

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

Ginger Wright, Individually and as Administrator of
the Estate of Dakota Wright, :
 :
 : **Case No.** 2018-SU-003017
 :
versus :
 :
 Tony B. Shower, Stephen J. Gambal, III, :
 :
 Natalie Meckley :
 :

NOTICE TO DEFEND
Pursuant to PA RCP No. 1018.1

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. 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 OF THE
YORK COUNTY BAR ASSOCIATION
YORK COUNTY BAR CENTER
137 EAST MARKET STREET
YORK, PENNSYLVANIA 17401
TELEPHONE: (717) 854-8755

Effective September 1, 2003 Complaint

EN LA CORTE DE ALEGATOS COMÚN DEL CONDADO DE YORK, PENNSYLVANIA
DIVISIÓN CIVIL

AVISO PARA DEFENDER

Conforme a PA RCP Núm. 1018.1

USTED HA SIDO DEMANDADO/A EN LA CORTE. Si usted desea defender contra la demanda puestas en las siguientes páginas, usted tienen que tomar acción dentro veinte (20) días después que esta Demanda y Aviso es servido, con entrando por escrito una apariencia personalmente o por un abogado y archivando por escrito con la Corte sus defensas o objeciones a las demandas puestas en esta contra usted. Usted es advertido que si falla de hacerlo el caso puede proceder sin usted y un juzgamiento puede ser entrado contra usted por la Corte sin más aviso por cualquier dinero reclamado en la Demanda o por cualquier otro reclamo o alivio solicitado por Demandante. Usted puede perder dinero o propiedad o otros derechos importante para usted.

USTED DEBE LLEVAR ÉSTE PAPEL A SU ABOGADO ENSEGUIDA. SI USTED NO TIENE UN ABOGADO, VAYA O LLAME POR TELÉFONO LA OFICINA FILADA AQUÍ ABAJO. ESTA OFICINA PUEDE PROVEERÉ CON INFORMACIÓN DE CÓMO CONSEGUIR UN ABOGADO.

SI USTED NO PUEDE PAGARLE A UN ABOGADO, ÉSTA OFICINA PUEDE PROVEERÉ INFORMACIÓN ACERCA AGENCIAS QUE PUEDAN OFRECER SERVICIOS LEGAL A PERSONAS ELIGIBLE AQ UN HONORARIO REDUCIDO O GRATIS.

SERVICIO DE REFERIDO A ABOGADO
COLEGIO DE ABOGADOS DEL CONDADO DE YORK
ABOGACÍA DEL CONDADO DE YORK
CALLE MARKET #137 ESTE
YORK, PENNSYLVANIA 17401
TELÉFONO: (717) 854-8755

Efectivo 1 de septiembre, 2003 Queja

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JUDICIAL CENTER
YORK, PA

LOWENTHAL & ABRAMS, P.C.

By: Michael W. Landis, Esquire
Attorney I.D. No. 90525
555 City Line Avenue, Ste. 555
Bala Cynwyd, PA 19004
610-667-7511

ATTORNEY FOR PLAINTIFF

GINGER WRIGHT, Individually and as
Administrator of the Estate of DAKOTA
WRIGHT, Deceased,
121 Stewart Street
Elizabethtown, NC 28337

Plaintiff

vs.

TONY B. SHOWER, JR.
138 W. Jackson Street
York, PA 17401

and

STEPHEN J. GAMBAL III
123 Centennial Avenue
Hanover, PA 17331

and

NATALIE MECKLEY
1418 Baltimore Street, Suite 12-193
Hanover, PA 17331

Defendants

COURT OF COMMON PLEAS
YORK COUNTY
CIVIL DIVISION

NO.: 2018-SU-003017

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COMPLAINT
CIVIL ACTION – MOTOR VEHICLE

Plaintiff, Ginger Wright, individually and as Administrator of the Estate of Dakota Wright, Deceased, by and through her attorneys, Lowenthal & Abrams, P.C., hereby files her Complaint and Jury Demand, and avers as follows:

1. Plaintiff, Ginger Wright, is an adult individual and Administrator of the Estate of Dakota Wright, her deceased daughter, currently residing at the above address.
2. Defendant, Tony B. Shower, Jr., upon information and belief is an adult

individual, citizen and resident of the Commonwealth of Pennsylvania, residing at the address listed in the Caption of this Complaint.

3. At all times material hereto Defendant, Tony B. Shower, Jr., was acting individually and/or jointly by and through Defendant's agents, servants, lessors, lessees, franchisees, workmen and/ or employees.

4. At all times relevant hereto, Defendant, Tony B. Shower, Jr., acted and/or failed to act individually and/or as a lessee, agent, servant, workman and or employee of Defendant, Stephen J. Gambal, III.

5. Defendant, Stephen J. Gambal, III, upon information and belief, is a citizen and resident of the Commonwealth of Pennsylvania with an address set forth in the caption of this Complaint.

6. At all times relevant hereto, Defendant Stephen J. Gambal, III, acted and/or failed to act individually and/or jointly through his lessees, agents, servants, workmen, and/or employees, including defendant, Tony B. Shower, Jr.

7. Defendant, Natalie Meckley, upon information and belief, if a citizen and resident of the Commonwealth of Pennsylvania with an address set forth in the caption of this Complaint.

8. At all times material hereto Defendant, Natalie Meckley, was acting individually and/or jointly by and through defendant's agents, servants, lessors, lessees, franchisees, workmen and/ or employees.

9. At all times material hereto, Defendant, Natalie Meckley, was the operator and/or driver of the vehicle whereupon Plaintiff's Decedent was a passenger.

10. At all times material hereto, Defendant, Natalie Meckly, was in charge of, cared for, and/or controlled the care for Plaintiff's Decedent and was responsible for Plaintiff's

decedent, a minor at the time, while in her custody and care.

11. On or about Tuesday, November 22, 2016, at approximately 7:00 p.m., Plaintiff's decedent was a passenger in a vehicle operated by Defendant Natalie Meckley, who was the operator of a motor vehicle stopped on the side of the road at or near 228 Princess Street, in the Borough of Hanover, County of York and Commonwealth of Pennsylvania.

12. On that same date, at that same location and at that same time, Defendant, Tony B. Shower, operated a motor vehicle owned by Defendant, Stephen J. Gambal, III, traveling on Princess Street at or near 228 Princess Street, Borough of Hanover, County of York, in the Commonwealth of Pennsylvania.

13. On that same date, at that same location and at that same time, Plaintiff's Decedent was exiting the vehicle and was waiting for Defendant Natalie Meckley to exit her vehicle in order to cross the street to their home at 228 Princess Street, Hanover, Pennsylvania.

14. On that same date, at that same location and at that same time, Defendant, Tony B. Shower, while operating a vehicle owned by Defendant, Stephen J. Gambal, III, struck and killed Plaintiff's Decedent.

15. On that same date, at that same location and at that same time, Defendants negligently and/or carelessly failed to operate their vehicle in a safe and reasonable speed and manner, and suddenly and without warning crashed in to the Plaintiff's decedent as she was waiting for Defendant Meckley to exit her vehicle.

16. As a result of the Defendant's negligence and/or carelessness, Plaintiff's Decedent suffered severe and permanent bodily injuries as more fully set forth below.

17. On that same date and at that same time and location, Defendant, Tony B. Shower, negligently and carelessly and recklessly failed to maintain his vehicle while under the

influence of alcohol and/or narcotics and/or drugs in the lane of roadway when suddenly and without warning caused the abovedescribed collision and ultimate demise of Plaintiff's Decedent.

18. On that same date and at that same time and location, Defendant, Stephen J. Gambal, III, allowed, condoned, authorized and/or approved of Defendant, Tony B. Shower, to operate Defendant Gambal's vehicle while under the influence of alcohol and/or narcotics and/or drugs upon the roadway whereupon Plaintiff's Decedent was struck and killed.

19. On that same date and at that same time and location, Plaintiff's Decedent was a pedestrian when she was struck and killed by the vehicle operated, driven and owned by Defendants, Tony B. Shower and Stephen J. Gambal, III.

20. On that same date and at that same time and location, Defendants, Tony B. Shower and Stephen J. Gambal, III, left the scene of the collision and fled the area of the incident.

21. On that same date and at that same time and location, Defendants, Tony B. Shower and Stephen J. Gambal, III, failed to remain at the scene of the accident and render aid to Plaintiff's Decedent.

22. Plaintiff's Decedent perished as a result of the negligent and careless conduct of the Defendants.

COUNT I
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. TONY B. SHOWER
Negligence

23. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 22 as though the same were set forth fully herein at length.

24. At all times mentioned, the accident and Plaintiffs' injuries and damages were

caused by the negligence and/or carelessness of this Defendant, and was in no way caused by any act or failure to act on the part of the Plaintiffs, and the negligence, recklessness and/or carelessness of this Defendant consisted of the following:

- a. failing to have the motor vehicle under proper and reasonable control at all times and while operating such vehicle under the influence of alcohol, narcotics and/or drugs;
- b. operating said motor vehicle in such a manner as to cause a collision with Plaintiff's Decedent;
- c. failing to give prompt, proper, and adequate warning of approach;
- d. operating the motor vehicle in a negligent and/or careless and reckless manner without due regard to the presence, rights, and/or safety of Plaintiff's Decedent or others and struck Plaintiff's Decedent as set forth above;
- e. failing to observe the position of Plaintiff's Decedent and to take such action as was necessary to prevent striking and killing Plaintiff's Decedent;
- f. failing to operate a motor vehicle at a speed which would allow Defendant to stop within an assured clear distance;
- g. operating said vehicle under the influence of alcohol, narcotics, drugs and/or other substances in violation of laws of the Commonwealth of Pennsylvania and struck and killed Plaintiff's Decedent as set forth above;
- h. operating said vehicle at a dangerous and excessive rate of speed under the circumstances;
- i. being inattentive to Defendant's duties as an operator of a motor vehicle and causing the collision striking Plaintiff's Decedent;
- j. failing to operate the motor vehicle in a safe and proper manner thus causing the abovedescribed collision;
- k. failing to apply the brakes of the vehicle or to take such other measures as were necessary to avoid the above-described hit and run of Plaintiff's Decedent;
- l. failing to comply with the laws, rules, and regulations of the Pennsylvania Motor Vehicle Code pertaining to the operation of motor vehicles on or about the public roadways;

- m. disregarding traffic lanes, patterns and other devices in such a manner as to cause the abovedescribed collision;
- n. leaving the scene of the collision and failing to render aid to Plaintiffs and Plaintiff's Decedent;
- o. failing to perceive the highly apparent danger to others which the Defendant's actions and/or inactions posed;
- p. failing to give Plaintiff's Decedent meaningful warnings concerning the impending collision;
- q. operating Defendant's vehicle with disregard for the rights, safety and proximity of Plaintiff's Decedent, even though Defendant was aware, or should have been aware of Plaintiff's Decedent's presence and the threat of harm posed to Plaintiffs;
- r. failing to inspect Defendant's vehicle or to maintain Defendant's vehicle in a safe and non-defective condition;
- s. negligent per se;
- t. allowing a dangerous, unsafe and defective motor vehicle to be operated on a public highway; and
- u. operating a motor vehicle and other devices, including interactive electronic wireless devices, at the same time and in total disregard for the safety of the Plaintiffs and others in direct violation of the law of the Commonwealth of Pennsylvania.

25. As a direct result of the negligent and/or careless conduct of Defendant, Plaintiff's Decedent suffered serious and permanent personal injuries, serious impairments of body functions and/or aggravation of pre-existing conditions, including, and developing from: traumatic pain, suffering and ultimate death of Plaintiff's Decedent, physical, neurological and emotional trauma, and any other ills and injuries all to Plaintiffs' great loss and detriment.

26. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs' have incurred economic losses, including medical expenses for the diagnosis, treatment, and death of Plaintiff's Decedent sustained as a result of the accident.

27. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.

28. As a further direct and proximate result of Defendants' negligence and the injuries sustained, all of which are to Plaintiffs' great financial detriment and loss, Plaintiffs have in the past, are presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

29. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs have been unable to attend to normal duties, basic daily activities and vocations, and sustained a serious and permanent diminution in the ability to enjoy life and life's pleasures.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT II
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. STEPHEN J. GAMBAL, III
Negligence

30. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 29 as though the same were set forth fully herein at length.

31. At all times mentioned, the accident and Plaintiffs' injuries and damages were caused by the negligence and/or carelessness of this Defendant, and was in no way caused by any act or failure to act on the part of the Plaintiffs, and the negligence, recklessness and/or carelessness of this Defendant consisted of the following:

- a. failing to have the motor vehicle under proper and reasonable control at all

times and while operating such vehicle under the influence of alcohol, narcotics and/or drugs;

- b. operating said motor vehicle in such a manner as to cause a collision with Plaintiff's Decedent;
- c. failing to give prompt, proper, and adequate warning of approach;
- d. operating the motor vehicle in a negligent and/or careless and reckless manner without due regard to the presence, rights, and/or safety of Plaintiff's Decedent or others and struck Plaintiff's Decedent as set forth above;
- e. failing to observe the position of Plaintiff's Decedent and to take such action as was necessary to prevent striking and killing Plaintiff's Decedent;
- f. failing to operate a motor vehicle at a speed which would allow Defendant to stop within an assured clear distance;
- g. operating said vehicle under the influence of alcohol, narcotics, drugs and/or other substances in violation of laws of the Commonwealth of Pennsylvania and struck and killed Plaintiff's Decedent as set forth above;
- h. operating said vehicle at a dangerous and excessive rate of speed under the circumstances;
- i. being inattentive to Defendant's duties as an operator of a motor vehicle and causing the collision striking Plaintiff's Decedent;
- j. failing to operate the motor vehicle in a safe and proper manner thus causing the abovedescribed collision;
- k. failing to apply the brakes of the vehicle or to take such other measures as were necessary to avoid the above-described hit and run of Plaintiff's Decedent;
- l. failing to comply with the laws, rules, and regulations of the Pennsylvania Motor Vehicle Code pertaining to the operation of motor vehicles on or about the public roadways;
- m. disregarding traffic lanes, patterns and other devices in such a manner as to cause the abovedescribed collision;
- n. leaving the scene of the collision and failing to render aid to Plaintiffs and Plaintiff's Decedent;
- o. failing to perceive the highly apparent danger to others which the Defendant's

actions and/or inactions posed;

- p. failing to give Plaintiff's Decedent meaningful warnings concerning the impending collision;
- q. operating Defendant's vehicle with disregard for the rights, safety and proximity of Plaintiff's Decedent, even though Defendant was aware, or should have been aware of Plaintiff's Decedent's presence and the threat of harm posed to Plaintiffs;
- r. failing to inspect Defendant's vehicle or to maintain Defendant's vehicle in a safe and non-defective condition;
- s. negligent per se;
- t. allowing a dangerous, unsafe and defective motor vehicle to be operated on a public highway; and
- u. operating a motor vehicle and other devices, including interactive electronic wireless devices, at the same time and in total disregard for the safety of the Plaintiffs and others in direct violation of the law of the Commonwealth of Pennsylvania.

32. The negligence and/or carelessness of this Defendant further consisted of the

following:

- a. Permitting an incompetent driver to operate the motor vehicle;
- b. Permitting an intoxicated driver to operate the motor vehicle;
- c. Failing to determine whether Defendant driver possessed the necessary skills and/or possessed the necessary mental or physical ability to exercise such driving skills;
- d. Failing to determine whether Defendant driver possessed a valid driver's license or other requirements to drive and/or operate a motor vehicle;
- e. Failure to inspect Defendant driver's prior history of poor driving and infractions thereto;
- f. Failing to instruct Defendant driver in the proper method of operating a motor vehicle;
- g. Failing to properly instruct the Defendant driver on how to properly operate

the motor vehicle and such warning systems, devices and/or apparatus in an emergency situation;

- h. Failing to control Defendant driver's conduct in regard to the manner in which Defendant driver was operating the motor vehicle at the aforesaid time and place as described herein;
- i. Failing to maintain Defendant's vehicle in a safe condition; and
- j. Allowing this dangerous, unsafe and defective motor vehicle to be operated on a public highway.

33. As a direct result of the negligent and/or careless conduct of Defendant, Plaintiff's Decedent suffered serious and permanent personal injuries, serious impairments of body functions and/or aggravation of pre-existing conditions, including, and developing from: traumatic pain, suffering and ultimate death of Plaintiff's Decedent, physical, neurological and emotional trauma, and any other ills and injuries all to Plaintiffs' great loss and detriment.

34. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs' have incurred economic losses, including medical expenses for the diagnosis, treatment, and death of Plaintiff's Decedent sustained as a result of the accident.

35. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.

36. As a further direct and proximate result of Defendants' negligence and the injuries sustained, all of which are to Plaintiffs' great financial detriment and loss, Plaintiffs have in the past, are presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

37. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs have been unable to attend to normal duties, basic daily activities and vocations, and

sustained a serious and permanent diminution in the ability to enjoy life and life's pleasures.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, joint and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT III
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. NATALIE MECKLEY
Negligence

38. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 37 as though the same were set forth fully herein at length.

39. At all times mentioned, the accident and Plaintiffs' injuries and damages were caused by the negligence and/or carelessness of this Defendant, and was in no way caused by any act or failure to act on the part of the Plaintiffs, and the negligence, and/or carelessness of this Defendant consisted of the following:

- a. failing to have the motor vehicle and its occupants, including Plaintiff's Decedent under proper and reasonable control at all times;
- b. failing to oversee, supervise and/or control Plaintiff's Decedent while in her care upon exiting the vehicle;
- c. failing to care for the Plaintiff's Decedent, upon exiting of the Defendant's motor vehicle;
- d. failing to give prompt, proper, and adequate warning of approach of opposing vehicles;
- e. operating the motor vehicle in a negligent and/or careless manner without due regard to the presence, rights, and/or safety of Plaintiff's Decedent as set forth above;
- f. failing to observe the position of Plaintiff's Decedent and to take such action as was necessary to prevent harm to Plaintiff's Decedent;

- g. being inattentive to Defendant's duties as an operator of a motor vehicle and allowing the collision between other Defendants' vehicle and Plaintiff's Decedent;
- h. failing to operate the motor vehicle in a safe and proper manner thus causing the abovedescribed incident;
- i. failing to comply with the laws, rules, and regulations of the Pennsylvania Motor Vehicle Code pertaining to the operation of motor vehicles on or about the public roadways, including the operation of vehicle with minor occupants;
- j. negligently and carelessly endangering the welfare of Plaintiff's Decedent;
- k. disregarding traffic lanes, patterns and other devices in such a manner as to cause the abovedescribed incident;
- l. failing to perceive the highly apparent danger to Plaintiff's Decedent which the Defendant's actions and/or inactions posed;
- m. failing to give Plaintiff's Decedent meaningful warnings concerning the impending collision;
- n. negligent per se;
- o. operating Defendant's vehicle with disregard for the rights, safety and proximity of Plaintiff's Decedent, even though Defendant was aware, or should have been aware of Plaintiff's Decedent's presence and the threat of harm posed to Plaintiff's Decedent; and
- p. operating a motor vehicle and other devices, including interactive electronic wireless devices, at the same time and in total disregard for the safety of the Plaintiffs and others in direct violation of the law of the Commonwealth of Pennsylvania.

40. As a direct result of the negligent and/or careless conduct of Defendant, Plaintiff's Decedent suffered serious and permanent personal injuries, serious impairments of body functions and/or aggravation of pre-existing conditions, including, and developing from: traumatic pain, suffering and ultimate death of Plaintiff's Decedent, physical, neurological and emotional trauma, and any other ills and injuries all to Plaintiffs' great loss and detriment.

41. As a direct and proximate result of Defendants' negligence and carelessness,

Plaintiffs' have incurred economic losses, including medical expenses for the diagnosis, treatment, and death of Plaintiff's Decedent sustained as a result of the accident.

42. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.

43. As a further direct and proximate result of Defendants' negligence and the injuries sustained, all of which are to Plaintiffs' great financial detriment and loss, Plaintiffs have in the past, are presently and may in the future suffer great pain, anguish, sickness and agony and will continue to suffer for an indefinite time.

44. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs have been unable to attend to normal duties, basic daily activities and vocations, and sustained a serious and permanent diminution in the ability to enjoy life and life's pleasures.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT IV
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. TONY B. SHOWER
Survival action

45. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 44 as though the same were set forth fully herein at length.

46. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action pursuant to the Pennsylvania Survival Act, 42 Pa.C.S. §8302, *et seq.*

47. This civil action is brought to recover to the Estate of Dakota Wright all damages legally recoverable under the act of said assembly.

48. At the time of the accident, Defendant Tony B. Shower was negligent and careless under the circumstances he failed to have the motor vehicle he was operating under proper and reasonable control at all relevant times herein.

49. Defendant, Tony B. Shower, failed to yield the right of way to pedestrian Plaintiff's Decedent at the time of the collision.

50. At all times material hereto, Defendant, Tony B. Shower, operated his vehicle while under the influence of alcohol, narcotics and/or drugs in violation of the laws of the Commonwealth of Pennsylvania;

51. At that same time material hereto, Defendant, Tony B. Shower, struck and killed Plaintiff's Decedent while she was exiting her vehicle and waiting for Defendant Natalie Meckley to accompany her across the street.

52. Defendant, Tony B. Shower, thereafter fled the scene of the accident after he struck and killed Plaintiff's Decedent in violation of the laws of the Commonwealth of Pennsylvania.

53. As a direct and proximate result of the aforementioned negligence and carelessness of Defendant, Plaintiff's Decedent sustained the following damages, including, but not limited to:

- a. Physical and emotional pain and suffering prior to death;
- b. Fatal and non-fatal injuries;
- c. Medical bills;
- d. Loss of future benefits; and

e. Loss of the ability to enjoy life and life's pleasures.

54. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs' have incurred economic losses, including medical expenses for the diagnosis, treatment, and death of Plaintiff's Decedent sustained as a result of the accident.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT V

**GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. STEPHEN J. GAMBAL, III**
Survival action

55. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 54 as though the same were set forth fully herein at length.

56. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action pursuant to the Pennsylvania Survival Act, 42 Pa.C.S. §8302, *et seq.*

57. This civil action is brought to recover to the Estate of Dakota Wright all damages legally recoverable under the act of said assembly.

58. At the time of the accident, Defendant Stephen J. Gambal, III, was negligent and careless under the circumstances he failed to have his motor vehicle under proper and reasonable control at all relevant times herein.

59. Defendant, Stephen J. Gambal, III, allowed, authorized and/or agreed to have Defendant, Tony B. Shower, operate his vehicle and who failed to yield the right of way to pedestrian Plaintiff's Decedent at the time of the collision.

60. At all times material hereto, Defendant, Tony B. Shower, operated his vehicle while under the influence of alcohol, narcotics and/or drugs in violation of the laws of the Commonwealth of Pennsylvania, and with the knowledge of Defendant, Stephen J. Gambal, III.

61. At that same time material hereto, Defendant, Stephen J. Gambal, III, allowed Defendant, Tony B. Shower, to operate his vehicle when he struck and killed Plaintiff's Decedent while she was exiting her vehicle and waiting for Defendant Natalie Meckley to accompany her across the street.

62. Defendant, Tony B. Shower, with the knowledge and permission of Defendant, Stephen J. Gambal, III, thereafter fled the scene of the accident after he struck and killed Plaintiff's Decedent in violation of the laws of the Commonwealth of Pennsylvania.

63. As a direct and proximate result of the aforementioned negligence and carelessness of Defendant, Plaintiff's Decedent sustained the following damages, including, but not limited to:

- a. Physical and emotional pain and suffering prior to death;
- b. Fatal and non-fatal injuries;
- c. Medical bills;
- d. Loss of future benefits; and
- e. Loss of the ability to enjoy life and life's pleasures.

64. As a direct and proximate result of Defendants' negligence and carelessness, Plaintiffs' have incurred economic losses, including medical expenses for the diagnosis, treatment, and death of Plaintiff's Decedent sustained as a result of the accident.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an

amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT VI
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. TONY B. SHOWER
Wrongful Death

65. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 64 as though the same were set forth fully herein at length.

66. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action under the Pennsylvania Wrongful Death Statute, 42 Pa.C.S. §8301, *et seq.*, and Rules 2201, *et seq.*, of the Pennsylvania Rules of Civil Procedure.

67. This action is brought on behalf of wrongful death beneficiaries, namely Plaintiff Ginger Wright.

68. Defendant was negligent and careless as set forth in the paragraphs above.

69. As a direct and proximate result of the aforementioned negligence and carelessness of defendant, the beneficiaries seek medical expenses, expenses related to Plaintiff's Decedent's funeral, and the lost value of the contribution, society, companionship, comfort, guidance, solace, tutelage and protection of Plaintiff's Decedent.

70. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT VII
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. STEPHEN J. GAMBAL, III
Wrongful Death

71. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 70 as though the same were set forth fully herein at length.

72. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action under the Pennsylvania Wrongful Death Statute, 42 Pa.C.S. §8301, *et seq.*, and Rules 2201, *et seq.*, of the Pennsylvania Rules of Civil Procedure.

73. This action is brought on behalf of wrongful death beneficiaries, namely Plaintiff Ginger Wright.

74. Defendant was negligent and careless as set forth in the paragraphs above.

75. As a direct and proximate result of the aforementioned negligence and carelessness of defendant, the beneficiaries seek medical expenses, expenses related to Plaintiff's Decedent's funeral, and the lost value of the contribution, society, companionship, comfort, guidance, solace, tutelage and protection of Plaintiff's Decedent.

76. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.

WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

COUNT VIII
GINGER WRIGHT, Individually and as Administrator of the
Estate of DAKOTA WRIGHT, Deceased, v. NATALIE MECKLEY
Survival and Wrongful Death

77. Plaintiffs incorporate herein by reference each and every averment contained in paragraphs 1 through 76 as though the same were set forth fully herein at length.

78. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action under the Pennsylvania Wrongful Death Statute, 42 Pa.C.S. §8301, *et seq.*, and Rules 2201, *et seq.*, of the Pennsylvania Rules of Civil Procedure.

79. This action is brought on behalf of wrongful death beneficiaries, namely Plaintiff Ginger Wright.

80. In her capacity as personal representative of the Estate of Dakota Wright, Ginger Wright, brings this civil action pursuant to the Pennsylvania Survival Act, 42 Pa.C.S. §8302, *et seq.*

81. This civil action is brought to recover to the Estate of Dakota Wright all damages legally recoverable under the act of said assembly,

82. Defendant was negligent and careless as set forth in the paragraphs above.

83. As a direct and proximate result of the aforementioned negligence and carelessness of defendant, the beneficiaries seek medical expenses, expenses related to Plaintiff's Decedent's funeral, and the lost value of the contribution, society, companionship, comfort, guidance, solace, tutelage and protection of Plaintiff's Decedent.

84. As a direct and proximate result of Defendants' negligence and carelessness, and recklessness Plaintiffs have in the past suffered and will in the future suffer great physical and mental pain and suffering.


WHEREFORE, Plaintiffs respectfully requests this Court to enter judgment and

compensatory damages in Plaintiffs' favor and against Defendants, jointly and severally, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus interest and costs, and such other relief as this Honorable Court deems just and appropriate.

Respectfully submitted,

LOWENTHAL & ABRAMS, P.C.

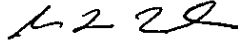
Dated: 4/8/2020

By: 

Michael W. Landis, Esq.
Attorneys for Plaintiffs

VERIFICATION

I, Michael W. Landis, Esq., attorney for Plaintiff, hereby verify that the facts set forth in the foregoing pleading are true and accurate to the best of my knowledge, information and belief. I understand that this statement is made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.




Michael W. Landis, Esq.

CERTIFICATE OF COMPLIANCE

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

Submitted by: Michael W. Landis, Esquire

Signature: 

Name: Michael W. Landis, Esquire

Attorney No. (if applicable): 90525

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April 3, 2020

York County Prothonotary
York County Judicial Center
45 N George Street
York, PA 17401

Re: *Ginger Wright v. Tony B. Shower, Jr., et al.,*
York County CCP – Case No.: No.: 2018-SU-003017
Our File No.: 851.878

OFFICE OF PROTHONOTARY
2020 APR -6 PM 1:46
JUDICIAL CENTER
YORK, PA

Dear Sir or Madam:

Enclosed please find the original and two (2) copies of the Complaint and Notice Defend for the above referenced matter.

Kindly file the original and return the time-stamped copies to me in the prepaid envelope provided.

I appreciate your time and assistance in this matter. Should you have any questions, please feel free to contact me.

As always, thank you for your courtesy in this regard.

Very truly yours,



Michael W. Landis

MWL/mmb
Enclosures