denied and strict proof thereof are hereby demanded.

WHEREFORE, the Glad Crab Defendants respectfully requests this Honorable Court enter judgment in their favor along with cost of suit, attorneys' fees and other relief the Court deems just and proper.

COUNT THREE – WRONGFUL DEATH

Plaintiff, Pearl Wise, individually and as Personal Representative of the Estate of Chad Michael Merrill v. All Defendants

63. Paragraphs 1 through 62 of Defendant's Answer with New Matter are incorporated herein by reference as though fully set forth at length.

64. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

65. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 65 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

66. Denied. After reasonable investigation Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 66 of Plaintiff's Complaint, and the same are denied and strict proof thereof demanded. By way of further answer, this Paragraph states a legal conclusion to which no response is required.

67. This Paragraph states a legal conclusion to which no response is required. To the extent a response is required, the allegations are denied.

WHEREFORE, the Glad Crab Defendants respectfully requests this Honorable Court enter judgment in their favor along with cost of suit, attorneys' fees and other relief the Court deems just and proper.

NEW MATTER

68. Paragraphs 1 through 67 of Defendant's Answer with New Matter are incorporated herein by reference as though fully set forth at length.

69. The Glad Crab Defendants did not owe the Plaintiff and/or Plaintiff's decedent a duty of care.

70. The Glad Crab Defendants have not violated any Liquor Code laws, rules, and/or regulations as it pertains to this matter.

71. Mr. Saylor was not served alcoholic beverages at the Glad Crab.

72. Mr. Saylor did not purchase alcoholic beverages at the Glad Crab.

73. Mr. Saylor did not consume alcoholic beverage at the Glad Crab.

74. Mr. Saylor was not a business invitee at the Glad Crab on the date in question.

75. Mr. Saylor was not served alcoholic beverages by either the Glad Crab or the owner, members, employees, associates, and/or affiliates of the Glad Crab Defendants.

76. The Glad Crab Defendants did not serve any visibly intoxicated persons, especially Mr. Saylor, on the date in question.

77. While it is specifically denied that the Glad Crab Defendants permitted Mr. Saylor to “drive drunk” on the public street without alerting the authorities, the Glad Crab Defendants were under no obligation or duty to alert authorities about Mr. Saylor’s presence at the Glad Crab on the date in question and/or alert authorities of Mr. Saylor’s condition because he was not viewed as being visibly intoxicated.

78. There is no duty to control the conduct of a third party to protect another from harm, except where a defendant stands in some special relationship with either the person whose conduct needs to be controlled or in a relationship with the intended victim of the conduct which gives the intended victim a right to protection. *Emerich v. Philadelphia Ctr. for Human Development*, 554 Pa. 209, 720 A.2d 1032 (1998).

79. A defendant is not liable for the criminal conduct of another in the absence of a special relationship imposing a pre-existing duty. *Elbasher v. Simco Sales Service Pennsylvania*, 441 Pa. Super. 397, 399, 657 A.2d 983, 984 (Pa. Super. 1995), citing *Feld v. Merriam*, 506 Pa. 383, 392, 485 A.2d 742, 746 (1984).

80. The intentional actions taken by Mr. Saylor against Plaintiff’s decedent were criminal.

81. Mr. Saylor was convicted by a York County jury of 1) Murder of the First Degree (18 Pa.C.S. §2502(a)); 2) Harassment – Communication Repeatedly in another Manner (18 Pa.C.S. §2709 (a)(7)); 3) Ethnic Intimidation (18 Pa.C.S. § 2710(a)); 4) Recklessly Endangering another Person (18 Pa.C.S. §2705); and 5) Accident Involving Damage Attended Vehicle/Property (75 Pa.C.S §3743(a)) for the crimes committed against Plaintiff's decedent.

82. No special relationship existed between the Glad Crab Defendants and the Plaintiff's decedent.

83. No special relationship existed between the Glad Crab Defendants and Plaintiff's decedent which would impose upon the Glad Crab Defendants a duty to protect Plaintiff's decedent from the actions of Mr. Saylor.

84. No special relationship existed between the Glad Crab Defendants and Mr. Saylor.

85. No special relationship existed between the Glad Crab Defendants and Mr. Saylor which would impose upon the Glad Crab Defendants a duty to prevent Mr. Saylor from acting against Plaintiff's decedent.

86. No cause of action based upon negligence exists as to against the Glad Crab Defendants.

87. Plaintiff's decedent's injuries, if any, were caused by the acts or omissions of a third party over whom the Glad Crab Defendants had no control.

88. Mr. Saylor shot and killed Plaintiff's decedent nowhere near Glad Crab Defendant's establishment, but rather in a parking lot owned and controlled by the Red Rose Defendants following Mr. Saylor having patronized the Red Rose Defendants' establishment.

89. Plaintiff's complaint should be dismissed because Saylor is an indispensable party to this action.

90. To the extent Plaintiff's decedent suffered injuries and/or damages, such injuries and/or damages were caused solely by the intentional actions of Mr. Saylor and/or the negligence of the Red Rose Defendants.

91. Pennsylvania's Fair Share Act is applicable to this matter.

92. Because Plaintiff's decedent's injuries and/or damages are solely the result of Mr. Saylor's actions, joint and several liability applies to Mr. Saylor and Mr. Saylor is 100% liable for any damages that may be awarded.

93. In accordance with Pennsylvania's Fair Share Act, the Glad Crab Defendants are only responsible for their proportion of damages which are assignable to their conduct, which is none.

94. Mr. Saylor and/or the Red Rose Defendant's actions exceed 60% of the total liability and each are jointly and severally liable and responsible for 100% of Plaintiff's damages.

95. Mr. Saylor has committed various intentional torts against Plaintiff's decedent. As such, Mr. Saylor remains jointly and severally liable and responsible for 100% of Plaintiff's damages in accordance with Pennsylvania's law and its Fair Share Act.

96. Plaintiff's damages, if any, should be reduced for comparative fault of the Plaintiff's decedent.

97. Plaintiff's damages, if any, should be reduced for contributory negligence of the Plaintiff's decedent.

98. No action or inaction of the Glad Crab Defendants proximately caused the injuries, if any, sustained by Plaintiff's decedent.

99. Mr. Saylor was served alcoholic beverages by the Red Rose Defendants.

100. While it is specifically denied that the Glad Crab Defendants acted negligently or recklessly in this matter, the Red Rose Defendants' actions were intervening causes of Plaintiff's decedent's injuries.

WHEREFORE, the Glad Crab Defendants respectfully requests this Honorable Court enter judgment in their favor along with cost of suit, attorneys' fees and other relief the Court deems just and proper.

Respectfully submitted,

STOCK AND LEADER

Date: 11/13/2020

By: /s/ Gregory W. Bair, II
Gregory W. Bair, II, Esquire
Supreme Court I.D. #208156
Sarah L. Doyle, Esquire
Supreme Court I.D. # 321149
Susquehanna Commerce Center East
221 West Philadelphia Street, Suite 600
York, PA 17401-2994
Telephone: (717) 846-9800
Fax: (717) 843-6134
Attorney for Defendant David Vought
d/b/a Glad Crab and Glad Crab I, Inc.

ATTORNEY VERIFICATION

Pursuant to Rule 1024 (c) of the Pennsylvania Rules of Civil Procedure, I, on behalf of Defendant, DAVID VOUGHT d/b/a GLAD CRAB and GLAD CRAB I, INC. d/b/a GLAD CRAB, verify that the statements made in the foregoing *Answer with New Matter* are true and correct. I have sufficient knowledge or information and belief concerning the matters alleged, because I have served as counsel for the Defendant during all times relevant thereto. I understand that false statements herein are made subject to the penalties of 18 PA C.S. Section 4904, relating to unsworn falsifications to authorities.

Date: 11/13/2020

By: /s/ Gregory W. Bair, II
Gregory W. Bair, II, Esquire
Supreme Court I.D. #208156
Susquehanna Commerce Center East
221 West Philadelphia Street, Suite 600
York, PA 17401-2994
Telephone: (717) 846-9800
Fax: (717) 843-6134
Attorney for Defendant David Vought
d/b/a Glad Crab and Glad Crab I, Inc.

IN THE COURT OF COMMON PLEAS YORK COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW

PEARL WISE, Individually and as Personal	:	NO: 2020-SU-001480
Representative of the ESTATE OF	:	
CHAD MICHAEL MERRILL,	:	
Plaintiff,	:	CIVIL ACTION - LAW
	:	
v.	:	
	:	JURY TRIAL DEMANDED
FRANK SPAGNOLO, et al.,	:	
Defendants.	:	

CERTIFICATE OF SERVICE

AND NOW, this _____ day of November, 2020, I, Gregory W. Bair, II, Esquire, of the law firm of Stock and Leader, attorneys for Defendants David Vought d/b/a Glad Crab and Glad Crab 1, Inc. d/b/a Glad Crab, hereby certify that I served the attached Answer with New Matter this day by depositing the same in the United States mail, postage prepaid, in York, Pennsylvania, addressed to:

Samuel G. Encarnacion, Esquire
Howard G. Silverman, Esquire
Haggerty & Silverman, P.C.
240 N. Duke Street
Lancaster, PA 17602

Charles B. Calkins, Esquire
Stephen R. McDonald, Esquire
CGA Law Firm
135 N. George Street
York, PA, 17401

STOCK AND LEADER

By: /s/ Gregory W. Bair, II
Gregory W. Bair, II, Esquire
Supreme Court I.D. #208156
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