

# Supreme Court of Pennsylvania

## Court of Common Pleas Civil Cover Sheet

Allegheny

County

*For Prothonotary Use Only:*

Docket No:

*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.*

**Commencement of Action:**

|   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Complaint               | <input type="checkbox"/> Writ of Summons | <input type="checkbox"/> Petition              |
| <input type="checkbox"/> Transfer from Another Jurisdiction |  | <input type="checkbox"/> Declaration of Taking |

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Lead Plaintiff's Name:  
Brian Wachtel

Lead Defendant's Name:  
Scally Executive Golf, Inc.

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

A

Name of Plaintiff/Appellant's Attorney: Matthew Huffines

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.

**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:

**CONTRACT (do not include Judgments)**

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

**CIVIL APPEALS**

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

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA**

**CIVIL DIVISION**

**BRIAN WACHTEL,**

Plaintiff,

**vs.**

**SCALLY EXECUTIVE GOLF, INC.  
d/b/a SCALLY'S GOLF CENTER d/b/a  
SCALLY GOLF ACADEMY,**

Defendant.

Civil Action- Law

No. GD-

**TYPE OF PLEADING:**

COMPLAINT

Code No.: 003

**FILED ON BEHALF OF:**

PLAINTIFF

**COUNSEL OF RECORD:**

Robert King, Esq.  
Pa. I.D. No. 322601

Matthew Huffines, Esq.  
Pa I.D. No. 323080

King & Huffines: Attorneys at Law PLLC  
99 Bridge Street, Suite 3  
Beaver, PA 15009  
(724) 242-0230

**JURY TRIAL DEMANDED**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA**

**CIVIL DIVISION**

**BRIAN WACHTEL,**

Plaintiff,

No.:  
Civil Action- Law

**vs.**

Code No.: 003

**SCALLY EXECUTIVE GOLF, INC.  
d/b/a SCALLY'S GOLF CENTER d/b/a  
SCALLY GOLF ACADEMY,**

Defendant.

**JURY TRIAL DEMANDED**

**Notice to Defend**

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  
Allegheny County Bar Association  
11<sup>th</sup> Floor Koppers Building  
436 Seventh Avenue  
Pittsburgh, Pennsylvania 15219  
412-261-5555**

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,  
PENNSYLVANIA**

**CIVIL DIVISION**

**BRIAN WACHTEL,**

Plaintiff,

No.:  
Civil Action- Law

vs.

Code No.: 003

**SCALLY EXECUTIVE GOLF, INC.  
d/b/a SCALLY'S GOLF CENTER d/b/a  
SCALLY GOLF ACADEMY,**

Defendant.

**JURY TRIAL DEMANDED**

**COMPLAINT**

**AND NOW COMES**, Plaintiff, Brian Wachtel, by and through his attorneys, Robert King, Esquire and Matthew Huffines, Esquire, and King & Huffines: Attorneys at Law PLLC, and files this complaint, and sets forth the following:

1. Plaintiff, Brian Wachtel, ("Mr. Wachtel") is a Pennsylvania adult individual residing at 425 Mellon Avenue, Baden, PA 15005.
2. Defendant Scally Executive Golf, Inc. d/b/a Scally's Golf Center d/b/a Scally Golf Academy ("Scally's") is a Pennsylvania corporation, with a principle place of business at 265 Hookstown Grade Road, Moon Township, PA 15108 ("Premise"). At all times relevant and material herein, Defendant was engaged in the business of managing a golf range, golf store, and golf lessons.
3. At all times relevant and material herein Defendant, Scally's, acted through its agents, servants, and employees, each of whom were acting in the course and scope of their agency, service and/or employment and with the knowledge and consent of Defendant.

## **JURISDICTION AND VENUE**

4. Plaintiff incorporates by reference the above-mentioned paragraphs as though they were set forth at length herein.
5. Jurisdiction of the Court is proper pursuant to 42 P.a.C.S. §931.
6. Venue is proper pursuant to Pa R.C.P. R. 1006.
7. Pursuant to Pa. R.C.P. R. 1301 et seq., the money damages in this controversy are above the arbitration limits.

## **GENERAL AVERMENTS**

8. Plaintiff incorporates by reference the above-mentioned paragraphs as though they were set forth at length herein.
9. On or about September 5, 2019, Mr. Wachtel went to Scally's to practice his put on the putting green.
10. During the relevant time, Scally's was and is open to the public for business.
11. As Mr. Wachtel was there for business purposes, Mr. Wachtel was a business invitee.
12. During putting on the putting green, a group of golf students came to utilize the putting green.
13. Mr. Wachtel gathered the golf balls into a bucket and took his golf clubs to head to the driving range. To get from the putting green to the driving range, a customer of Scally's must traverse a stairway with 9 steps.
14. At all times in question, Mr. Wachtel acted in a careful and prudent manner, without any negligence contributing to the resultant accident.

15. Mr. Wachtel began to traverse down the steps with a bucket of balls and two golf clubs. Unbeknownst to Mr. Wachtel, the last step to the pavement is substantially shorter than the rest of the steps.

16. Due to the last step being substantially shorter, as Mr. Wachtel traverse the step, he lost his balance and fell face forward.

17. To stop his fall and with no handrail for him to grab to stop his fall, Mr. Wachtel outstretched both his hands and landed on them.

18. Initially, his left shoulder hurt but the pain eased. The next day his shoulder was very sore and his wrists and hands were in pain. As the pain increase in duration and intensity, Mr. Wachtel's doctors employed conversative treatment to try to treat Mr. Wachtel's injuries.

19. Eventually, due to his fall because of the uneven steps and lack of railing, Mr. Wachtel had surgery performed on his left hand and wrist, left shoulder, and bicep; and will need to have surgery performed on his right hand.

**COUNT I**  
**NEGLIGENCE**

**(Brian Wachtel vs. Scally Executive Golf, Inc. d/b/a Scally's Golf Center d/b/a Scally Golf Academy)**

20. Plaintiff incorporates by reference the above-mentioned paragraphs as though they were set forth at length herein.

21. It was the duty of Defendant, by and through its agents and servants, to exercise all due care and caution as to the safety of Plaintiff and other members of the public who traversed the Premises's stairs.

22. The unevenness of the bottom stairs is an unreasonable danger.

23. Defendants breached its duty through its negligent conduct in the following ways:

- a. Carelessly and negligently failing to provide reasonable and safe stairs for persons using the stairs;
- b. Carelessly and negligently failing to include any safety measures, including, but not limited to, installing a handrail in case someone did trip or fall while using the stairs;
- c. Carelessly and negligently failing to warn Plaintiff and other pedestrians of said danger;
- d. Failed to otherwise comply with the applicable laws and regulations of the Commonwealth of Pennsylvania including the Pennsylvania Construction Code Act; and/or
- e. Otherwise negligent in ways not yet discovered by Plaintiff at this time.

24. Defendant had knowledge, actual and/or constructive, of said dangerous conditions as the stairs have been on the Premises for some time.

25. Defendants' acts or omissions were the direct and proximate cause of the damages to Plaintiff in the following inexhaustive ways:

- a. spraining of Plaintiff's right wrist and hand;
- b. paresthesia of Plaintiff's right hand;
- c. injuring of Plaintiff's right scapholunate ligament;
- d. spraining of Plaintiff's carpal joint of left wrist;
- e. left hand carpal tunnel syndrome;
- f. left hand scapholunate ligament tear;
- g. fourth dorsal compartment tenosynovitis of left hand;

- h. surgery on the left hand;
- i. loss of range of motion of left wrist and hand;
- j. SLAP tear of left shoulder;
- k. left shoulder glenohumeral synovitis;
- l. left bicipital tendinitis;
- m. left shoulder and bicep surgery;
- n. future surgery of the right wrist and hand;
- o. physical therapy and associated pain and discomfort related thereto;
- p. loss of sleep and enjoyment of life;
- q. loss of business opportunity and loss of potential future income; and
- r. pain and suffering including mental anguish and suffering.

26. That as a further direct and proximate result of the aforesaid negligence of

Defendant, Plaintiff has been forced to expend and will continue to expend sums of money for, doctors, nurses, medical treatment, and medicine for treatment of the aforesaid injuries to himself.

**WHEREFORE**, the Plaintiff, Brian Wachtel, demands judgment against Defendant for damages, together with the costs of this action and such other relief as is deemed just and proper. The amount requested by the Plaintiff is above the mandatory arbitration limit in this jurisdiction.

**COUNT II**  
**PREMISE LIABILITY**

**(Brian Wachtel vs. Scally Executive Golf, Inc. d/b/a Scally's Golf Center d/b/a Scally Golf Academy)**

27. Plaintiff incorporates by reference the above-mentioned paragraphs as though they were set forth at length herein.

28. On the day in question, Plaintiff carried the status of a business invitee for all the events alleged herein.

29. It was the duty of Defendant, by and through its agents and servants, to exercise all due care and caution as to the safety of Plaintiff and other members of the public on its premises.

30. The uneven height of the bottom of the stairs is an unreasonable dangerous condition.

31. Defendant breached its duty through its negligent conduct in the following inexhaustive ways:

- a. Carelessly and negligently failing to provide reasonable and safe stairs for persons using the stairs;
- b. Carelessly and negligently failing to include any safety measures, including, but not limited to, installing a handrail in case someone did trip or fall while using the stairs;
- c. Carelessly and negligently failing to warn Plaintiff and other pedestrians of said danger;
- d. Failed to otherwise comply with the applicable laws and regulations of the Commonwealth of Pennsylvania including the Pennsylvania Construction Code Act; and/or

- e. Otherwise negligent in ways not yet discovered by Plaintiff at this time.

32. Defendant knew or should have discovered the dangerous condition due to the steps being on the Premises for some time and/or Defendant constructing the stairs.

33. Defendant had knowledge, actual and/or constructive, of said dangerous conditions as the stairs have been on the Premises for some time.

34. Defendant's acts or omissions were the direct and proximate cause of the damages to Plaintiff in the following inexhaustive ways:

- a. spraining of Plaintiff's right wrist and hand;
- b. paresthesia of Plaintiff's right hand;
- c. injuring of Plaintiff's right scapholunate ligament;
- d. spraining of Plaintiff's carpal joint of left wrist;
- e. left hand carpal tunnel syndrome;
- f. left hand scapholunate ligament tear;
- g. fourth dorsal compartment tenosynovitis of left hand;
- h. surgery on the left hand;
- i. loss of range of motion of left wrist and hand;
- j. SLAP tear of left shoulder;
- k. left shoulder glenohumeral synovitis;
- l. left bicipital tendinitis;
- m. left shoulder and bicep surgery;
- n. future surgery of the right wrist and hand;
- o. physical therapy and associated pain and discomfort related thereto;
- p. loss of sleep and enjoyment of life;

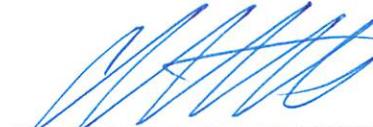
q. loss of business opportunity and loss of potential future income; and  
r. pain and suffering including mental anguish and suffering.

35. That as a further direct and proximate result of the aforesaid negligence of Defendant, Plaintiff has been forced to expend and will continue to expend sums of money for, doctors, nurses, medical treatment, and medicine for treatment of the aforesaid injuries to himself.

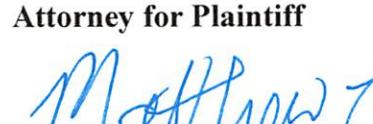
**WHEREFORE**, Plaintiff, Brian Wachtel, demands judgment against Defendant for damages, together with the costs of this action and such other relief as is deemed just and proper. The amount requested by the Plaintiff is above the mandatory arbitration limit in this jurisdiction.

Respectfully submitted,

Date: 8/31/21

  
\_\_\_\_\_  
Robert King, Esq.  
Attorney for Plaintiff

Date: 8/31/21

  
\_\_\_\_\_  
Matthew Huffines, Esq.  
Attorney for Plaintiff

**VERIFICATION**

I, Brian Wachtel, verify that the statements made in Plaintiff's Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. Cons. Stat. Ann § 4904, relating to unsworn falsification to authorities which provides that if I knowingly make false averments, I may be subject to criminal penalties.

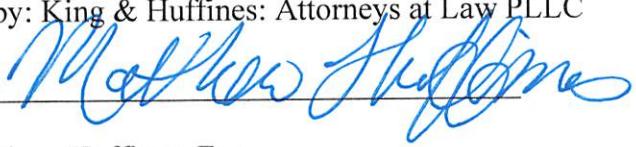
Date: 8/31/21

Brian Wachtel  
Plaintiff, Brian Wachtel

## 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: King & Huffines: Attorneys at Law PLLC

Signature: 

Name: Matthew Huffines, Esq.

Attorney No. (if applicable): 323080