

VAN DER VEEN, O'NEILL, HARTSHORN AND LEVIN

BY: Michael T. van der Veen
ID No. 75616
1219 Spruce Street
Philadelphia, PA 19107
P: (215) 546-1000
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ARBITRATION MATTER
ATTORNEY FOR PLAINTIFF

TRELAYA SHORTER
32 Wortz Drive
Fairfield, PA 17320

COURT OF COMMON PLEAS
LANCASTER COUNTY

CI-21-03541

vs.

No.

BINH LE, d/b/a LEE NAILS
314 N. Queen Street
Lancaster, PA 17603

and

LEE NAILS
314 N. Queen Street
Lancaster, PA 17603

and

LEE'S NAILS
314 N. Queen Street
Lancaster, PA 17603

and

ECKLIN DEVELOPMENT, LLC
8 N. Queen Street, Suite 12E
Lancaster, PA 17603

6/4/2021
\$173.25 NR
T#66653090
R#136717
ACH

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LANCASTER BAR ASSOCIATION
LAWYER REFERRAL SERVICE
Telephone: 717-393-0737

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las páginas siguientes, usted tiene veinte (20) días de plazo al partir de la fecha de la demanda y la notificación. Hace falta asentar una comparecencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomará medidas y puede continuar la demanda en contra suya sin previo aviso o notificación. Además, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCIÓN SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

ASOCIACION DE LICENCIADOS DE
LANCASTER
SERVICO DE REFERENCIA E
INFORMACION LEGAL

Telefono: 717-393-0737

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COMPLAINT IN CIVIL ACTION

1. Plaintiff Trelaya Shorter is an adult individual who, at all times relevant hereto, resided at the address indicated above.

2. Defendant Binh Le d/b/a Lee Nails is an individual and/or business entity with a principal place of business located at the address indicated above.

3. Defendant Lee Nails is a business entity duly existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at the address indicated above, and is licensed to transact business in the Commonwealth of Pennsylvania.

4. Defendant Lee's nails is a limited liability corporation duly existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at the address indicated above, and is licensed to transact business in the Commonwealth of Pennsylvania.

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5. Defendant Ecklin Development, LLC, is a limited liability corporation duly existing under the laws of the Commonwealth of Pennsylvania with a principal place of business located at the address indicated above, and is licensed to transact business in the Commonwealth of Pennsylvania.

6. At all times relevant and material hereto, Defendants were acting through their agents, servants, contractors, employees and/or representatives, all of whom were acting within the course and scope of their employment.

7. Defendants are liable for the acts and omissions of their agents, servants, contractors, employees and/or representatives through the doctrines of vicarious liability and respondeat superior.

8. On or about June 7, 2019, Plaintiff was a customer of Defendants and received false nails from one of Defendants' agents, servants, contractors, employees and/or representatives. Subsequent thereto, Plaintiff contracted an infection in her left ring finger and nail, thereby suffering severe and permanent injuries, as described below.

9. The injuries sustained by Plaintiff resulted solely from the negligence and carelessness of the Defendants and was due in no manner whatsoever to an act or failure to act on the part of Plaintiff.

10. The negligence of Defendants consisted of the following acts and/or

act:

- a. failing to properly and appropriately apply false nails to Plaintiff's left ring finger;
- b. failing to use proper methods for applying false eyelashes to Plaintiff's left ring finger;
- c. failing to properly advise or instruct Plaintiff of any risks or complications which may result from applying false nails to Plaintiff's left ring finger;
- d. failing to have a procedure or protocol in place which would provide for proper history taking and assessment of persons prior to applying false nails to his or her body;
- e. failing to properly and adequately instruct Plaintiff on post-application care of her body;
- f. failing to provide adequately trained, qualified and/or credentialed personnel to apply false nails to Plaintiff;
- g. failing to supervise the actions performed by the individual(s) selected to apply false nails to Plaintiff;
- h. failing to ensure that the individual(s) applying false nails to Plaintiff were appropriately qualified, trained and/or credentialed;
- i. failing to provide proper and adequate equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff;
- j. failing to inspect and/or adequately inspect the equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff;
- k. failing to maintain and/or adequately maintain the equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff;
- l. failing to have or have adequate policies and procedures for inspecting and maintaining the equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff;
- m. failing to follow their policies and procedures for inspecting and maintaining the equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff; and
- n. failing to properly and adequately hire and/or instruct the agents, servants, workmen, contractors, employees and/or representatives of the Defendants herein as to safe and proper procedures for inspecting, maintaining and repairing the equipment, instruments and/or supplies to be utilized while applying false nails to persons, including Plaintiff.

11. As a direct and proximate result of the negligence of the Defendants, Plaintiff sustained serious and permanent injuries, including, but not limited to: acute paronychia of finger, left; paronychia of left ring finger; deformity of nail bed and finger pain, left, all or some of which

injuries are or will prove to be of a permanent nature and character, whereby Plaintiff has suffered, is suffering and will for an indefinite time into the future suffer, all to Plaintiff's great detriment and loss, financial and otherwise.

12. As a further direct and proximate result of the Defendants' negligence and carelessness, Plaintiff has suffered in the past and may in the future, inconvenience, embarrassment, emotional distress, humiliation, scarring, pain and suffering and loss of life's pleasures, all to her great detriment and loss, financial and otherwise.

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13. As a further direct and proximate result of Defendants' negligence and carelessness, Plaintiff has been in the past and may continue in the future to be unable to attend her daily activities, avocations and occupations, all to her great loss and detriment, financial and otherwise.

14. As a further direct and proximate cause of Defendants' negligence and carelessness, Plaintiff has in the past and may in the future be required to expend monies for medical care, prescriptions and physical therapy in attempting to treat the injuries caused by the carelessness and negligence of the Defendants, all to her great loss and detriment, financial and otherwise.

15. As a further direct and proximate cause of Defendants' negligence and carelessness, Plaintiff has or may hereafter incur other financial expenses or losses to which she may otherwise be entitled to recover.

16. As a direct and proximate result of the negligence and carelessness of Defendants, Plaintiff suffered the injuries and damages as described above.

WHEREFORE, Plaintiff demands that judgement be entered in her favor against
Defendants, for an amount not in excess of fifty-thousand dollars (\$50,000.00), plus interest, costs
and attorney's fees.

VAN DER VEEN, O'NEILL, HARTSHORN AND LEVIN

Dated: 5-14-21

BY:

Michael T. van der Veen, Esq.
Attorney for Plaintiff

CI-21-03541

VERIFICATION

I, Trelaya Shorter, verify that I am the Plaintiff herein **CI-21-03541**
and that the facts set forth in the foregoing Complaint are true and correct to the best of my
knowledge, information, and belief.

I further understand that this statement is subject to the penalties of 18 Pa.C.S.
Section 4904 relating to unsworn falsification to authorities.

Signed: 

Dated: 5/14/2021

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

Lancaster

County

ENTERED AND FILED
PROTHONOTARY'S OFFICE
LANCASTER, PA

For Prothonotary Use Only:

Jun 03 2021 09:41AM

Docket No:

Nathalie Rivera

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

SECTION

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

TRELAYA SHORTER

Lead Defendant's Name:

BINH LE, d/b/a LEE NAILS

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☒ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Michael T. van der Veen

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

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.

SECTION

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☒ Other: Negligence

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- ☐ Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional: